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HRSO	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>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>	41-60
HRSO	25	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require immediate compliance with the requirements and policies in the <i>AOC Personnel Policies and Procedures Manual</i>, 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>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>	61-67
HRSO	26	<p>E&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</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>	68-117

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		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.		
HRSO	27	E&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.	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. The AOC's at-will employment policy provides management with maximum hiring and firing flexibility, and should be exercised when appropriate.	118-124
HRSO	28	E&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 (<i>AOC Personnel Policies and Procedures Manual</i> , section 3.9) and that performance appraisals are uniformly implemented throughout the AOC as soon as possible.	The AOC's existing policy calling for annual performance appraisals of all AOC employees (<i>AOC Personnel Manual</i> , section 3.9) must be implemented uniformly throughout the AOC as soon as possible.	125-136

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HRSO	29	E&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 and for the actual utilization of progressive discipline.	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.	137-142
HRSO	30	E&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.	The AOC must utilize its layoff process to provide management with a proactive way to deal with significant reductions in resources.	143-148
HRSO	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 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.	149-150
HRSO	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.	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.	151-152

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HRSO	47	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.	Employment of temporary or other staff to circumvent a hiring freeze should not be permitted. The Executive Leadership Team should immediately review all temporary staff assignments and eliminate those that are being used to replace positions subject to the hiring freeze. Temporary employees should be limited to periods not exceeding six months and should be used only in limited circumstances of demonstrated need, such in the case of an emergency or to provide a critical skill set not available through the use of authorized employees.	153-162
HRSO	96	E&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.	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.	163-166
HRSO	97	E&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.	The current number of higher-level positions in the HR Division should be reduced, as follows: The Division Director position should be permanently eliminated as the HR function should no longer be a stand-alone division.	167-169

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HRSO	97.1	E&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.	The current number of higher-level positions in the HR Division should be reduced, as follows: The number of manager positions should be reduced from five to three, with some of the resulting resources allocated to line HR functions.	170-172
HRSO	97.2	E&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.	The current number of higher-level positions in the HR Division should be reduced, as follows: 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.	173-175
HRSO	98	E&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.	The current number of higher-level positions in the HR Division should be reduced, as follows: 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.	176-178
HRSO	103	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-45(b) and	Especially with CCMS not being fully deployed, staff reductions in this division are in order, including:	179-181

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		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.	The total number of senior managers should be reduced.	
HRSO	113	E&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.	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.	182-184
HRSO	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.	The use of temporary or other staff to circumvent the hiring freeze should cease.	185-194
FSO	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	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.	195-204

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		initiatives that affect the courts. The AOC should also seek the input of all stakeholder groups, including the State Bar.		
FSO	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.	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.	205-214
FSO	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.	The AOC must develop and communicate accurate cost estimates for projects, programs, and initiatives.	215-224
FSO	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.	The AOC must apply proper cost and contract controls and monitoring, including independent assessment and verification, for significant projects and programs.	225-234
FSO	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.	The AOC must maintain proper documentation and records of its decision making process for significant projects and programs.	235-244
FSO	12	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to identify and secure	The AOC must identify and secure sufficient funding and revenue streams necessary to support projects and	245-254

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		sufficient funding and revenue streams necessary to support projects and programs, before undertaking them.	programs, before undertaking them.	
FSO	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.	The AOC must accurately report and make available information on potential costs of projects and impacts on the courts.	255-264
FSO	34	E&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.	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).	265-266
FSO	35	E&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.	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.	267-273
FSO	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.	Information displays need to be streamlined and simplified so they are clearly understandable.	274-280
FSO	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,	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	281-282

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		whichever provides the most informed and accurate picture of the budget.	audience with the most informed and accurate picture of the budget.	
FSO	39	E&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.	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.	283-285
FSO	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.	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 be a system to prioritize requests.	286-295
FSO	41	E&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.	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.	296-298

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FSO	42	E&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.	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.	299-301
FSO	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.	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.	302-304
FSO	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.	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.	305-314
FSO	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	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	315-316

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		processes are more transparent.	concerning revenue sources, fund transfers, and expenditures.	
FSO	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.	This division must make a commitment to processing contracts in more timely fashion, with an eye toward better serving courts, contractors, vendors, and others.	317-319
FSO	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.	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.	320-322
FSO	95	E&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.	The need for a Strategic Policy, Communication, and Administration Unit should be reevaluated by the Chief Administrative Officer and, most likely, be eliminated.	323-324
FSO	110	E&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.	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: Implementation of the recommendations designed to streamline and improve the	325-327

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			AOC's contracting processes should reduce contract-related work performed by the Legal Services Office.	
FSO	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.	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.	328-329
CFCC	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.	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: 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.	330-336
CFCC	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.	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: 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	337-340

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			by consolidating divisional research efforts.	
CFCC	55	E&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.	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: 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.	341-342
CFCC	56	E&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, & the Courts.	CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken: CFCC staff members produce various publications. They should be considered for reduction or elimination	343-348
CFCC	57	E&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.	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: The Judge-in-Residence position in this division should be eliminated.	349-350

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CFCC	58	E&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.	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: Positions related to CCMS should be eliminated.	351-353
CFCC	59	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to propose an organizational plan for the Center for Families, Children, & the Courts that allows for reasonable servicing of the diverse programs mandated by statute and assigned to this division.	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: 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.	354-359
CFCC	60	E&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.	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	360-364

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			Corps and the Sargent Shriver Civil Counsel program.	
CFCC	62	E&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.	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.	365-377
CFCC	63	With the exception of assigned judges, AOC staff must not investigate complaints from litigants about judicial officers.	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.	378-379
COSSO	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.	The AOC Executive Leadership Team must begin to implement a formalized system of program and project planning and monitoring that includes, at minimum, a collaborative planning process that requires an analysis of impacts on the judicial branch at the outset of all projects; use of workload analyses where appropriate; and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated.	380-389

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COSSO	65	E&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.	The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings.	390-392
COSSO	65.1	E&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.	The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following: To save resources, the Kleps Award Program should be suspended temporarily.	393-395
COSSO	66	E&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.	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: The Justice Corps Program should be maintained, with AOC's involvement limited to procuring and distributing funding to the courts.	396-401
COSSO	67	E&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	The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings.	402-404

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		eliminated through the AOC's initiatives to reduce costs and downsize its workforce and operations.	Consideration should be given to the following: Since funding for the Procedural Fairness/Public Trust and Confidence program has ceased, it should be eliminated.	
COSSO	68	E&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.	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.	405-411
COSSO	69	E&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.	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. See recommendation 145 for Fund Development Group recommendation.	412-420

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COSSO	70	E&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.	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.	421-429
COSSO	71	E&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.	The Judicial Administration Library should be consolidated with the Supreme Court Library.	430-432
COSSO	72.1	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.	<p>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>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>	433-436

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COSSO	72.2	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.	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.	437-439
COSSO	74 (Closed)	E&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.	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.	440-447
COSSO	75	E&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.	Modifications to the Assigned Judges Program should be considered, including the following: The Assigned Judges Program and Assigned Judges Program Regional Assignments units should be merged, resulting in the elimination of a unit supervisor position.	448-449
COSSO	76	E&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).	Modifications to the Assigned Judges Program should be considered, including the following: 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.	450-452

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			<p>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>Consideration should be given to development of an Assigned Commissioner Program to assist courts with such matters as AB1058 child support cases.</p>	
<p style="text-align: center;">COSSO</p>	<p style="text-align: center;">145</p>	<p>E&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>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>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</p>	<p style="text-align: center;">453-461</p>

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			<p>programs on the courts should be considered as part of the fiscal planning process.</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. <i>Excerpt:</i></p> <p>The Fund Development Group concerns itself with training to obtain grants, seeking grants, and grant reporting. As is the case with other divisions in the AOC, grants should be sought in accordance with well-articulated AOC-wide priorities, as established by the Judicial Council. The Administrative Director and the Judicial Council should develop written policies and guidelines that control the pursuit and acceptance of grants and other funding, including utilizing a cost-benefit analysis.</p>	
CJER	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.	<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>A workgroup has been formed to review</p>	462-520

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			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.	
CJER	82	E&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.	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: 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.	521-547
CJER	83	E&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.	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: 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.	548-553

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CJER	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	<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>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>	554-568
CJER	85	E&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>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>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>	569-574

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CJER	86	E&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.	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.	575-595
CJER	87	E&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.	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.	596-644
CJER	88	E&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.	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.	645-662
OREFM	22	E&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	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	663-674

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		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.	should explore lower cost lease options in San Francisco, recognizing that DGS would have to find replacement tenants for its space.	
OREFM	127	E&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.	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.	675-685
OREFM/CP	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.	A cost-benefit analysis of the entire scope of OCCM operations is needed.	686-690
OREFM	138	E&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.	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.	691-692

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OGA	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.	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.	693-695
OGA	61	E&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.	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.	696-770
OGA	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.	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.	771-845
OGA	144	E&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.	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.	846-920

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CP/OREFM	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.	A cost-benefit analysis of the entire scope of OCCM operations is needed.	921-992
CP	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.	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.	993-1002
OC	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	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.	1003-1005
ITSO	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.	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.	1006-1007
ITSO	102	E&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	Especially with CCMS not being fully deployed, staff reductions in this division are in order, including:	1008-1021

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		initiatives to reduce costs and downsize its workforce and operations.	Unnecessary CCMS positions should be eliminated.	
ITSO	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.	Especially with CCMS not being fully deployed, staff reductions in this division are in order, including: (c) The use of temporary employees, consultants, and contractors should be reviewed and reductions made accordingly.	1022-1029
ITSO	105	E&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.	Different divisions in AOC operate from different technology platforms, including SAP used for the Phoenix system, Oracle, and CCMS. As part of a long range plan for the use of technology in AOC operations, the AOC should conduct a review and audit of all technology currently used in the AOC. Efficiencies and cost savings could result from the use of a single platform.	1030-1041
ITSO	133	E&P recommends that the Judicial Council support SEC recommendations 7 - 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	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.	1042-1048

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		progress report on the findings.		
EXEC	1	The Administrative Director of the Courts operates subject to the oversight of the Judicial Council. E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report to E&P before each Judicial Council meeting on each item on this chart approved by the Judicial Council.	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.	1049-1051
EXEC	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.	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. 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	1052-1057

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			<p>Education and Research; and the Office of Court Construction and Facilities Management.</p> <p>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.</p> <p>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>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</p>	

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			<p>Administrative Director.</p> <p>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>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>	
EXEC	45	<p>E&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&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</p>	<p>The total staff size of the AOC should be reduced significantly.</p> <p>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>The staffing levels of the AOC must be</p>	1058-1069

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		positions, “909” staff, employment agency temporary employees and contract staff — must be accounted for in a manner understandable to the public.	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.	
EXEC	46	E&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.	Vacant authorized positions should be eliminated if they have remained unfilled for six months.	1070-1075
EXEC	73	E&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.	The Editing and Graphics Group, with half of its eight positions currently vacant, should be considered for elimination.	1076-1079
EXEC	77	E&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.	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.	1080-1083

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EXEC	109	E&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>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 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>	1084-1086
RUPRO	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.	The AOC must develop a process to better assess the fiscal and operational impacts of proposed rules on the courts, including seeking earlier input from the courts before proposed rules are submitted for formal review. The AOC should establish a process to survey judges and court executive officers about the fiscal and operational impacts of rules that are adopted, and recommend revisions to the rules where appropriate. The AOC should recommend changes in the rules process, for consideration by the Judicial Council, to limit the number of proposals for new	1087-1088

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			rules, including by focusing on rule changes that are required by statutory changes.	
RUPRO	79	E&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.	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.	1089-1090
Chief Administrative Officer	99	E&P recommends that the Judicial Council support SEC Recommendation 7-42 with no further action, as the issues have been resolved.	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.	1091-1093
Chief Administrative Officer	121	E&P recommends that the Judicial Council support SEC Recommendation 7-78 with no further action, as the issues have been resolved.	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.	1094-1096
TCAS	131	E&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.	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.	1097-1103
TCAS	132	E&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	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	1104-1116

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		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.	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.	
TCAS	134	E&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.	TCAS should continue to provide clear service-level agreements with respect to services provided to the courts.	1117-1140
SPO	129	E&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.	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.	1141-1144
TCLO	126	E&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.	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.	1145-1148
TCLO	128	E&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	While responsibility for essential services currently provided to courts through regional offices should be consolidated and placed under the direction of Trial	1149-1152

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		organizational changes made with the elimination of the regional office staff.	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.	
CJCSO	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.	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.	1153-1155
LSO	107	E&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>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</p>	1156-1179

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COMPLETED/CLOSED JUDICIAL COUNCIL DIRECTIVES BY OFFICE IN ORDER OF AGENDA

AOC Office	Judicial Council Directive Number	Judicial Council Directive	Corresponding SEC Recommendation	Page Number
			Council services, with each managing attorney reporting directly to the Chief Counsel.	
LSO	108	E&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>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>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>	1180-1183
LSO	112	E&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>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</p>	1184-1207

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COMPLETED/CLOSED JUDICIAL COUNCIL DIRECTIVES BY OFFICE IN ORDER OF AGENDA

AOC Office	Judicial Council Directive Number	Judicial Council Directive	Corresponding SEC Recommendation	Page Number
			reduction of attorney positions in the Legal Services Office.	
LSO	115	E&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.	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.	1208-1231
LSO	116	E&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>This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:</p> <p>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>	1232-1234
LSO	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.	<p>This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:</p> <p>This office should adopt an operations model whereby its attorneys generally are housed at one location. This would eliminate non-supervision of some attorneys, promote better and more regular supervision of staff attorneys, and</p>	1235-1276

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AOC Office	Judicial Council Directive Number	Judicial Council Directive	Corresponding SEC Recommendation	Page Number
			promote better utilization of available skills.	
LSO	118	E&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.	This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows: 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.	1277-1281
LSO	119	E&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.	This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows: 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.	1282-1285

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COMPLETED/CLOSED JUDICIAL COUNCIL DIRECTIVES BY OFFICE IN ORDER OF AGENDA

AOC Office	Judicial Council Directive Number	Judicial Council Directive	Corresponding SEC Recommendation	Page Number
LSO	120	E&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.	This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows: (e) Court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.	1286-1309
LSO	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.	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.	1310-1351

ACTIVITY STATUS FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING

DATE	9/30/2013
PREPARED BY	Patrick Farrales
OFFICE NAME	<u>Human Resources Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	19
JUDICIAL COUNCIL DIRECTIVE	<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>
SEC RECOMMENDATION	<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>
JC DIRECTIVE TIMELINE	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.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the <i>Status Report</i> provided to the Judicial Council)	
<p>On September 9, 2013, the Executive and Planning Committee (E&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&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>	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:	

Initial discussions with the selected vendor are expected to begin shortly after the contract start date. The contract will begin in October 2013.



HRSO-04-13-SS-RFP-2013-Classification-and-Compensation-Study.pdf
Adobe Acrobat Document
210 KB



HRSO-04-13-SS-Notice-of-Intent-to-Award.pdf
Adobe Acrobat Document
8.55 KB

This directive is pending:



File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:



REQUEST FOR PROPOSALS

ADMINISTRATIVE OFFICE OF THE COURTS (AOC)

REGARDING:

2013 Classification and Compensation Study, RFP Number HRSO-04-13-SS

PROPOSALS DUE:

May 17, 2013 NO LATER THAN **3:00** P.M. PACIFIC TIME

1.0 BACKGROUND INFORMATION

1.1 Background

The Judicial Council of California (Council), chaired by the Chief Justice of California, is the chief policy making agency of the California judicial system. The California Constitution directs the Council to improve the administration of justice by surveying judicial business, recommending improvements to the courts, and making recommendations annually to the Governor and the Legislature. The Council also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by law. The Administrative Office of the Courts (AOC) is the staff agency for the Council and assists both the Council and its chair in performing their duties.

1.2 AOC Classification and Compensation Study

The AOC has undergone a significant downsizing and restructuring, and has not conducted an in-depth, agency-wide review of the classification and compensation structure in recent years. The AOC Human Resources Services Office (HRSO) provides direct classification and compensation support for employees of the AOC, as well as employees of the California Supreme Court and the Courts of Appeal, and, upon request, the Superior Courts of California. This project is a comprehensive study of only AOC positions, classifications, and compensation. The Chief Justice sets compensation rates for all AOC employees per Cal. Const., Art VI, §6; Gov. Code, §19825(b). Employees of the AOC are not represented by unions.

Currently, the AOC has 21 offices spread over four divisions. There are approximately 725 incumbents in 183 job classifications across various functional areas such as legal, finance, administration, education, information systems, court services, human resources, governmental affairs, and security. The AOC seeks to consolidate classifications no longer deemed essential in meeting the business needs of the organization with the goal of streamlining the classification system. The AOC's salary listing, including links to classification specifications, is available through the following link: <http://www.courts.ca.gov/12228.htm>. Information regarding the AOC's organizational structure is available through the following link: <http://www.courts.ca.gov/policyadmin-aoc.htm>.

2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

- 2.1 The AOC seeks the services of a Contractor with expertise and experience in the public sector to conduct and/or assist in conducting a comprehensive, agency-wide classification, Fair Labor Standards Act (FLSA), and compensation study.

2.2 Proposers must bid on all three major components of the study outlined below and also must indicate the cost for each component individually. The AOC may award only certain components of this Request for Proposals (RFP) as a contract to a single vendor. For example, there is a possibility that a Contractor will conduct the classification and compensation study of manager classifications and above (component 1), and the AOC will conduct the classification and compensation study of supervisor classifications and below (component 2). In this scenario, the Contractor will also provide any necessary training to HRSO staff on the Contractor's job evaluation methodology used to conduct the study of manager classifications and above. Additionally, the Contractor will provide guidance, oversight, and validation of the application of that methodology to the classifications studied by AOC staff. The Contractor will also review the compensation structure and make compensation recommendations for all classifications in the AOC (component 3).

2.3 The study consists of three major components. The Contractor must provide a timeline for each component listed below:

- **Component 1:** Classification and compensation study of manager classifications and above (approximately 80 incumbents in 16 classifications).
- **Component 2:** Classification, FLSA, and compensation study of supervisor classifications and below (approximately 645 incumbents in 167 classifications).
- **Component 3:** Training, guidance, oversight, and validation of HRSO staff's application of the Contractor's job evaluation methodology; and compensation recommendations for all classifications in the AOC. Note that this component will be awarded only in the event that the AOC conducts the study of supervisor classifications and below.

2.4 **Component 1:** Classification and compensation study of manager classifications and above (approximately 80 incumbents in 16 classifications).

Currently, the AOC has a multitude of supervisory classifications in different functional areas with varying salary ranges. However, with a few exceptions, there is one generic classification and salary range for manager as well as most of the classifications above that level such as senior manager, assistant director, and director. This structural divide causes widely varying promotional increase amounts when incumbents are promoted from different supervisory classifications to manager.

2.4.1 Communication

- a) The Contractor will facilitate a strategic planning meeting with HRSO and/or the Executive Office to discuss data collection methods, project plan, timeline, and deadlines.

- b) The Contractor will provide bi-weekly status updates to the AOC Project Manager (Project Manager) via email, conference call, or in person as necessary.

2.4.2 Job Analysis

- a) The Contractor will collect a written position description questionnaire from each incumbent, which outlines the essential duties performed and the percent of time allocated to each of those duties. The questionnaires will encompass all information required to:
 - i. Comply with the Americans with Disabilities Act (ADA); and
 - ii. Make appropriate classification and compensation recommendations.
- b) The Contractor will collect written feedback on each position description questionnaire from the incumbent's supervisor.
- c) The Contractor will conduct up to 80 follow-up interviews as necessary to clarify the information collected.
- d) The Contractor will analyze the information collected in the questionnaires, supervisor's feedback, and interviews to determine whether or not each incumbent is appropriately classified. The analysis will identify specific duties found to be within or outside the scope of the assigned classification.
- e) The Contractor will determine whether the duties performed by each incumbent are within the scope of the assigned classification.
- f) The Contractor will make a recommendation as to whether the manager classification should be split into more than one classification to reflect different functional areas and levels of responsibility.
- g) The Contractor will review all existing AOC classifications and recommend a classification structure that aligns with current business needs. This will include the amendment of existing classifications and/or creating new classifications as necessary.

2.4.3 Report of Findings - Classification

- a) The Contractor will prepare a draft report of all classification findings and recommendations.
- b) The Contractor will facilitate a meeting with HRSO and/or the Executive Office to discuss the classification findings.

2.4.4 Job Documentation

- a) The Contractor will develop a position-specific job description for every position reviewed (approximately 80).
- b) The Contractor will amend and/or draft new classification specifications as necessary (see 2.4.2 (f) and (g) above).

2.4.5 Job Evaluation

- a) The Contractor will facilitate a meeting with HRSO and/or the Executive Office to recommend a job evaluation methodology appropriate for the AOC's business needs.
- b) The Contractor will utilize the agreed upon methodology to determine the relative internal value of each classification, so that a fair and equitable compensation structure can be established.
- c) The Contractor will provide HRSO staff with training and written materials, which explain the application of the Contractor's job evaluation methodology.

2.4.6 Internal Hierarchy

- a) The Contractor will analyze the existing internal hierarchy and identify problem areas.
- b) The Contractor will propose a revised internal hierarchy and recommend methods for implementation.

2.4.7 Compensation Review

- a) The Contractor will review and analyze the current compensation structure and identify problem areas.
- b) The Contractor will recommend appropriate classifications for the AOC to utilize as external benchmarks.
- c) The Contractor will recommend appropriate comparator organizations for the AOC.
- d) The Contractor will conduct a customized compensation survey of the selected comparator organizations.
- e) The Contractor will analyze compensation survey data currently available to the Contractor and the AOC.

- f) The Contractor will complete an internal salary relationship analysis, including the development of appropriate internal relationship guidelines.
- g) The Contractor will recommend a salary range for every classification reviewed and any newly created classifications, including recommendations on appropriate range spread and overlap.

2.4.8 Report of Findings – Component 1

- a) The Contractor will prepare a draft report of all compensation findings and recommendations.
- b) The Contractor will facilitate a meeting with HRSO and/or the Executive Office to discuss the compensation findings.
- c) The Contractor will prepare a final report to include all findings and recommendations for component 1.

2.5 **Component 2:** Classification, FLSA, and compensation study of supervisor classifications and below (approximately 645 incumbents in 167 classifications).

2.5.1 Communication

- a) The Contractor will facilitate a strategic planning meeting with HRSO and/or the Executive Office to discuss data collection methods, project plan, timeline, and deadlines.
- b) The Contractor will provide bi-weekly status updates to the Project Manager via email, conference call, or in-person as necessary.

2.5.2 Job Analysis

- a) The Contractor will collect a written position description questionnaire from each incumbent, which outlines the essential duties performed and the percent of time allocated to each of those duties. The questionnaires will encompass all information required to:
 - i. Make a legally defensible FLSA determination for each position;
 - ii. Comply with the Americans with Disabilities Act (ADA); and
 - iii. Make appropriate classification and compensation recommendations.
- b) The Contractor will collect written feedback on each position description questionnaire from the incumbent's supervisor.

- c) The Contractor will conduct up to 160 follow-up interviews and/or desk audits as necessary to clarify the information collected.
- d) The Contractor will analyze the information collected in the questionnaires, supervisor's feedback, and interviews to determine whether or not each incumbent is appropriately classified. The analysis will identify the specific duties found to be within or outside the scope of the assigned classification.
- e) The Contractor will determine whether the duties performed by each incumbent are within the scope of the assigned classification.
- f) The Contractor will identify appropriate career paths for related classifications within the structure.
- g) The Contractor will review all existing AOC classifications and recommend a classification structure that aligns with current business needs. This will include the amendment of existing classifications, and/or creating new classifications as necessary.

2.5.3 Report of Findings - Classification

- a) The Contractor will prepare a draft report of all classification findings and recommendations.
- b) The Contractor will facilitate a meeting with HRSO and/or the Executive Office to discuss the classification findings.

2.5.4 FLSA Review

- a) The Contractor will evaluate the collected information and make a recommendation for the appropriate FLSA designation for each position.
- b) The Contractor will provide written documentation in support of each of the recommendations to HRSO, for final approval by the AOC Legal Services Office (LSO).
- c) The Contractor will facilitate a meeting with HRSO, the LSO and the Executive Office to discuss the FLSA findings.

2.5.5 Job Documentation

- a) The Contractor will develop a position-specific job description for every position reviewed (approximately 645).
- b) The Contractor will amend and/or draft up to 167 new classification specifications as necessary (see 2.5.2 (g) above).

2.5.6 Job Evaluation

- a) The Contractor will facilitate a meeting with HRSO and/or the Executive Office to recommend a job evaluation methodology appropriate for the AOC's business needs.
- b) The Contractor will utilize the agreed upon methodology to determine the relative internal value of each classification, so that a fair and equitable compensation structure can be established.
- c) The Contractor will provide HRSO staff with training and written materials, which explain the application of the Contractor's job evaluation methodology.

2.5.7 Internal Hierarchy

- a) The Contractor will analyze the existing internal hierarchy and identify problem areas.
- b) The Contractor will propose a revised internal hierarchy and recommend methods for implementation.

2.5.8 Compensation Review

- a) The Contractor will review and analyze the current compensation structure and identify problem areas.
- b) The Contractor will recommend appropriate classifications for the AOC to utilize as external benchmarks.
- c) The Contractor will recommend appropriate comparator organizations for the AOC.
- d) The Contractor will conduct a customized compensation survey of the selected comparator organizations.
- e) The Contractor will analyze compensation survey data currently available to the Contractor and the AOC.
- f) The Contractor will complete an internal salary relationship analysis, including the development of appropriate internal relationship guidelines.
- g) The Contractor will recommend a salary range for every classification reviewed and any newly created classifications, including recommendations on appropriate range spread and overlap.

2.5.9 Report of Findings – Component 2

- a) The Contractor will prepare a draft report of all compensation findings and recommendations.
- b) The Contractor will facilitate a meeting with HRSO and/or the Executive Office to discuss the compensation findings.
- c) The Contractor will prepare a final report to include all findings and recommendations for component 2.

2.5.10 Appeals Process

- a) The Contractor will propose a management review/appeal process to find resolution to classification-related disputes.
- b) The Contractor will provide an evaluative written response for each appeal, up to a maximum of 50 appeals.

2.6 **Component 3:** This component assumes that the Contractor will conduct the study of manager classifications and above (component 1) and that the AOC will conduct the study of supervisor classifications and below (component 2). The Contractor will provide training, guidance, oversight, and validation of HRSO staff's application of the Contractor's job evaluation methodology; and make compensation recommendations for all classifications in the AOC.

2.6.1 Communication

- a) The Contractor will facilitate a strategic planning meeting with HRSO and/or the Executive Office to discuss project plan, timeline and deadlines.

2.6.2 Training, guidance, oversight, and validation

- a) The Contractor will provide training, guidance and oversight to HRSO staff on the Contractor's job evaluation methodology for the study of manager classifications and above so that the AOC may utilize the same methodology for the study of supervisor classifications and below.
- b) The Contractor will review the analysis conducted by HRSO staff on supervisor classifications and below to validate the consistent application of the Contractor's job evaluation methodology.

2.6.3 Report of Findings - Compensation

- a. The Contractor will prepare a report with recommendations on salary ranges for all classifications in the AOC.

- b) The Contractor will facilitate a meeting with HRSO and/or the Executive Office to discuss the findings.
- c) The Contractor will prepare a final report to include all findings and recommendations for component 3.

3.0 TIMELINE FOR THIS RFP

The AOC has developed the following list of key events related to this RFP. All dates are subject to change at the discretion of the AOC.

EVENT	DATE
RFP issued	April 5, 2013
Deadline for questions to solicitations@jud.ca.gov	April 19, 2013 at 3:00 p.m.
Questions and answers posted	May 3, 2013
Latest date and time proposal may be submitted	May 17, 2013 at 3:00 p.m.
Evaluation of proposals (<i>estimate only</i>)	May 17, 2013 – July 30, 2013
Oral Presentations	July 31, 2013 – August 9, 2013
Notice of Intent to Award (<i>estimate only</i>)	August 23, 2013
Negotiations and execution of contract (<i>estimate only</i>)	August 26, 2013
Notice of Award (<i>estimate only</i>)	September 9, 2013
Contract start date (<i>estimate only</i>)	No Later Than September 16, 2013
Contract end date (<i>estimate only</i>)	September 15, 2014

4.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing RFPs (Non-IT Services)	These rules govern this solicitation.
Attachment 2: AOC Standard Terms and Conditions	If selected, the person or entity submitting a proposal (the “Proposer”) must sign the AOC Standard Agreement Terms and Conditions in substantially the form provided.

Attachment 3: Proposer's Acceptance of Terms and Conditions	On this form, if exceptions are identified, proposers must submit (i) a red-lined version of Attachment 2 – Standard Agreement Terms and Conditions that clearly track proposed changes to this attachment, (ii) written documentation to substantiate each such proposed change and (iii) written explanation to indicate how each proposed change will benefit the AOC. Note: A material exception to a Minimum Term may render a proposal non-responsive.
Attachment 4: Payee Data Record Form	This form contains information the AOC requires in order to process payments.
Attachment 5: Darfur Contracting Act Certification	Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 6: Iran Contracting Act Certification	Proposer must complete the Iran Contracting Act Certification and submit the completed certification with its proposal.
Attachment 7: Conflict of Interest Certification Form	Proposer must complete the Conflict of Interest Certification and submit the completed certification with its proposal.
Attachment 8: Pricing Form	Proposer must provide the total number of billable hours by task and cost by task for each of the three components set forth in section 2.0.

5.0 SUBMISSIONS OF PROPOSALS

- 5.1 Proposals should provide straightforward, concise information that satisfies the requirements of Section 6 (“Proposal Contents”). Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the RFP’s instructions and requirements, and completeness and clarity of content.
- 5.2 The Proposer must submit its proposal in two parts, the technical proposal and the cost proposal.
- a. The Proposer must submit **one (1) original and five (5) copies** of the technical proposal. The original must be signed by an authorized representative of the Proposer. The Proposer must write the RFP title and number on the outside of the sealed envelope.
 - b. The Proposer must submit **one (1) original and five (5) copies** of the cost proposal. The original must be signed by an authorized representative of the Proposer. The original cost proposal (and the copies thereof) must be submitted to the AOC in a single sealed envelope, separate from the technical proposal. The Proposer must write the RFP title and number on the outside of the sealed envelope.

- c. The Proposer must submit an electronic version of the entire proposal on CD-ROM or flash drive. The files contained on the CD-ROM or flash drive should be in PDF, Word, or Excel formats.

- 5.3 Proposals must be delivered by the date and time listed on the coversheet of this RFP to:

Administrative Office of the Courts
Attn: Nadine McFadden, **RFP #HRSO-04-13-SS**
455 Golden Gate Avenue, Sixth Floor
San Francisco, CA 94102

- 5.4 Late proposals will not be accepted.
- 5.5 Only written proposals will be accepted. Proposals must be sent by registered or certified mail, courier service (e.g. FedEx), or delivered by hand. Proposals may not be transmitted by fax or email.

6.0 PROPOSAL CONTENTS

6.1 Technical Proposal. The following information must be included in the technical proposal. A proposal lacking any of the following information may be deemed non-responsive.

- a. Proposer's name, address, telephone and fax numbers, and federal tax identification number. Note that if Proposer is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract.
- b. Name, title, address, telephone number, and email address of the individual who will act as Proposer's designated representative for purposes of this RFP.
- c. For each key staff member: a resume describing the individual's background and experience, as well as the individual's ability and experience in conducting the proposed activities.
- d. Names, addresses, and telephone numbers of a minimum of four (4) clients for whom the Proposer has conducted similar services. The AOC may check references listed by Proposer.
- e. Proposed method to complete the work.
 - i. Describe in detail your project plan for each component listed in Section 2.3, organized by the subcategories outlined in Sections 2.4 to 2.6.3.
 - ii. List the vendor's staffing resources necessary for each component, including hours proposed per staff, per deliverable, per component.

- iii. Provide a proposed timeline for each of the components listed in Sections 2.4 to 2.6.3, including proposed deliverable due dates for each component.
 - iv. Provide information regarding any salary survey data accessible to the Contractor for the compensation study.
 - v. Provide sample reports of classification, FLSA, and compensation studies of similar scope that demonstrate the Proposer's ability to perform all of the work described in Section 2.0 - Description of Services and Deliverables with any proprietary information redacted.
- f. Acceptance of the Terms and Conditions.
- i. On Attachment 3, the Proposer must either indicate acceptance of the Terms and Conditions or clearly identify exceptions to the Terms and Conditions. An "exception" includes any addition, deletion, qualification, limitation, or other change.
 - ii. If exceptions are identified, the Proposer must also submit a red-lined version of the Terms and Conditions that clearly tracks proposed changes, and a written explanation or rationale for each exception and/or proposed change.
- g. Certifications, Attachments, and other requirements.
- i. Proposer must include the following certification in its proposal:

Using Attachment 7, Proposer certifies it has no interest that would constitute a conflict of interest under California Public Contract Code sections 10365.5, 10410 or 10411; Government Code sections 1090 et seq. or 87100 et seq.; or rule 10.103 or rule 10.104 of the California Rules of Court, which restrict employees and former employees from contracting with judicial branch entities.
 - ii. Proposer must complete the Darfur Contracting Act Certification, attached as Attachment 5, and the Iran Contracting Act Certification, attached as Attachment 6, and submit both completed certifications with its proposal.
 - iii. Proposer must include in its proposal a completed and signed Payee Data Record Form (see Attachment 4), or provide a copy of a form previously submitted to the AOC.
 - iv. If Proposer is a corporation and the contract will be performed within California, proof that Proposer is in good standing and qualified to conduct business in California. AOC may verify by checking with California's Office of the Secretary of State.

- v. Copies of current business licenses, professional certifications, or other credentials.
- vi. Proof of financial solvency or stability (e.g., balance sheets and income statements).

6.2 Cost Proposal. The following information must be included in the cost proposal.

- i. A detailed line item budget showing total cost of the proposed services for each component listed in Section 2.0 (Proposer must include a breakdown of all proposed costs for each deliverable in each component, even for the firm fixed priced efforts).
- ii. A full explanation of all budget line items in a narrative entitled “Budget Justification.”
- iii. For each component in Section 2.0, a total for all work and expenses payable under the contract, if awarded.

NOTE: It is unlawful for any person engaged in business within this state to sell or use any article or product as a “loss leader” as defined in Section 17030 of the Business and Professions Code.

7.0 OFFER PERIOD

A Proposer's proposal is an irrevocable offer for one hundred twenty (120) days following the proposal due date. In the event a final contract has not been awarded within this one hundred twenty (120) day period, the AOC reserves the right to negotiate extensions to this period.

8.0 EVALUATION OF PROPOSALS

At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents.

The AOC will evaluate the proposals on a 100 point scale using the criteria set forth in the table below. The Award, if made, will be to the highest scored proposal.

CRITERION	MAXIMUM NUMBER OF POINTS
<p>Quality of work plan submitted</p> <p>Quality of work plan submitted as it relates to meeting the objectives outlined in the Description of Services and Deliverables. RFP Section 2.0, Section 6.1</p> <p>Ability to organize and present concepts well</p>	<p style="text-align: center;">40</p>

CRITERION	MAXIMUM NUMBER OF POINTS
<p>in the work plan that represents an in-depth understanding of public sector classification and compensation structural issues, as well as FLSA challenges in a non-unionized environment. RFP Section 2.0, Section 6.1</p> <p>Proposed method of job analysis and job evaluation as it relates to meeting the objectives outlined in the Description of Services and Deliverables. RFP Section 2.0, Section 6.1</p> <p>Proposed overall timeline and organization of assigned responsibilities. RFP Section 6.1</p> <p>Flexibility of work plan to allow for adjustments to scope and timing as issues arise during the study. RFP Section 6.1</p>	
<p>Demonstrated experience and ability</p> <p>Proposer has the ability to provide a dedicated project manager and assigned staff/subject matter experts who each have a minimum of 10 years of experience in classification and compensation structure, and FLSA designation determination. RFP Section 6.1</p> <p>Proposer has demonstrated experience in conducting large-scale, in-depth classification and compensation studies, preferably in the public sector. RFP Section 2.0, Section 6.1</p> <p>Proposer has demonstrated experience in formulating legally defensible FLSA support documentation. RFP Section 2.0, Section 6.1</p> <p>Proposer has demonstrated experience in</p>	<p style="text-align: center;">20</p>

CRITERION	MAXIMUM NUMBER OF POINTS
developing a comprehensive salary structure. RFP Section 2.0, Section 6.1 Proposer has demonstrated experience in providing training to Human Resources professionals as it relates to meeting the objectives outlined in the Description of Services and Deliverables. RFP Section 2.0, Section 6.1	
Cost RFP Section 6.2	30
Acceptance to Terms and Conditions RFP Attachment 3	10
Maximum Score	100

9.0 INTERVIEWS

The AOC may conduct interviews with Proposers to clarify aspects set forth in their proposals or to assist in finalizing the ranking of top-ranked proposals. The interviews may be conducted in person or by phone. If conducted in person, interviews will likely be held at the AOC's offices in San Francisco. The AOC will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The AOC will notify eligible Proposers regarding interview arrangements.

10.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

One copy of each proposal will be retained by the AOC for official files and will become a public record. California judicial branch entities are subject to rule 10.500 of the California Rule of Court, which governs public access to judicial administrative records (see www.courtinfo.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_500).

If information submitted in a proposal contains material noted or marked as confidential and/or proprietary that, in the AOC's sole opinion, meets the disclosure exemption requirements of Rule 10.500, then that information will not be disclosed upon a request for access to such records. If the AOC finds or reasonably believes that the material so marked is **not** exempt from disclosure, the AOC will disclose the information regardless of the marking or notation seeking confidential treatment.

RFP Title: **2013 Classification and Compensation Study**

RFP Number: **HRSO-04-13-SS**

Notwithstanding the above, the California Public Contract Code requires the public inspection of certain proposals. If required to do so by the Public Contract Code, the AOC may disclose all information contained in a proposal, including information marked as confidential or proprietary.

11.0 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS

The AOC has waived the inclusion of DVBE participation in this solicitation.

12.0 PROTESTS

Any protests will be handled in accordance with Chapter 7 of the Judicial Branch Contract Manual (see www.courts.ca.gov/documents/jbcl-manual.pdf). Failure of a Proposer to comply with the protest procedures set forth in that chapter will render a protest inadequate and non-responsive, and will result in rejection of the protest. The deadline for the AOC to receive a solicitation specifications protest is the proposal due date. Protests should be sent to:

AOC – Business Services
ATTN: Protest Hearing Officer, RFP# HRSO-04-13
455 Golden Gate Avenue, Sixth Floor
San Francisco, CA 94102

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

**REQUEST FOR PROPOSAL NO. HRSO-04-13-SS
2013 CLASSIFICATION AND COMPENSATION STUDY**

NOTICE OF INTENT TO AWARD

September 13, 2013

It is the intent of the Judicial Council of California, Administrative Office of the Courts to enter into a contract with the following proposer, for components 1 and 2 of the Request for Proposals:

Fox Lawson & Associates,
A division of Gallagher Benefit Services, Inc.
Post Office Box 32985
Phoenix AZ 85064-2985

Providing contract negotiations can be finalized, the above-named proposer will be awarded a contract for the services set forth in the RFP.

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	6/5/2013
PREPARED BY	Patrick Farrales
OFFICE NAME	<u>Human Resources Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	25
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>All aspects of this directive have been completed. The AOC has drafted a new performance management policy, effective July 1, 2013, which addresses the mandatory performance review of all employees on an annual basis. Details concerning its implementation can be found in the AOC's response to Judicial Council Directive 28.</p> <p>In April 26, 2013, the Judicial Council approved an amendment to Judicial Council Directive 29 to remove the reference to a progressive discipline system in the Directive's language. The AOC Human Resources Services Office has clarified that, as an at-will employer, the AOC is not required to, nor does it routinely, practice progressive discipline like in unionized environments.</p> <p>The AOC realizes that a method to rectify performance issues is still necessary. As such, the amended performance management policy will include reference to the use of a Performance Improvement Plan (PIP) to provide supervisors with a mechanism for remediating issues that they believe can be remedied.</p> <p>Compliance with the rules limiting telecommuting are currently underway within the AOC per Judicial Council Directive 26. The AOC has been monitoring ad hoc telecommute instances since its implementation in March 2013. Beginning in June 2013, AOC employees whose applications to the pilot telecommuting program were approved will be submitting Remote Work Logs to their supervisors on a weekly basis.</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 is an ongoing process.</p>	

File Attachment

This directive is forwarded to the Judicial Council with options for consideration:

Other:

File Attachment








File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	July 1, 2013
RESOURCES REQUIRED FOR IMPLEMENTATION	<p>The performance management program will ultimately be incorporated in the AOC's HREMS database, which will allow for automated reminders and online forms and documentation. The AOC already possesses the necessary PeopleSoft module for performance management; an external Contractor has been assigned to incorporate the module into the existing database.</p> <p>In the interim, tracking and administration of Performance Management will be assigned to existing HRSO staff for a period of at least one complete performance cycle. This will allow time for the AOC to evaluate the program's effectiveness and address any challenges faced before full implementation into HREMS.</p> <p>The AOC has assigned HRSO staff to receive applications to the pilot telecommuting program and track compliance with the policy through the use of monthly ad hoc telecommuting reports and employee remote work logs. The reports will be distributed, in aggregate, to the Administrative Director on a quarterly basis.</p>

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input checked="" type="checkbox"/> PROCEDURES/ POLICIES UPDATED	<p>The AOC has updated and expanded policy 3.9 - Performance Management Program to reflect the changes to the program.</p> <p>The amended policy outlines: (1) the purpose of the program, (2) the three phases of the performance management cycle, and (3) the inclusion of a Performance Improvement Plan for employees who experience performance challenges. Additional details concerning this policy can be referenced in Directive 28.</p> <p>For employees who are experiencing rectifiable performance issues, the Performance Improvement Plan (PIP) will provide supervisors with a mechanism for remediating issues that they believe can be remedied.</p> <p>On February 26, 2013, the Judicial Council approved a twelve-month pilot</p>
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<p>OR DEVELOPED</p>	<p>of the proposed amended policy 8.9, authorizing employees to work from home only when doing so is consistent with business needs and the employee's job functions, as authorized by the Administrative Director.</p> <div data-bbox="500 304 818 560" style="border: 1px solid gray; padding: 5px;">  <p>Policy 3 9 Performance Management Program.docx Microsoft Office Word Document 28.2 KB</p> </div>
<p><input checked="" type="checkbox"/> TRAINING UPDATED OR DEVELOPED</p>	<p>The AOC will be holding a series of management courses designed to educate managers and supervisors on the performance review process. There will be three courses offered: Setting Expectations and Documenting Performance, Performance Management: Identifying and Addressing Performance Gaps, and AOC Performance Evaluation Process.</p> <div data-bbox="500 735 818 798" style="border: 1px solid gray; padding: 5px;">  File Attachment </div>
<p><input type="checkbox"/> SAVINGS</p>	<div data-bbox="500 871 818 934" style="border: 1px solid gray; padding: 5px;">  File Attachment </div>
<p><input checked="" type="checkbox"/> COST</p>	<p>To implement the performance management program into HREMS, a one-time cost for services provided by a Contractor is included as part of the overall costs of the program. The project is currently budgeted at an amount not to exceed \$225,343. Depending on the implementation efforts required, the final cost of the project may be lower than anticipated.</p> <p>Otherwise, no additional costs shall be incurred in this program's implementation.</p> <div data-bbox="500 1186 818 1249" style="border: 1px solid gray; padding: 5px;">  File Attachment </div>
<p><input checked="" type="checkbox"/> EFFICIENCIES</p>	<p>The Performance Management program does not inhibit the at-will employment status of the AOC, nor does the existence of a PIP inhibit the ability of the AOC to discipline or terminate employees who are not meeting performance expectations. These tools are meant to create effective communications that will promote high levels of competency and encourage personal and professional growth opportunities for all AOC employees.</p> <div data-bbox="500 1480 818 1543" style="border: 1px solid gray; padding: 5px;">  File Attachment </div>
<p><input type="checkbox"/> SERVICE LEVEL IMPACT</p>	<div data-bbox="500 1617 818 1680" style="border: 1px solid gray; padding: 5px;">  File Attachment </div>
<p><input type="checkbox"/> OTHER</p>	<div data-bbox="500 1753 818 1816" style="border: 1px solid gray; padding: 5px;">  File Attachment </div>
<p>ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL</p>	

ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="6/13/2013"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="6/17/2013"/>

Policy Number: 3.9

Title: Performance Management Program

Contact: Human Resources Services Office, Labor and Employee Relations Unit

Policy Statement: The Administrative Office of the Courts (AOC) requires periodic feedback to employees regarding their job performance in an effort to best serve the judicial branch while recognizing employee achievements and contributions to the AOC.

Contents: (A) Employee Performance Management Program
(B) Employee Performance Management Cycle
(C) Performance Improvement Plan

(A) Employee Performance Management Program

The performance management program functions as a method to advance AOC operational objectives while recognizing employee achievements and contributions to the AOC. Managing employee performance is an ongoing communication process between a supervisor and an employee. The communication process is a cycle that includes clarifying expectations, identifying and setting goals, providing feedback, and evaluating performance. Overseeing employee performance and providing feedback is not an isolated event, rather it is an ongoing cycle that occurs throughout the year.

(B) Employee Performance Management Cycle

The employee performance management cycle consists of three phases: planning, feedback, and assessment.

Planning

Supervisors will develop an annual performance plan, using the Annual Performance Plan and Review Form [[hyperlink](#)], to direct employees toward achieving specific goals that support the AOC's operational objectives and the employees' professional success. At a minimum, every employee at the AOC will be evaluated on an annual basis, using the Annual Performance Plan and Review Form.

Supervisors must communicate with employees regarding their performance expectations throughout the year. Supervisors and employees should collaborate on developing performance goals and expectations. Early planning to achieve goals, together with mutual communication, pave the path to a successful working relationship.

Guidelines for Determination of the Annual Performance Plan and Setting an Assessment Meeting:

1. The date of the employee's last step increase will be the designated date for the annual assessment meeting.
2. If the employee's step increase date changes, the new step increase date will become the new evaluation and planning date.
3. If the employee's job classification changes and more than 180 days have passed since the last performance review date, the annual performance plan from the past job classification will be completed by the past supervisor and a new performance plan will be initiated by the new supervisor.
4. If the employee's job classification changes and less than 180 days have passed since the last performance review date, a new performance plan will be initiated by the new supervisor utilizing appropriate information from the past performance review plan.
5. If the employee's supervisor changes during the annual review period, but the job classification has not changed, the new supervisor will be responsible for completing the annual performance review and may consider feedback from the prior supervisor. The new supervisor shall meet with the employee to clarify expectations and may revise the performance plan to meet the needs of the employee's new assignment.

Feedback

Once the performance plan is in place, supervisors are responsible for initiating and providing periodic feedback to employees regarding their job performance. Employees may also request feedback on their performance from their supervisors at any time.

While AOC policy states that employee performance should be formally assessed once a year, it is strongly recommended that employees receive a verbal or written performance assessment and feedback on a more frequent basis. Supervisors should acknowledge employee accomplishments or address needs for improved performance as often as necessary. Feedback should be specific to reinforce positive results or provide guidance in areas that need improvement. Supervisors should utilize collaboration, coaching and feedback to ensure that employees achieve positive outcomes.

Assessment

At the end of the annual performance period, the employee's performance is measured against goals established through the Annual Performance Plan and Review Form in the prior year. This annual assessment meeting is an opportunity for supervisors to communicate with employees regarding their performance over the past year, evaluate employees' job satisfaction, and make plans for employees' performance goals.

At the conclusion of the assessment meeting, the supervisor will ask the employee to sign and date the form that summarizes the employee's performance over the prior year. The supervisor will explain to the employee that the signature acknowledges the contents of their discussion, but is not necessarily an agreement with the supervisor's assessment. Afterwards, the supervisor routes the document to office leadership for final signatures, provides a copy of the signed form to the employee, and sends a copy to the assigned Pay and Benefits Specialist for placement in the employee's personnel file.

(C) Performance Improvement Plan

An employee who is experiencing performance challenges may be placed on a Performance Improvement Plan ("PIP") [[hyperlink](#)] with the goal of identifying areas of improvement as well as guiding the employee to improved performance.

The PIP contents will communicate to the employee: (1) specific areas of work performance that are below expected standards, (2) a plan for improving the employee's work performance, (3) a time frame within which the employee is expected to make improvements, and (4) possible consequences should the employee fail to raise his/her performance to meet the expected standards.

The purpose of the PIP is to inform the employee that certain deficiencies have been detected and to give the employee an opportunity to correct or improve their work performance before further action is taken.



Judicial Council of California · Administrative Office of the Courts

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 24, 2014

Title	Agenda Item Type
AOC Restructuring: Policy 8.9, Working Remotely (Telecommuting) Pilot Program: One-Year Update	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	April 24, 2014
Recommended by	Date of Report
Steven Jahr	March 20, 2014
Administrative Director of the Courts	Contact
	Kenneth R. Couch, 415-865-4271 kenneth.couch@jud.ca.gov
	Michael Guevara, 415-865-7586 michael.guevara@jud.ca.gov

Executive Summary

Recognizing the benefits of telecommute programs, legislation at the federal level and in the state of California encourages telecommute programs for government employees in positions where telecommuting is viable.¹

The Administrative Director of the Courts recommends that the Judicial Council consider and select one of four options concerning telecommuting for employees of the Administrative Office of the Courts (AOC).

Recommendation

The options presented for consideration by the Judicial Council are as follows:

1. Approve the pilot program as a regular telecommute program, with the current additional controls for approving, monitoring, and rescinding participation;

¹ U.S. Office of Personnel Management, *2012 Status of Telework in the Federal Government: Report to the Congress* (June 2012), and California Government Code section 14200.1.

2. Extend the current pilot telecommute program an additional year;
3. Eliminate regular telecommuting and allow only limited, ad hoc telecommuting under special circumstances; or
4. Eliminate all forms of telecommuting.

The Administrative Director of the Courts recommends that the Judicial Council approve Option 1: to remove the pilot restriction from the program and retain the additional controls put in place by the Executive Office. These additional controls are as follows:

- Employees who serve in a lead capacity may not participate in the remote work program on a regularly scheduled basis (managers and supervisors were already precluded from participating);
- Employees working part time may not participate in the remote work program on a regularly scheduled basis;
- Employees requiring general supervision may not participate in the remote work program on a regularly scheduled basis;
- The Administrative Director has the discretion to suspend the use of regular and ad hoc remote work assignments at any time;
- Renewals must be made annually and approved by the Administrative Director before the commencement of the remote work schedule; and
- At the conclusion of the classification and compensation study, the Human Resources Services Office (HRSO) will conduct an additional review of participation to ensure consistency with any recommendations made as a result of the study.

Previous Council Action

On August 31, 2012, the Judicial Council directed the Administrative Director to ensure that the AOC was consistently adhering to its existing policy on telecommuting (working remotely) (Policy 8.9, *AOC Personnel Policies and Procedures*; Attachment A), and to identify and correct any deviation from or violation of the existing policy.

On December 14, 2012, the council further directed the Administrative Director to review the original policy and make recommendations on any proposed amendments.

The council subsequently asked the Administrative Director to consider alternatives to telecommuting, including whether telecommuting should be eliminated, and to return with a report and recommendations for council consideration at its February 2013 meeting.

In the February 2013 report (Attachment B), the Judicial Council was presented with and considered the following options:

1. To eliminate all forms of telecommuting;
2. To eliminate regular telecommuting and allow only limited, ad hoc telecommuting under special circumstances; or

3. To permit telecommuting by approving a restructured and more restrictive telecommute policy, including controls for approving, monitoring, and, if necessary, rescinding participation.

The council approved Option 3 as a 12-month pilot program. The program was implemented, allowing employees authorized by the Administrative Director to work remotely when consistent with business needs and the employee's job functions. As a part of the pilot program, the council also approved the use of ad hoc remote work arrangements, limited to no more than two workdays per month, in the event of unforeseen business or personal needs (Pilot Telecommute Program Policy; Attachment C).

The council requested that an interim report on program implementation be prepared for the Executive and Planning Committee after six months (Attachment D), and a full report after one year, to enable the council to identify a course of action.

Rationale for Recommendation

Following council approval of the pilot program, the Executive Office added the additional controls to ensure consistent and equitable application of the policy. With these controls in place, and based on the monitoring process implemented, the AOC has demonstrated that a remote work program can be effectively and efficiently implemented in a manner that supports employees in the performance of their duties without any negative impacts on customers or colleagues. A summary of the changes to the policy is provided in Attachment E.

The regular program

Defined eligibility requirements for regularly scheduled remote work. The original telecommute policy allowed for up to eight days of telecommuting per month, and provided each office leader with discretion to make exceptions to the policy. In 2012, 98 employees (including supervisors and managers) participated in the program, representing a total of 454 remote work days per month.

Under the pilot program initiated in 2013, a structural control limiting telecommuting to one day per week was established to address any question of a diminution in service to customers. The Executive Office determined that in addition to management staff, part-time employees, employees acting in a senior or lead capacity, and employees requiring general supervision would not be permitted to participate because the primary essential duties of their positions required their on-site presence at the workplace.

Exactly 109 applications were received. Using the revised criteria for participation, 69 employees were approved to telecommute regularly one day per week. The current number of employees participating in the program has dropped from the original 69 to 65, for a total of 260 remote workdays per month. This figure represents a 33 percent reduction in the number of participants from 2012, and a 42 percent reduction in the total number of telecommute days per month.

Approximately 40 percent of applications were denied. Unsuccessful applicants were informed of the reasons for denial. Additional information concerning eligibility was communicated to all employees.

Table 1 reflects changes in the number of telecommuting employees since 2012.

Table 1. Change in Number of Telecommuting Employees

Office	2012 Participation	Days per Month	2013–2014 Pilot Program Participation	Days per Month
Center for Families, Children & the Courts	28	104	17	68
Center for Judiciary Education and Research	12	54	8	32
Court Operations Special Services Office	17	80	3	12
Criminal Justice Court Services Office	2	8	4	16
Human Resources Services Office	0	0	1	4
Information Technology Services Office	23	92	15	60
Judicial Council Support Services	0	0	1	4
Legal Services Office	15	112	5	20
Trial Court Administrative Services Office	0	0	9	36
Executive Office	1	4	0	0
Trial Court Liaison Office	0	0	2	8
Total	98	454	65	260

Note: Offices without employees participating in regularly scheduled telecommuting are not included.

Use of work logs. The original telecommute policy did not require work logs. The pilot program does. The work log lists the duties performed and work produced while an employee works remotely. Under the pilot program, work logs are submitted to the employee’s supervisor for review and approval, and subsequently to the Human Resources Services Office (HRSO). Work logs are audited by the HRSO to ensure that the duties performed while telecommuting are appropriate and sufficient for a full day’s work and consistent with the pilot program.

The most common remote tasks reported include:

- Reviewing documents and researching and analyzing data (project-based work, legal research, and data collection);
- Preparing projects (presentations, timeline development, and curriculum development);
- Responding to communications (e-mail and phone);
- Participating in conference calls;
- Writing and editing reports; and
- Performing duties specific to particular offices and positions.

HRSO contacts individual supervisors with questions or concerns regarding the content of the work log or the duties/tasks performed. Commonly asked questions are as follows:

1. Is the nature of work consistent with the business needs of the AOC?
2. Is the employee effectively managing time?
3. Is the employee's work satisfactory and timely?
4. Has there been a reduction in quantity of work produced?

Supervisors and managers with participants in the pilot program reported satisfaction with both the quality and the quantity of work carried out during the remote work periods. Work logs have been effective in supporting program monitoring and adherence to high service standards.

The ad hoc program

Tracking and reporting. The ad hoc telecommute program is a separate component of the pilot program, offering employees the ability to work remotely no more than two days per month when extenuating circumstances arise. It is available only to employees who do not participate in the regular pilot telecommute program.

Before the pilot program, instances of ad hoc telecommuting were not accounted for, and the AOC lacked a methodology to assess and determine usage. There were no restrictions on the number of ad hoc days an employee could be approved to take, effectively creating a situation that could be employed to distort the original regular telecommuting rule. According to the SEC report, this freedom led to instances in which some employees worked in their AOC offices only infrequently. Regular telecommute program participants could also seek additional telecommute days through the ad hoc process. Since the pilot program was established, HRSO receives monthly ad hoc telecommuting data from each office and reviews it for trends or areas of concern. Table 2 below details the use of ad hoc telecommuting, by office, between March 2013 and January 2014.

Table 2. Ad Hoc Telecommuting, by Office

Office	Average Usage per Month (Days)	Total Days
Information Technology Services Office	6.1	67
Center for Families, Children & the Courts	6.1	68
Center for Judiciary Education and Research	4.5	49
Trial Court Administrative Services Office	7.1	78
Court Operations Special Services Office	3.1	34
Legal Services Office	2.9	32
Human Resources Services Office	3.1	35
Trial Court Liaison Office	1.1	12
Criminal Justice Court Services Office	0.5	5
Internal Audit Services	0.2	2
Fiscal Services Office	0.5	6
Judicial Council Support Services	0.2	2
Office of Real Estate and Facilities Management	0.5	5
Executive Office	0.1	1
Total	36	396

Note: Offices that did not have employees telecommuting on an ad hoc basis are not included.

The average ad hoc telecommuting usage among the entire AOC for this period was 36 days per month, representing less than one percent of staff work time. (This figure does not account for ad hoc days resulting from the special events outlined below.)

Expanded management toolkit in addressing three disruptive events. The level of flexibility afforded by the ad hoc telecommute program provided a valuable management tool during three major commute-related special circumstances that affected the Bay Area: two transit strikes and a bridge closure.

BART strikes. In July 2013, and again in October 2013, Bay Area Rapid Transit (BART) employees went on strike, shutting down one of the main public transportation services for staff commuting to and from the San Francisco office. The Executive Office authorized employees directly affected by the strike to telecommute on an ad hoc basis the first two days of the BART closure. The exception also applied to employees participating in the regular pilot telecommute program to shift one of their telecommute days to the week of the strike; however, no employee was allowed to telecommute more than two days during that week. Employees were also allowed to use a flexible work schedule (earlier start and end times) or accrued leave as permitted by business need and with supervisor approval.

Bay Bridge closure. In September 2013, the Bay Bridge was closed pending the opening of its new eastern span. The closure was expected to create heavy traffic and congested public transit. During this period, the Executive Office provided employees with options that would meet the work needs of the agency while trying to alleviate commuting challenges. These options included:

- Allowing up to two ad hoc telecommute days for those employees not participating in the regular pilot program;
- Shifting a regular telecommute day to a day when the bridge was closed;
- Having a flexible work schedule to avoid heavy commute periods; and
- Using available leave accruals to take time off during impacted days.

Supervisors and managers were tasked with ensuring that employees who worked remotely during these days had sufficient assignments for the full period. Employees who participated in any of the special-circumstance days were required to submit to their supervisors a remote work log, which was, in turn, submitted to HRSO.

Prior to implementation of the new pilot program, in instances where such special circumstances occurred, office heads had the discretion to offer commute options for their respective offices. Since the implementation of the pilot program, the Executive Office instead establishes consistent, agencywide commute alternatives that include both telecommuting and non-telecommuting options.

Ad hoc remote usage rates during the BART strikes and the Bay Bridge closure are illustrated in table 3.

Table 3. Ad Hoc Telecommuting During Transit Troubles

Office	BART Strike (July 2013)	Bay Bridge Closure	BART Strike (Oct 2013)
Information Technology Services Office	48	3	12
Center for Families, Children & the Courts	30	2	7
Center for Judiciary Education and Research	17	0	8
Trial Court Administrative Services Office	0	1	1
Court Operations Special Services Office	18	3	4
Legal Services Office	15	3	2
Human Resources Services Office	10	5	7
Trial Court Liaison Office	8	0	2
Criminal Justice Court Services Office	7	0	7
Internal Audit Services	5	0	0
Office of Security	4	2	0
Fiscal Services Office	2	0	1
Office of Real Estate and Facilities Management	3	0	0
Office of Communications	1	0	0
Total	168	19	51

Note: Offices without ad hoc telecommuters during these events are not reflected in the table. The numbers in the table are distinct from the ongoing ad hoc telecommute totals.

Comments, Alternatives Considered, and Policy Implications

With the implementation of and strict adherence to guidelines during the pilot year, and with continued oversight and monitoring by the HRSO under the direction of the Administrative Director, four options are presented for consideration by the council.

Option 1: Adopt as an ongoing program the pilot telecommute policy, including the additional controls put in place during the implementation of the pilot program.

Should the Judicial Council approve this option, the “pilot” terminology would be removed from the policy. Participation would still be based on the fiscal year cycle, and employees would reapply annually to ensure that job duties are still appropriate to telecommuting.

The telecommute program would continue to be implemented through a centralized process managed by the HRSO. This process involves a review of each new application by office leadership using the following parameters:

1. **Nature of Work.** What is the type of work being performed by the employee, and is the telecommuting arrangement conducive to the duties necessary to perform the work?
2. **Quantity of Work.** Can a sufficient number of work activities be performed at home?
3. **Quality of Work.** Has the employee demonstrated an ability to carry out high-quality work with minimal supervision?

4. **Timeliness.** Has the employee consistently shown that he or she is able to work within established deadlines?
5. **Ability to handle multiple priorities.** Has the applicant demonstrated a strong ability to manage multiple, competing priorities?

Once office leadership completes its initial review, a recommendation is made to the HRSO. HR then conducts a second review of each application against these same parameters, as well as the following additional criteria:

1. **Current division and unit balance.** What is the requested telecommute day, and do other employees in the office also telecommute on that day? If so, what is the potential impact to scheduling and workload?
2. **Ability to handle scheduled and unexpected leaves.** Will the office have coverage in times of scheduled days off or unexpected absences?
3. **Performance Improvement Plan (PIP).** Is the employee currently on a PIP? Has the employee had past performance issues?

The HRSO then forwards its review and recommendation to the Administrative Director for a final decision on participation

See Proposed Policy 8.9, Working Remotely (Telecommuting) Program; Attachment F.

Option 2: Extend the current pilot program for an additional year.

Should the Judicial Council approve this option, the pilot program would be extended for one year, with further review by the Judicial Council in April 2015. All current controls would remain in place, and all interested employees would need to resubmit applications before current participant agreements end on June 30, 2014.

Option 3: Eliminate regular telecommuting and allow only limited ad hoc telecommuting under special circumstances.

Should the Judicial Council approve this option, regular telecommuting would no longer be permitted at the AOC. However, to allow for management flexibility in special circumstances, the Administrative Director would have discretion to allow employees to telecommute on an ad hoc basis with the approval of their supervisors or managers and office leadership.

Option 4: Eliminate all forms of telecommuting.

Should the Judicial Council approve this option, telecommuting on a regular and an ad hoc basis would no longer be permitted at the AOC. Such a decision could present employee retention issues, in that the agency would be unable to offer comparable employee benefits in a competitive labor market. Further, elimination of the program could also affect employee morale and performance.

Should the council approve Option 1 or 2, amended job descriptions resulting from the classification and compensation study will be reviewed against the telecommuting criteria and could potentially change employee eligibility during 2014–2015.

Implementation Requirements, Costs, and Operational Impacts

Implementation of the pilot telecommute program is centralized under the oversight of HRSO; ultimate authority to approve or deny participation in the program rests with the Administrative Director of the Courts.

All regular pilot telecommuting schedules will conclude during the week of June 30, 2014. Should the program continue, employees wishing to participate in the program would be required to (re)submit applications. HRSO staff would review and submit the applications to the Administrative Director for final review and approval or denial. Approved employees would commence their one-day-per-week telecommute on a date approved by their supervisors.

Participating employees would be required to submit weekly logs describing work performed on telecommute days. A human resources analyst would expend approximately 24 hours per month tracking and documenting program usage, in addition to conducting initial reviews of any new applications.

Attachments

1. Attachment A: Original Telecommute Program Policy (Pre 2013)
2. Attachment B: Report to Judicial Council, February 26, 2013 (no attachments)
3. Attachment C: Pilot Telecommute Program Policy
4. Attachment D: Six-Month Interim Report on the Pilot Program to the Executive and Planning Committee, November 25, 2013
5. Attachment E: Summary of Changes to Policy 8.9
6. Attachment F: Proposed Telecommute Policy (Option 1)

**ADMINISTRATIVE OFFICE OF THE COURTS
PERSONNEL POLICIES AND PROCEDURES**

Policy 8.9

Policy Number: 8.9

Title: Working Remotely (Telecommuting)

Contact: Human Resources Division, Policy Development Unit

Policy

Statement: The AOC's Remote Work Program provides employees the opportunity to work from home when doing so is consistent with business needs and the employee's job functions, as authorized by the employee's division director.

Contents:

- (A) Purpose of Remote Work Program**
- (B) Applicability**
- (C) Request and Approval Process**
- (D) Remote Work Schedules**
- (E) The Home Office**
 - (1) Work Environment**
 - (2) Office Equipment**
 - (3) Information Security**
 - (4) Health and Safety**
- (F) Other Employee Rights and Responsibilities**
- (G) Termination and Renewal of Remote Work Assignment**

(A) Purpose of Remote Work Program

The AOC recognizes the potential management and personal benefits available through a carefully planned and managed remote work program. When consistent with business needs and the employee's job functions, the AOC provides employees with a remote work option. Employees participate in the remote work program when, on a periodic basis, during their scheduled work hours, they perform their usual job duties from home. This policy does not intend to cover employees working remotely due to work-related travel.

(B) Applicability

Only AOC employees ([regular or temporary, full-time or part-time, exempt or non-exempt](#)) may apply to participate in the remote work program.

(C) Request and Approval Process

An employee may initiate a request to participate in the remote work program by submitting a completed Remote Worker Self-Assessment and Remote Work Application to his or her supervisor. The supervisor will review the request and make a recommendation to the division director to approve or decline the request. Approval of a remote work arrangement is at the discretion of the division director. In making this determination, the division director will consider work-related criteria, including:

- The employee's job functions and feasibility of performing work away from the office;
- Degree of supervision required;
- The performance and work habits of the employee;
- Business needs, including work demands of the employee's unit; and
- Suitability of proposed home work environment.

A request to participate in the remote work program may be approved only when the division director determines that, while working remotely, the employee can perform all the duties and responsibilities of the position in a productive, efficient, and satisfactory manner that is consistent with the needs of the organization. Employees with performance, attendance, or other work-related deficiencies, or whose jobs by their nature are not suitable for remote work, will not be approved for a remote work arrangement.

Requests to work remotely as a reasonable accommodation for a disability will be evaluated consistent with applicable law. Such requests should be directed to the employee's supervisor or the Human Resources Division, Integrated Disability Management Unit.

The Remote Worker's Agreement and Remote Work Checklist must be signed as indicated before remote working begins.

(D) Remote Work Schedules

Employees (including supervisors and managers) may be approved to work remotely as follows:

- During the first three months of employment, employees are not eligible to participate in the remote work program.
- After three months of employment, employees are eligible to request to work remotely up to a maximum of four days per month.
- After six successful months of participation in the remote work program, employees are eligible to request to work remotely up to a maximum of eight days per month.

Any exceptions to the above scheduling guidelines are at the discretion of the division director, in advance consultation with the Director of Human Resources. The remote work schedule applicable to a particular employee will be set by the supervisor before remote working begins. Remote workers must be available during the standard workday from 8 a.m. to 5 p.m., Monday through Friday ([Hours of Work, policy 4.4\(A\)](#)), or alternative schedule as approved by their supervisor, to the same extent as if working in the office. The remote work schedule may be modified, with supervisor approval, as needed:

- Remote workers may request approval for time off in the same manner as if not working remotely.

- With prior approval, remote workers may attend medical, dental, and business appointments on remote work days.
- For non-exempt employees, any overtime work must be authorized in advance and in writing ([Hours of Work, policy 4.4\(C\)\(1\)](#)).
- If an employee is needed in the office on a regularly scheduled remote work day, the employee must forgo the remote work day.

An employee may also be approved to work remotely on an “ad hoc” basis (i.e., not on a regular basis), which may arise due to special projects, the demand for expedited work products, or other business or personal needs.

(E) The Home Office

(1) Work Environment

Remote workers are responsible for maintaining a safe and productive work environment. Dependent care arrangements must be made so as not to interfere with work. Personal disruptions must be limited to the same extent as when working in the employee’s [primary work location](#).

(2) Office Equipment

The AOC will provide a laptop, subject to availability, for purposes of working remotely. Maintenance, repair, and replacement of AOC-owned equipment issued to remote workers is the responsibility of the AOC. The remote worker, however, must provide adequate care and protection of the equipment. ([Use of AOC Property, policy 8.8\(B\)](#)). In case of equipment malfunction, the remote worker must notify his or her supervisor immediately. Expenses for purchases, supplies, and repairs to personal equipment will not be reimbursed. Remote workers must restrict access to AOC-provided office equipment from family members and others.

The remote worker must also observe the following

- The remote worker is responsible to provide appropriate Internet connectivity in order to perform work duties. DSL or cable-based service is normally acceptable for this purpose.
- AOC-issued laptops must be brought into the office a minimum of once per month, and as requested, to assure the necessary technology and security updates are installed. The Information Services Division does not provide technology support for use of personal equipment for working remotely.
- Any software installed on AOC-issued laptops remains the property of the AOC and is subject to all applicable copyright laws and rules and regulations on the use or reproduction of software.
- Upon termination of a remote work assignment or employment, or when requested by the supervisor, the employee must return all AOC property, including software.

Computer support for remote workers is available from the Information Services Helpdesk during the hours of 7:30 a.m. – 6:00 p.m. Remote workers may request assistance by submitting an on-line service request to the [AOC Service Portal](#), or contacting the HelpDesk at (415) 865-4080 or helpdesk@jud.ca.gov.

(3) Information Security

Network and information security are important considerations when working remotely. Remote workers are expected to maintain the security, privacy, and confidentiality of information when working at the home work site or transporting data to and from work sites, including:

- Remote workers must follow all organizational data retention, backup and security [procedures](#).
- Remote workers must restrict access to confidential and personal information from family members and others. ([Use of AOC Property, policy 8.8\(D\)](#)).
- Access-restricted material and data must remain secured, and cannot be taken out of the official work location without supervisory approval.

Some AOC applications will be restricted to on-site access for security reasons. Other data may be unavailable to remote workers for technical reasons. For example, remote access to network drives is only available to employees approved and provided resources for access.

Remote workers must report any potential breach of AOC information security immediately to the Information Services HelpDesk.

(4) Health and Safety

Remote workers are responsible for ensuring that their home offices comply with health and safety requirements. The AOC may decline an employee's request to work remotely or may terminate a remote work assignment based on safety considerations. The home office may be inspected by the AOC, by appointment, for compliance with health and safety requirements.

If an employee incurs a work-related injury while working remotely, workers' compensation law and rules apply. Consistent with AOC's [Workers' Compensation Insurance, policy 6.6](#), employees must immediately notify their supervisor, or if their supervisor is not immediately available, the Human Resources Division, Integrated Disability Management Unit, of any work-related injury and complete all required documents.

(F) Other Employee Rights and Responsibilities

Remote workers maintain the rights and responsibilities set forth in AOC policies and procedures to the same extent as if not working remotely. In particular, employees must comply with [Technology Use, policy 8.6](#), and [AOC Computer Use Best Practices](#). In addition to AOC requirements on time reporting ([Hours of Work, policy 4.4\(D\)](#)), remote workers may be required to submit work logs of time spent and work performed while working remotely, at the discretion of their supervisor.

(G) Termination and Renewal of Remote Work Assignment

Participation in the remote work program is voluntary. Either the employee or the AOC may terminate participation in the remote work program at any time, for any reason. Failure to abide by the policies and procedures set forth in this policy may result in immediate termination of an employee's remote work assignment.

The Remote Work Application should be discussed and renewed annually, as well as when there is a change in the remote worker's or supervisor's position, or any other change that may impact the remote work arrangement. A remote work arrangement must not be continued when it is not in the best interests of the AOC or the employee.

Participation in the remote work program is approved based on specific criteria considered by the division director on a case-by-case basis. As circumstances may change over time, employees previously participating in the remote work program are not assured of a remote work assignment when returning from a leave of absence or after a job transfer.



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on February 26, 2013

Title	Agenda Item Type
AOC Restructuring: Amendments to Policy 8.9, Working Remotely (Telecommuting)	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	February 26, 2013
Recommended by	Date of Report
Steven Jahr Administrative Director of the Courts	February 11, 2013
	Contact
	Kenneth R. Couch, 415-865-4271 kenneth.couch@jud.ca.gov

Executive Summary

The Administrative Director of the Courts requests that the Judicial Council consider and approve one of the following options concerning telecommuting. In addition, the Administrative Director confirms that all 85 telecommuting staff are currently in compliance with the existing policy and has prepared a report containing options for consideration by the Judicial Council. The report contains options to: (1) eliminate all forms of telecommuting; (2) eliminate regular telecommuting and only allow for limited ad hoc telecommuting under special circumstances; or (3) permit telecommuting by approving a restructured and more restrictive telecommute policy, which contains controls for approving, monitoring, and, if necessary, rescinding participation. If the revised telecommute policy is approved, a follow-up report will be provided to the Judicial Council in one year.

Previous Council Action

In August 2012, the Executive and Planning Committee (E&P) recommended that the Judicial Council direct the Administrative Director of the Courts to require compliance with the requirements and policies of the *AOC Personnel Policies and Procedures Manual*, including compliance with the rules limiting telecommuting, specifically concerning Policy 8.9 Working

Remotely (Telecommuting). As a response to that directive, the Administrative Director confirmed that all 85 telecommuting staff are in compliance with the existing policy and, in consultation with the AOC Executive Office and office directors, proposed amendments to the policy to address implementation and compliance concerns stated in a report presented by E&P to the council at its August 31, 2012, meeting.

At its December 2012 meeting, E&P further proposed an amendment to Judicial Council directive 26 to enlarge its scope to include the question of whether a telecommute program should remain in force. The proposed revisions to Policy 8.9 and options outlined in this report respond to the amended directive for discussion at the council’s February 2013 meeting.

Current Status

There are 85 regular employees in compliance with the current Policy 8.9 who have been approved for telecommuting within the AOC. The chart below lists the eight AOC offices that currently participate in the program.

Participating Offices	Count of Participating Employees	% of Total AOC Population
Center for Families, Children & the Courts	27	3.76%
Center for Judiciary Education and Research	11	1.53%
Court Operations Special Services Office	9	1.25%
Criminal Justice Court Services Office	3	.42%
Information Technology Services Office	19	2.65%
Judicial Council Support Services	1	.14%
Legal Services Office	11	1.53%
Trial Court Liaison Office	4	.56%
Grand Total	85	11.84%

The following ten offices do not currently participate in the regular telecommuting program.

Non - Participating Offices		
Judicial Branch Capital Program Office	Office of Communications	Special Projects Office
Fiscal Services Office	Office of Governmental Affairs	Trial Court Administrative Services Office
Human Resources Services Office	Office of Security	
Office of Administrative Services	Office of Real Estate & Facilities Management	

Of the 718 regular employees only 85 regular employees have been approved to participate in the program, representing 11.84 percent of the AOC regular workforce. The remaining 633 regular employees work the standard workweek in an assigned AOC work location.

Duties approved for telecommuting

Office leadership have considered and approved regular telecommute schedules depending upon various job responsibilities, including performing legal research, drafting legal opinions, analyzing data, writing reports, and providing network support/administration. Examples of such duties/responsibilities include:

- Legal research to update legal publications, course curricula, and online courses
- Research, data analysis, and report writing connected with advisory committee or other group work
- Configuring, administering, and supporting network and server infrastructure
- Creating lesson plans, developing PowerPoint presentations, and meeting via phone with planning committees
- Writing content for online courses, writing scripts for broadcasts (for both judges and court staff), and drafting reports
- Writing, editing, and generating technical documents
- Preparing and reviewing grant applications, including the preparation of budget sheets and forecasts

Duties not approved for telecommuting

Not all employees have been deemed suitable to participate in the telecommute program due to the nature of the work assigned. Employees who have been deemed ineligible for a regular telecommute schedule include those whose job responsibilities require them to be present in the AOC offices. Examples of such duties/responsibilities include:

- Processing of daily Court-Appointed Counsel compensation claims (which requires specialized software and face-to-face interaction with Accounting staff)
- Handling daily intake of retired judge assignment requests (which requires access to specialized software and constant telephone access)
- Processing of payroll or benefit information (which requires restricted access to the State Controller's Office system) and employee relations interactions (which are best handled in a face-to-face meeting)
- Setting up new computers, delivering them to employees, repairing malfunctioning computers, and processing end-of-life equipment for reutilization/disposal
- Coordinating logistics for judicial education programs (which requires being available to a number of CJER staff)
- Managing the logistics of securing meeting rooms, lodging, and other requirements for education programs and meetings
- Hands-on consulting with other employees in specific subject matter areas, such as instructional design or WebEx support

Additional reasons why employees have not been allowed to telecommute include:

- Employees on a performance improvement plan who require supervision, assessment, and development on site
- Managers and supervisors who need to be available to their staff on as-needed basis

Options for Consideration and Policy Implications

Option 1: Eliminate all forms of telecommuting

If this option is approved by the Judicial Council, Policy 8.9 would be eliminated and telecommuting, both on a regular schedule and on an ad hoc basis, would no longer be permitted in the AOC.

Benefits of adopting option 1

Improved perception/reputation. By eliminating all forms of telecommuting, AOC staff will be available at all times to assist their customers within the Supreme Court, Courts of Appeal, and the trial courts. The AOC has been under public scrutiny to reform and restructure its current practices/policies. Elimination of the telecommuting program enables the AOC to strengthen its reputation with the trial courts and the public.

Ability to supervise employees on site; employee availability. Under a telecommuting program not strictly managed and controlled by a centralized oversight group, there may be a perception of little to no supervision of employees on telecommuting arrangements. By eliminating this option, it eliminates this perception and thereby ensures that all employees on site are properly supervised by their supervisor or manager. Elimination of the telecommuting program will have AOC employees at an AOC worksite on a standard work schedule, with the exception of the one day per month mandatory furlough.

Consistency with most written trial court policies. Most trial courts have not adopted a formal telecommute policy for their employees. Elimination of the policy places the AOC on equal terms with the trial courts and reduces the perception of unavailability.

All offices treated the same regardless of the nature of work. The wide latitude of telecommuting arrangements within the AOC, as allowed under the current Policy 8.9, has resulted in different applications of the policy across all offices. By eliminating the ability to telecommute, employees will be treated the same regardless of their duties and responsibilities.

Challenges of adopting option 1

Reduced motivation potentially leading to reduced performance. The ability to telecommute is a very important job benefit to those who participate in the program. Complete elimination of

the program could result in less-motivated employees, which could have a direct effect on job performance and productivity.

Retention issues—potential for losing quality workforce. In the San Francisco job market most employers, public and private, allow for remote working. If the work from home program is eliminated, it could result in a loss of quality employees to competing employers. It could also influence future ability to recruit quality individuals in a competitive job market.

Employees will perceive this as another take-away. Over the past four years employees have endured several changes in the workplace that have been perceived by the employees as “take-aways.” While many changes have been a direct result of the economic downturn, others, such as this program, are “no-cost” benefits. Removing such a benefit would most likely be perceived by employees as yet another take-away, with a corresponding direct impact on employee morale.

Potential increased commute cost to employees. Employees who currently work remotely are relieved of the time and cost of commuting for the day(s) they work from home. For example, a commuter from the East Bay could save 45 minutes each way to and from work, as well as \$6 to \$10 per day in transportation costs. An individual participating in a one day per week remote work assignment would have an increased cost of \$24 to \$40 per month and will spend approximately 6 additional hours per month commuting.

Ability of the AOC to offer comparable employee benefits in the competitive San Francisco labor market. AOC HR contacted employers within the San Francisco Bay Area to determine what, if any, telecommuting programs they offer to their employees. Of the public entities contacted, the City and County of San Francisco, Superior Court of San Francisco County, San Francisco State University, and University of California, San Francisco offer some form of telecommuting. Of the private entities contacted, Adobe, Charles Schwab, Gap, Inc., and Yahoo! also offer some form of telecommuting. Based on information gathered, it appears that remote working has become a standard practice among major San Francisco employers and is a highly desired benefit of job seekers. To continue to be competitive in the San Francisco labor market, it is critical to develop and maintain programs that meet the business needs of the organization to attract and retain quality staff.

Option 2: Eliminate regular telecommuting and only allow for limited ad hoc telecommuting under special circumstances

If this option is approved by the Judicial Council, Policy 8.9 would be revised to only allow for limited, ad hoc telecommuting not to exceed two days in any given month. In this option telecommuting would only be allowed under special circumstances that would meet the business needs of the AOC. For example, an individual who is on vacation at home and unable to come to the office is required to complete an unexpected project by close of business. That individual could be approved to work from home on that day so the project can be completed and the individual credited with the work time utilized.

Oversight of this option would be granted to office leadership, with monthly ad hoc telecommute reports submitted to the Human Resources Services Office for tracking and review. A quarterly utilization report would be provided to the Administrative Director.

Benefits of adopting option 2

Improved perception/reputation. Elimination of regular telecommuting and the restriction of the program to only include remote work on an ad hoc basis may reduce the negative perception of the AOC telecommuting program. This restriction of the telecommuting program enables the AOC to strengthen its reputation with the trial courts and the public.

Allows for flexibility in meeting critical business needs. While this option does not provide for a regularly scheduled work from home day, it does provide the AOC with the ability to approve limited, one-time, as-needed remote work that would meet a specific, critical business need.

Consistent with some trial court practices. While many trial courts do not have a formal written remote work policy, some trial courts do allow an ad hoc type of work from home program. Some trial courts have allowed staff to work from home to complete a report, a project, and research or data analysis in a quieter, less interrupted setting.

Challenges of adopting option 2

Negative perception/reputation. The AOC has been under public scrutiny to reform and restructure its current practices/policies. Allowing for even ad hoc telecommuting does not completely address the perception that the AOC is unavailable to address trial courts' needs in a timely fashion.

Reduced motivation leading to reduced performance (for individuals who have lost a regular telecommute schedule). The ability to telecommute is a very important job benefit to those who participate in the program. Elimination of the regular remote work program and replacing it with a much more restrictive ad hoc program could result in less-motivated employees and could have a direct effect on job performance and productivity.

Retention issues—potential for losing quality workforce. In the San Francisco job market most employers, public and private, allow for regular remote working. If the work from home program is reduced to an ad hoc program, it could result in a loss of quality employees to competing employers. It could also influence future ability to recruit quality individuals in a competitive job market.

Employees will perceive this as another take-away. Over the past four years employees have endured several changes in the workplace that have been perceived by the employees as “take-aways.” While many changes have been a direct result of the economic downturn, others, such as

this program, are “no-cost” benefits. The severe restricting of such a benefit would likely be perceived by employees as yet another take-away potentially having a direct impact on employee morale.

Potential increased commute cost to employee. Employees who currently work remotely are relieved of the time and cost of commuting for the day(s) they work from home. For example, a commuter from the East Bay could save 45 minutes each way to and from work, as well as \$6 to \$10 per day in transportation costs. An individual participating in a one day per week remote work assignment would have an increased cost of \$24 to \$40 per month and will spend approximately 6 additional hours per month commuting.

Option 3: Permit telecommuting by approving a restructured and more restrictive telecommute policy, which contains controls for approving, monitoring, and, if necessary, rescinding participation in the telecommute program

If this option is approved by the Judicial Council, Policy 8.9 would be revised to the more restrictive policy outlined below.

The proposed Policy 8.9 contains a number of revisions that, if incorporated, address many of the concerns raised. For example, it narrows the scope of the telework policy to nonsupervisory positions, limits the number of days a person can utilize ad hoc or regular telecommuting, and prohibits a combination of ad hoc and regular telecommuting.

Further, to address accountability issues, it includes tracking procedures. AOC employees approved for a regular remote work schedule must complete a remote work log for each day that they work remotely. The remote work log must be provided regularly to the supervisor for review of work progress during remote work days. Additionally, HR would provide a review of the application process and provide recommendations to the Administrative Director or designee for final consideration/approval. This process is designed to ensure that all participants meet and adhere to policy guidelines.

Comparison between current and proposed

The goal is to design a program that is in the best public interest and that benefits the employees, while addressing the challenges identified, i.e., how to measure productivity for the employees who work from home, how to determine what positions are suitable for telecommuting, and how to fairly implement the policy.

The chart below illustrates the differences between the current policy and the proposed policy:

Criteria	Current Policy	Proposed Policy
Employment eligibility	After 6 months of employment	After 12 months of employment
Limits definition of “Home” location	None	Restricts “Home” location to one in the state of California

Limits number of regularly scheduled telecommute days	Up to 8 days per month	No more than 1 day per week in any given week
Limits participation in regular remote work program	None	Limited to only nonsupervisory AOC employees
Limits participation in ad hoc telecommute days	None	Limited to 2 days per month in any given month; available to all AOC employees; not available to employees on a regular telecommute schedule
Consideration/review process	Office leadership discretion	1. Office leadership review, 2. Human Resources review, 3. Administrative Director/designee approval
Factors for approval consideration	Office leadership discretion	Defined consideration factors: 1. Nature of work, 2. Quantity of work, 3. Quality of work, 4. Timeliness, 5. Ability to handle multiple priorities
Approval authority	Office leadership approval	Administrative Director/designee approval
Allowable exceptions	Office leadership discretion	None (except for reasonable accommodations for a disability consistent with law)
Work logs maintained	None	Required for each regularly scheduled remote work day
Tracking of ad hoc telecommute days	None	Tracking required for each day of ad hoc remote work by office leadership and Human Resources
Frequency of productivity monitoring	Annually	Continuing duty of office leadership

The amended policy recognizes the potential benefits of an organized, managed remote work program, and the revisions reflect an emphasis on accessibility, transparency, and consistency. The final amended policy includes two key components that address these themes: availability of staff to address inquiries from internal customers, the courts, and the public; and the assignment of a centralized unit to oversee and manage the telework program.

Benefits of adopting option 3

Increased productivity. Overall productivity may be improved because the more desirable and attractive working conditions result in higher levels of employee motivation. A number of

companies that have implemented telecommuting in the workplace have seen increased productivity in their employees.¹

Work/life balance and employee motivation. Employees perceive the remote working opportunity as a workplace benefit. Employees appreciate and will recognize the efforts by the AOC to maintain attractive work benefits in a challenging economic time.

Work environment. The nature of work appropriate for remote working situations is best served in quiet, uninterrupted settings where quality thinking can occur. The lack of interruptions can not only expedite the completion of a project, but can also increase the quality of the finished product.

Increased monitoring. The utilization of work logs demonstrates the quality and quantity of work performed, which can potentially lead to an increase in productivity.

Employee retention and recruitment. Several employees have expressed that this “benefit” is an important aspect of their decision to be employed at the AOC. In the San Francisco job market most employers, public and private, allow for remote working. This option could allow the AOC to recruit quality individuals in a competitive job market.

Emulates state policies and legislation that encourage utilization of telecommute programs. Government Code section 14200.1(b): “It is the intent of the Legislature to encourage state agencies to adopt policies that encourage telecommuting by state employees.” The standard template for telecommute policy utilized by the state agencies is provided on the Department of General Services website at: <http://www.dgs.ca.gov/dgs/ProgramsServices/telework.aspx>

Challenges of adopting option 3

Perception of monitoring, supervising, and evaluating off-site employees. Under any telecommuting program, there may be a perception of little to no supervision of employees on telecommuting arrangements. Telecommuting may make it more challenging to review the work product on a regular basis to ensure productivity standards are being met.

Limits face-to-face interaction/exchange of information. Working from home could reduce the interpersonal, collaborative relationships necessary for the development of a sound work product.

Impacts on non-telecommuting employees. If regular telecommuting is continued, the AOC will continue to have employees whose job responsibilities prohibit them from participation. For these employees there may be a perception of disparity.

¹ Telework Research Network, “Pros and Cons” (October 22, 2008), www.teleworkresearchnetwork.com/pros-cons (as of Jan. 22, 2008).

Information on current telecommute practices, public and private

The Telework Research Network (TRN) is an independent consulting and research organization that publishes findings related to workplace flexibility. In June of 2011, the TRN published a report entitled *The State of Telework in the U.S.* (see Attachment D),² which integrates a large number of studies, surveys, and censuses to present the current state of telework in the United States. The report encompasses both the private and public sectors, as well as the resulting benefits of telework. According to the report, telecommuting is in much wider use in the private sector than in the public sector. However, use of telecommute (also referred to as telework) programs has increased in recent years in the public sector. A 2011 report also by TRN reviews the benefits and challenges of telecommuting in the California government workforce. While many of the cost-saving considerations would not apply to the AOC, the concept of remaining competitive and attracting a new generation of government leaders and talented staff is a fundamental goal of the AOC.³ (See Attachment E.)

The TRN reports on their website that companies that implement telecommuting policies have seen a notable *increase* in productivity by their employees. Best Buy, British Telecom, Dow Chemical, and many others show that teleworkers are 35 to 40 percent more productive than non-telecommuters. More than two-thirds of employers have reported increased productivity among their teleworkers. Sun Microsystems' experience suggests that employees spend 60 percent of the commuting time they save performing work for the company. JD Edwards teleworkers are 20 to 25 percent more productive than their office counterparts. American Express workers produced 43 percent more than their office-based counterparts, and Compaq increased productivity by 15 to 45 percent.⁴

Because of technological advances in recent years, many employers, especially in the private sector, have found that enabling employees to telecommute has resulted in improvements in employee productivity, morale, and retention.

In addition to increased productivity, other benefits to both the employer and the employee have been associated with offering telework programs. These benefits include reduced absenteeism, retention of high-level employees who might otherwise choose to leave public employment due to work schedule inflexibility, and reduced commuter costs (see Lister & Harnish, *infra*, note 2).

² K. Lister and T. Harnish, *The State of Telework in the U.S.: How Individuals, Business, and Government Benefit*, Telework Research Network (June 2011).

³ K. Lister and T. Harnish, *The Bottom Line on Telework: California Government Workforce*, Telework Research Network (September 2011).

⁴ Telework Research Network, "Pros and Cons" (October 22, 2008), www.teleworkresearchnetwork.com/pros-cons (as of Jan. 22, 2008).

Relevant telecommuting legislation

In recognition of the benefits of telecommute programs, legislation has been passed at the federal level and in the state of California encouraging telecommute programs for employees in positions where telecommuting is viable. The report *2012 Status of Telework in the Federal Government* (see Attachment F) gives a detailed account of how the Telework Enhancement Act of 2010 has transformed federal telework.⁵

In California, in 1990, Assembly Bill 2963 (Klehs; Stats. 1990, ch. 1389) added sections 14200 through 14203 to the Government Code, entitled “the State Employee Telecommuting Program,” authorizing state agencies to establish telecommuting programs as an element of transportation management programs. Four years later, Assembly Bill 2672 (Cortese; Stats. 1994, ch. 1209) amended section 14201 and added section 14200.1 to the Government Code “to encourage state agencies to adopt policies that encourage telecommuting by state employees.” (Gov. Code, § 14200.1(b).) Section 14200.1 sets forth legislative findings, declarations, and intent:

- (a) The Legislature finds and declares the following:
 - (1) Telecommuting can be an important means to reduce air pollution and traffic congestion and to reduce the high costs of highway commuting.
 - (2) Telecommuting stimulates employee productivity while giving workers more flexibility and control over their lives.
- (b) It is the intent of the Legislature to encourage state agencies to adopt policies that encourage telecommuting by state employees.

As amended, section 14201 deletes the earlier authorization and replaces it with a requirement that each state agency “shall review its work operations to determine where in its organization telecommuting can be of practical benefit to the agency [and] develop and implement a telecommuting plan as part of its telecommuting program in work areas where telecommuting is identified as being both practical and beneficial to the organization.”

Unintended negative consequences of telecommuting

According to the *2012 Status of Telework in the Federal Government* report (see Attachment F, page 52), telecommuting can also have unintended negative consequences. Those cited in the report include the following:

- Potential for social and career isolation
- Reduced performance as a result of employee isolation
- Missed opportunities for meeting colleagues to allow for unplanned or serendipitous knowledge exchange
- Reduce overall sharing in workplaces

⁵ U.S. Office of Personnel Management, *2012 Status of Telework in the Federal Government: Report to the Congress* (June 2012).

Implementation Requirements, Costs, and Operational Impacts

Option 1 implementation requirements. If option 1 is approved, the AOC will take the necessary steps to eliminate Policy 8.9 from the *AOC Personnel Policies and Procedures Manual* and will work with offices to inform current telecommuting staff and transition employees to perform their duties at an AOC worksite on a standard work schedule. No other implementation requirements are needed.

Option 2 implementation requirements. If option 2 is approved, the AOC will take the necessary steps to amend Policy 8.9 to eliminate regular telecommuting and only allow AOC employees to telecommute on an ad hoc basis, based on special circumstances. HR will communicate the amended policy to all AOC staff and initiate steps to transition current regular telecommuting staff to perform their duties at an AOC worksite on a standard work schedule. As previously indicated, HR has developed a process to track, monitor, and report on the use of ad hoc telecommuting within the AOC.

Option 3 implementation requirements. If option 3 is approved, the AOC will implement the proposed amended Policy 8.9 establishing strict controls and allowing for the approval, monitoring, and, if necessary, rescinding of telecommuting arrangements. HR will communicate the amended policy to all AOC staff and initiate steps to transition current regular telecommuting staff to be in compliance with the amended policy. HR has developed a process to track, monitor, and report on the use of regular and ad hoc telecommuting within the AOC. If this option is approved by the Judicial Council, a report on the status of telecommuting in the AOC will be provided in one year for review and further consideration.

Attachments

1. Attachment A-1: Present Policy 8.9, Working Remotely (Telecommuting)
2. Attachment A-2: Proposed Amended Policy 8.9, Working Remotely (Telecommuting)
3. Attachment B: Working Remotely Application Forms
4. Attachment C: Remote Work Log
5. Attachment D: 2011 *The State of Telework in the U.S.*
6. Attachment E: 2011 *The Bottom Line on Telework: California Government Workforce*
7. Attachment F: 2012 *Status of Telework in the Federal Government* report

**ADMINISTRATIVE OFFICE OF THE COURTS
PERSONNEL POLICIES AND PROCEDURES**

Pilot Program 8.9

**Pilot Program
Number:** 8.9

Title: Working Remotely (Telecommuting) Pilot Program

Contact: Judicial and Court Administrative Services Division,
Human Resources Services Office

**Program
Statement:** The AOC's Remote Work Program authorizes employees to work from home only when doing so is consistent with business needs and the employee's job functions, as authorized by the Administrative Director.

Contents:

- (A) Purpose of Remote Work Program**
- (B) Regularly Scheduled Remote Work**
 - (1) Applicability**
 - (2) Request and Approval Process**
 - (3) Remote Work Schedules**
 - (4) Remote Work Log**
- (C) Ad Hoc Remote Work**
- (D) The Home Office**
 - (1) Work Environment**
 - (2) Office Equipment**
 - (3) Information Security**
 - (4) Health and Safety**
- (E) Other Employee Rights and Responsibilities**
- (F) Termination and Renewal of Remote Work Assignment**

(A) Purpose of Remote Work Program

When consistent with business needs and the employee's job functions, the AOC provides employees with a remote work option. Employees participate in the remote work program when, on a periodic basis, during their scheduled work hours, they perform their usual job duties from home. The terms "working remotely", "work remotely", and "remote worker" as used in this pilot program refer to the performance of usual job duties at home. Home locations for purposes of this pilot program shall be in the state of California.

Suitability to participate in the remote work program is based, in part, on an employee's job classification and the nature of the work to be performed by the employee. Those factors alone may compel disapproval of an application to participate in the remote work program.

The AOC recognizes the potential organizational and personal benefits available through a carefully planned and managed remote work program. Both the state and federal government have recognized the positive impacts of remote work programs that include reductions in air pollution, traffic congestion and the costs of highway commuting. Additionally remote working can provide employees with more flexibility in their schedules resulting in increased productivity and employee morale.

This pilot program covers two types of remote work options:

- (1) Regularly scheduled (which allows employees to work from home on a regular, ongoing basis, as described in Section (B) (3) of this pilot program), and
- (2) "Ad hoc" (occasional, one-time approval to work from home, as described in Section (C) of this pilot program).

Employees working in more than one location, other than the home, due to work-related travel, and/or working from multiple AOC offices or court locations, are considered to be working in the office. This Remote Work Pilot Program does not apply to that activity.

Requests to work from home as a reasonable accommodation for a disability will be evaluated consistent with applicable law. Such requests should be directed to the employee's supervisor and approved by the Human Resources Services Office (HR), Integrated Disability Management Unit.

(B) Regularly Scheduled Remote Work

(1) Applicability

Only non-supervisory AOC employees (regular or temporary, full-time or part-time, exempt or non-exempt) may apply to participate in the remote work program on a regularly scheduled basis.

(2) Request and Approval Process

An employee may initiate a request to participate in the remote work program on a regularly scheduled basis by submitting a completed [Remote Worker Self-Assessment](#) and [Remote Work Application](#) to his or her supervisor. The supervisor will review the request and make a recommendation to the office leadership. Office leadership will submit the request with a recommendation to Human Resources. Human Resources will review the request to ensure that the application meets all applicable pilot program criteria. HR will submit the request with a recommendation to the Executive Office for consideration. Approval of a remote work arrangement is at the discretion of the Administrative Director or designee.

Step 1 – Office Leadership Review

A request to participate in the remote work program must be reviewed by the employee's office leadership, who will determine if the employee, while working from home, can perform all of the duties and responsibilities of the position in a manner that meets the needs of the organization. When considering a request to work from home, all of the following factors will be considered:

- Nature of Work
The type of work performed by the employee.
- Quantity of work
How much work can get done from home?

- Quality of work
How well can the work be completed from home?
- Timeliness
Can timelines be met when working from home?
- Ability to handle multiple priorities
Is it possible to successfully multitask when working from home?

Employees must also demonstrate suitability of the proposed home work environment.

Employees with performance, attendance, or other work-related deficiencies, or whose jobs by their nature are not suitable for remote work, will not be approved for a remote work arrangement.

Step 2 – Human Resources Services Office Review

Completed remote work applications reviewed by the originating office's leadership shall be submitted to HR for additional review.

HR will review applications to ensure that signatures have been obtained; the agreement is consistent with the parameters of AOC policies and procedures; and the employee's duties and responsibilities align to the five factors noted previously.

Any remote work agreement that is not complete, does not have all required signatures, or is outside of the scope of the pilot program will be returned to the originating office for review. Remote work schedules may not begin until the remote work agreement has been approved by the Administrative Director or designee.

Step 3 – Administrative Director or designee's review

The Administrative Director or designee will review the remote work agreement and determine whether to approve or deny. If the remote work agreement is approved, HR will notify the Office Leadership of the approval and a start date can be coordinated with the employee.

(3) Remote Work Schedules

Employees (excluding supervisors, managers, assistant directors, and directors) may be approved to work from home on a regularly scheduled basis as follows:

- During the first 12 months of employment, employees are not eligible to participate in the remote work program.
- After 12 months of employment, employees are eligible to request to work from home up to a maximum of one day per week in any given week.

If approved, the remote work schedule applicable to a particular employee will be set by the supervisor before remote working begins. Remote workers must be available during the standard workday from 8 a.m. to 5 p.m., Monday through Friday (Hours of Work, policy 4.4(A)), or alternative schedule as approved by their supervisor, to

the same extent as if working in the office. The remote work schedule may be modified, with supervisor approval, as needed:

- The remote work assignment may be suspended or terminated at any time, for any reason at the discretion of the office leadership. If a remote work assignment is suspended or terminated the HR work coordinator must be notified immediately.
- If an employee is needed in the office on a regularly scheduled remote work day, the employee must forgo the remote work day. Employees cannot “make up” missed remote work days.
- Remote workers must request approval for time off in the same manner as if not working from home.
- With prior approval, remote workers may attend medical, dental, and business appointments on remote work days.
- For non-exempt employees, any overtime work must be authorized in advance and in writing ([Hours of Work, policy 4.4\(C\)\(1\)](#)).

(4) Remote Work Log

AOC employees approved for a regular remote work schedule must complete a [remote work log](#) for each day that they work from home. The remote work log must be provided regularly to the supervisor for review of work progress during remote work days. Employees who do not satisfactorily complete a remote work log or their assignments during remote work days may have their remote work assignment suspended or terminated at the discretion of the office leadership.

(C) Ad Hoc Remote Work

An employee of the AOC (including managers and supervisors) may alternatively be approved to work from home on an “ad hoc” basis (i.e., not on a regular basis), which may arise due to special projects, the demand for expedited work products, or other business or personal needs. The employee’s office leader may approve ad hoc work from home on a case-by-case basis. Each office will submit a monthly report of ad hoc remote work to the HR remote work coordinator. Quarterly reports will be submitted to the Administrative Director. Approval to work remotely on an ad hoc basis does not require submission of the forms referenced in Section (B)(2) of this pilot program and does not confer eligibility to work from home on a regularly scheduled basis.

“Ad hoc” remote work occurrences are limited to two days per month in any given month. Employees who are participating in the regularly scheduled remote work program may not, at the same time, work from home on an “ad hoc” basis.

The supervisor or manager recommends approval of the ad hoc remote working request and submits to his or her office leadership. Office leadership may approve the ad hoc remote work and record the usage on a monthly report that will be submitted to HR. HR will collect that data and provide quarterly utilization reports to the Administrative Director.

(D) The Home Office

(1) Work Environment

Remote workers are responsible for maintaining a safe and productive work environment. Dependent care arrangements must be made so as not to interfere with work. Personal disruptions must be limited to the same extent as when working in the employee's primary work location.

(2) Office Equipment

The AOC will provide a laptop, subject to availability, for purposes of working from home. Maintenance, repair, and replacement of AOC-owned equipment issued to remote workers is the responsibility of the AOC. The remote worker, however, must provide adequate care and protection of the equipment. ([Use of AOC Property, policy 8.8\(B\)](#)). In case of equipment malfunction, the remote worker must notify his or her supervisor immediately. Expenses for purchases, supplies, and repairs to personal equipment will not be reimbursed. Remote workers must restrict access to AOC-provided office equipment from family members and others.

The remote worker must also observe the following

- The remote worker is responsible to provide appropriate Internet connectivity in order to perform work duties. DSL or cable-based service is normally acceptable for this purpose.
- AOC-issued laptops must be brought into the office a minimum of once per month, and as requested, to assure the necessary technology and security updates are installed. The Information Technology Services Office does not provide technology support for use of personal equipment for working from home.
- Any software installed on AOC-issued laptops remains the property of the AOC and is subject to all applicable copyright laws and rules and regulations on the use or reproduction of software.
- Upon termination of a remote work assignment or employment, or when requested by the supervisor, the employee must return all AOC property, including software.

Computer support for remote workers is available from the Information Technology Services Office Helpdesk during the hours of 7:30 a.m. – 6:00 p.m. Remote workers may request assistance by submitting an on-line service request to the AOC Service Portal, or contacting the HelpDesk at (415) 865-4080 or helpdesk@jud.ca.gov.

(3) Information Security

Network and information security are important considerations when working from home. Remote workers are expected to maintain the security, privacy, and confidentiality of information when working at the home work site or transporting data to and from work sites, including:

- Remote workers must follow all organizational data retention, backup and security procedures.
- Remote workers must restrict access to confidential and personal information from family members and others. (Use of AOC Property, policy 8.8(D)).
- Access-restricted material and data must remain secured, and cannot be taken out of the official work location without supervisory approval.

Some AOC applications will be restricted to on-site access for security reasons. Other data may be unavailable to remote workers for technical reasons. For example, remote access to network drives is only available to employees approved and provided resources for access.

Remote workers must report any potential breach of AOC information security immediately to the Information Technology Services Office HelpDesk.

(4) Health and Safety

Remote workers are responsible for ensuring that their home offices comply with health and safety requirements. The AOC may decline an employee's request to work from home or may terminate a remote work assignment based on safety considerations. The home office may be inspected by the AOC, by appointment, for compliance with health and safety requirements.

If an employee incurs a work-related injury while working from home, workers' compensation law and rules apply. Consistent with [AOC's Workers' Compensation Insurance, policy 6.6](#), employees must immediately notify their supervisor, or if their supervisor is not immediately available, the Human Resources Services Office, Integrated Disability Management Unit, of any work-related injury and complete all required documents.

(E) Other Employee Rights and Responsibilities

Remote workers maintain the rights and responsibilities set forth in AOC policies and procedures to the same extent as if not working remotely. In particular, employees must comply with [Technology Use, policy 8.6](#) and [AOC Computer Use Best Practices](#).

(F) Termination and Renewal of Remote Work Assignment

Participation in the remote work program is voluntary and it is a privilege. Either the employee or the AOC may terminate participation in the remote work program at any time, for any reason or no reason at all. Failure to abide by the policies and procedures set forth in this pilot program may result in immediate termination of an employee's remote work assignment. Any suspension or termination of a remote work assignment must be immediately reported to HR.

It shall be the continuing duty of the office leadership in each office, in which one or more employees telecommute, to assess the performance of each such employee by adhering to the terms, conditions, and standards of this pilot program.

Approval to participate in the remote work program is only valid for the fiscal year in which it is approved. Remote Work Applications must be renewed and approved by the Administrative Director or designee each fiscal year, on or before June 30, as well as when there is a change in the remote worker's or supervisor's position, or any other change that may impact the remote work arrangement. Remote workers who wish to continue their current remote work arrangement without modification are only required to complete the Remote Work Application form (Attachment II) to request renewal. A remote work arrangement must not be continued when it does not meet the business needs or help accomplish the mission of the AOC.

All regularly scheduled remote work arrangements must be approved by the Administrative Director or designee. Approval to participate in the remote work program is based on specific criteria considered by the employee's office leadership and the Human Resources Services Office, on a case-by-case basis. As circumstances may change over time, employees previously participating in the remote work program are not assured of a remote work assignment when returning from a leave of absence or after a job transfer.



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

Date	Action Requested
November 25, 2013	For Your Information
To	Deadline
Members of the Executive and Planning Committee	N/A
From	Contact
Steven Jahr, Administrative Director of the Courts	Kenneth R. Couch, Director Human Resources Services Office 415-865-4271 phone 415-865-4582 fax kenneth.couch@jud.ca.gov
Subject	
Six-Month Update on AOC Pilot Telecommuting Program	Michael Guevara, Senior Manager 415-865-7586 phone 415-865-8873 fax michael.guevara@jud.ca.gov

Executive Summary

The Administrative Office of the Courts (AOC), Human Resources Services Office (HRSO) has prepared this six-month interim status report on the progress of Judicial Council Directive 26, which states 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.

This report includes a six-month update of the pilot telecommuting program. It includes information on how the program was implemented, details on employee usage, how accountability has been monitored, and next steps in the process.

Previous Council Action

On August 31, 2012, the Judicial Council directed the Administrative Director of the Courts to ensure that the AOC consistently adhered to its existing telecommuting (working remotely) policy. The council also requested that the Administrative Director identify and correct all existing deviations from and violations of the existing policy.

On December 14, 2012, the council directed the Administrative Director to review Policy 8.9 (attachment 1), Working Remotely (Telecommuting), of the *AOC Personnel and Policies Procedures Manual* and provide the council with a report proposing any recommendations and amendments to the policy. The council also directed the Administrative Director to consider and report on alternatives—including whether this policy should remain in force—and return with a report and recommendations for the council’s February 2013 meeting.

During the February 2013 meeting, the Administrative Director requested, in his report, that the Judicial Council consider and approve one of the following options:

1. Eliminate all forms of telecommuting;
2. Eliminate regular telecommuting and only allow for limited ad hoc telecommuting under special circumstances; or
3. Permit telecommuting by approving a restructured and more restrictive telecommute policy, including controls for approving, monitoring, and, if necessary, rescinding participation.

The Judicial Council approved a twelve-month pilot of the proposed amended Policy 8.9 (attachment 2), Working Remotely (Telecommuting) Pilot Program, authorizing employees to work from home only when doing so is consistent with business needs and the employee’s job functions, as authorized by the Administrative Director. Included with the new pilot program, the council approved the use of ad hoc remote work arrangements, limited to no more than two workdays per month, when unknown business or personal needs arise.

The council directed that an interim report be provided to the Executive and Planning Committee (E&P) following six months of implementation, and a full report be presented to the Judicial Council at the completion of the one-year pilot program.

Participant Data – Past and Present

The original policy allowed for up to eight days per month of telecommuting, and provided each office leader with discretion regarding any exceptions to the policy. In 2012, 98 employees (including supervisors and managers) participated in the Working Remotely (Telecommuting) Program, representing 454 remote working days per month. The telecommuting benefit for supervisors and managers was eliminated when the amended pilot program was implemented in March 2013.

Currently, under the pilot telecommute program, there are 69 individuals who have been approved to telecommute on a one-day-per-week basis, representing 276 remote workdays per month. This represents a 30 percent decrease in telecommute approvals and about a 40 percent decrease in the number of telecommute days utilized per month utilizing the criteria established by the Administrative Director.

Office	2012 Participation	# days per month	2013 Participation	# days per month
Center for Families, Children and the Courts	28	104	16	64
Center for Judiciary Education and Research	12	54	10	40
Court Operations Special Services Office	17	80	4	16
Criminal Justice Court Services Office	2	8	4	16
Human Resources Services Office	0	0	1	4
Information Technology Services Office	23	92	14	56
Judicial Council Support Services	0	0	1	4
Legal Services Office	15	112	8	32
Trial Court Administrative Services Office	0	0	9	36
Executive Office	1	4	0	0
Trial Court Liaisons Office	0	0	2	8
Totals	98	454	69	276

Methodology and Process

Pilot Remote Work (Telecommute) Program Application Process

1. A transitional period was granted by the Administrative Director through May 31, 2013, to allow for an application period and to allow individuals on prior telecommute schedules time to adjust to the new policy parameters;
2. Employees were asked to submit applications to a central email account (pilot.telecommute@jud.ca.gov) for tracking and monitoring by HRSO;
3. The HRSO reviewed applications and submitted to the Administrative Director for final review and approval; and
4. If approved, employees began their one-day-per-week telecommute after June 3, 2013, on a date approved by their supervisors. Employees were also required to submit weekly logs describing work performed during their telecommute days.

All other aspects of the pilot program, such as ad hoc telecommuting, became effective on March 1, 2013.

Ad hoc Telecommute Program

The ad hoc telecommute program is a separate component of the pilot program, offering employees the ability to work remotely no more than two days per month when extenuating circumstances arise. The ad hoc telecommute program is only available to individuals who do not participate in the regular pilot telecommute program.

Special Circumstances Affecting Employees' Commutes

Ad hoc Telecommuting Related to the BART Strike

In early July 2013, a special circumstance occurred when the employees of the Bay Area Rapid Transit (BART) went on strike, which resulted in a shutdown of one of the main public transportation services utilized by staff to commute to and from the San Francisco office. During this period, the AOC Executive Office authorized individuals who were directly impacted by the strike to ad hoc telecommute on the first two days of the BART closure.

This exception also applied to individuals who participated in the regular pilot telecommute program; however, no individual employee was allowed to telecommute more than two days during this particular week. Supervisors and managers were tasked with ensuring that any individuals who worked remotely during these days had significant assignments to cover the full duration of the remote work period. Special BART telecommute logs were collected to account for the remote work time and to record the types of duties performed while working remotely.

Ad hoc Telecommuting Related to the Bay Bridge Closure

In early September 2013, a special circumstance occurred when the Bay Bridge was closed due to the road changes related to the opening of the new eastern span of the bridge. The closure was expected to create heavy traffic and congested public transit. During this period, the AOC Executive Office provided individuals with options that would meet the work needs of the AOC while trying to alleviate the commute during the period of the bridge closure.

The options provided during the bridge closure included: 1) the ability to allow up to two ad hoc telecommute days for those individuals not participating in the pilot program; 2) the ability to shift the regular telecommute day to a day impacted by the bridge closure (for those participating in the pilot program); 3) the ability to work a flexible work schedule to avoid heavy commute periods; or 4) the ability to utilize available accruals to take time off during impacted days.

Supervisors and managers were tasked with ensuring that any individuals who worked remotely during these days had significant assignments to cover the full duration of the remote work period. Special Bridge Closure telecommute logs were collected to account for the remote work time and to record the types of duties performed while working remotely.

Ad hoc Telecommuting Related to the Second BART Strike

In late October 2013, BART employees participated in a second strike, which, once again, resulted in a shutdown of one of the main public transportation services utilized by staff to commute to and from the San Francisco office. This closure of the public transportation system was anticipated and the AOC Executive Office authorized the following options to ease the commute burden on employees: 1) the use of the two ad hoc telecommute days, as allowed by policy to those individuals who were not participating in the pilot telecommute program; 2) allow those on the pilot telecommute program to shift their one telecommute day within that same week; 3) allow employees to adopt a flexible work schedule as permitted by business needs and supervisor approval; or 4) allow employees to use available accrued leave as permitted by business need and supervisor approval.

During the second BART strike, supervisors and managers were tasked with ensuring that any individuals who worked remotely during these days had significant assignments to cover the full duration of the remote work period. Special BART telecommute logs were collected to account for the remote work time and to record the types of duties performed while working remotely.

Use of Work Logs

Individuals who participate in the pilot program are required to submit a weekly remote work log to the supervisor of the unit. This log includes a listing of the duties/tasks completed during the designated remote workday.

Sample Duties and Tasks Reported on Work Logs

Work logs have been collected from participants of the pilot program and those who worked remotely on an ad hoc basis during any of the special circumstances previously listed. The most common remote work duties or tasks reported included:

- Reviewing documents, researching (project based, legal research and data collection), analyzing data;
- Preparing for projects (presentations, timeline development, and curriculum development);
- Responding to communications (email and phone);
- Participating in conference calls; and
- Writing and editing reports.

Duties specific to a particular office were also listed, but were less common on the logs. The HRSO reviews the logs regularly and contacts individual supervisors with any questions or concerns regarding the content of the log or the duties/tasks performed. Supervisors and managers who had participants in either the pilot program or the ad hoc program were satisfied with both the quality and quantity of work provided during the remote work periods.

Policy and Cost Implications

It was determined that part-time employees, employees acting in a senior-level or lead capacity, and employees requiring direct supervision were not allowed to participate in pilot telecommute program, as the essential duties of their positions required their presence at the workplace.

Part-time Employees

For employees on a part-time schedule—as they are already unavailable one to three days per week—any additional time out of the workplace would further affect productivity.

Employees Acting in a Senior-level or Lead Capacity

Employees in a senior-level role—which involves regularly interacting with staff, sharing their knowledge and skills, and providing guidance—are critical to the daily operations of the AOC. Working remotely inhibits the ability of a person in this role to provide onsite guidance and face-to-face interaction.

Employees Requiring Direct Supervision

Most classifications identify the amount of supervision expected during the workday. If the phrase “works under direct supervision” is listed in an employee’s job classification, then that employee is expected to be present in the workplace to provide customer support under the guidance of the lead or supervisor. Additionally, if an employee’s regular presence in the workplace is integral to the functions of the unit, it is likely that the application will be denied by the Administrative Director.

Summary of Findings

- In the initial application period (March 1, 2013, through March 29, 2013) there were 105 applications received from employees, with a desire to telecommute one day per week.
- Upon review of those applications, the Administrative Director made certain policy determinations, as outlined in the *Policy and Cost Implications* section above, resulting in the approval of 63 of the applications for participation in the program and the denial of 42.
- As a result of feedback from the Management Council, the Administrative Director directed the HRSO to provide all offices with an updated application process—incorporating the policy determinations that would be utilized moving forward. Application packets were sent to all members of the Management Council on May 29, 2013.
- All new and resubmitted applications included a detailed job description listing the job duties that could be effectively performed remotely.

As a result of this amended process, one new application was submitted and five employees¹ resubmitted their applications to telecommute. Based on the application materials, recommendations from the supervisor, office leader and the HRSO, all six individuals were approved by the Administrative Director for one day per week telecommuting, in accordance with the pilot program parameters. These additional approvals resulted in a total of 106 applicants, 69 approvals and 37 denials.

¹ These five employees were originally denied from participating in the Pilot Program.

Pilot Remote Work (Telecommute) Program Results

As of September 3, 2013, 69 individuals have been approved to telecommute through the pilot program, representing approximately 9.6 percent of current AOC staff. The chart below illustrates the number of participants from the various AOC offices:

OFFICE	# OF APPLICATIONS	APPROVED	DENIED
Center for Families, Children and the Courts	29	16	13
Center for Judiciary Education and Research	12	10	2
Court Operations Special Services Office	8	4	4
Criminal Justice Court Services Office	5	4	1
Human Resources Services Office	1	1	0
Information Technology Services Office	23	14	9
Judicial Council Support Services	1	1	0
Legal Services Office	10	8	2
Office of Real Estate and Facilities Management	2	0	2
Trial Court Administrative Services Office	12	9	3
Trial Court Liaison Office	3	2	1
TOTALS	106	69	37

Ad hoc Telecommuting Results

The chart below details the usage of ad hoc telecommuting by office over the first six months of the program:

Office	March	April	May	June	July	Aug	TOTAL
Information Technology Services Office	2	3	2	5	4	6	22
Center for Families, Children and the Courts	2	5	1	9	9	9	35
Center for Judiciary Education and Research	6	7	3	1	3	7	27
Trial Court Administrative Services Office	0	5	6	7	14	8	40
Court Operations Special Services Office	0	2	2	5	4	6	19
Legal Services Office	1	3	4	2	5	5	20
Human Resources Services Office	3	3	5	2	0	6	19
Trial Court Liaison Office	0	0	0	2	0	0	2
Criminal Justice Court Services Office	0	1	0	0	0	0	1
Internal Audit Services	0	0	2	0	0	0	2
Fiscal Services Office	1	1	0	0	0	1	3
Judicial Council Support Services	0	1	0	0	0	0	1
Executive Office	0	0	1	0	0	0	1
Totals	15	31	26	33	39	48	192

The average ad hoc telecommute usage among the entire AOC has averaged approximately 32 days per month, representing less than 1 percent of staff work time spent ad hoc telecommuting.

Ad hoc Telecommuting Related to the BART strikes and Bay Bridge Closure

The chart below shows the utilization of the special ad hoc remote workdays during the BART strikes and the Bay Bridge Closure:

Office	Special BART Strike (July 2013) Ad Hoc	Special Bay Bridge Closure Ad Hoc	Special BART Strike (Oct 2013) Ad Hoc ²
Information Technology Services Office	48	3	12
Center for Families, Children and the Courts	30	2	7
Center for Judiciary Education and Research	17	0	8
Trial Court Administrative Services Office	0	1	1
Court Operations Special Services Office	18	3	4
Legal Services Office	15	3	2
Human Resources Services Office	10	5	7
Trial Court Liaison Office	8	0	2
Criminal Justice Court Services Office	7	0	7
Internal Audit Services	5	0	0
Office of Security	4	2	0
Fiscal Services Office	2	0	1
Office of Real Estate and Facilities Management	3	0	0
Office of Communications	1	0	0
Totals	168	19	51

Next Steps

The HRSO will continue to review the telecommute logs to monitor appropriate quantities of work and the types of duties/tasks performed.

The HRSO will continue to review and make recommendations to the Administrative Director for any new applications requesting to participate in the pilot program.

Regular reports will be provided to the Administrative Director on the number of employees participating in the program, both on the Remote Work (Telecommute) Program and the Ad Hoc Telecommute Program.

Future reports will include any special circumstances affecting employees' commutes.

Attachments

1. Policy 8.9 - Working Remotely (Telecommuting)
2. REVISED Policy 8.9 - Working Remotely (Telecommuting) Pilot Program

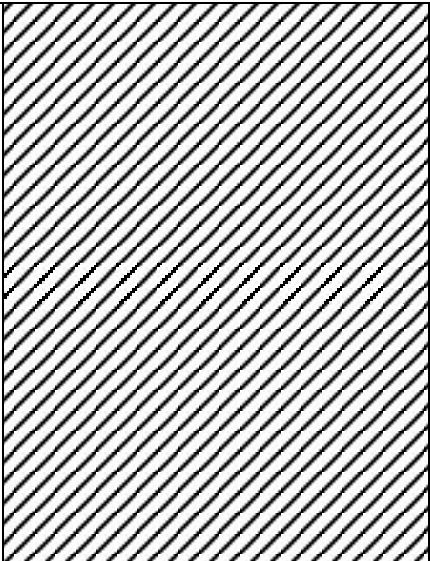
² Offices with zero instances did not have any reportable data submitted by the October 31, 2013 deadline.

Summary of Changes to Policy 8.9

The following chart summarizes revisions to Policy 8.9 and describes the controls and tracking mechanisms used in the more restrictive regular and ad hoc pilot programs.

	Regular Pilot Telecommute Program	Ad Hoc Telecommute Program
Defined eligibility requirements.	The AOC Executive Office restricted application of the program in comparison with the previous program and determined that part-time employees, employees acting in a senior-level or lead capacity, and employees requiring general supervision would not be allowed to participate in the pilot telecommute program as the essential duties of their positions required their presence at the workplace.	The AOC Human Resources Services Office reviewed requests to ensure that employees who were participating in the regularly scheduled remote work program were not, at the same time, working from home on an “ad hoc” basis.
Lower utilization rates.	With the implementation of the regular pilot policy, the AOC experienced a 33 percent decrease in telecommute participants from 2012 and an approximate 42 percent decrease in the number of telecommute days utilized per month.	The previous ad hoc program was not measured. In the current pilot program, the average ad hoc telecommute usage within the entire AOC has averaged approximately 36 days per month, representing less than one percent of staff work time spent ad hoc telecommuting. Well more than half of that usage occurred during three disruptive events in the Bay Area.
Centralized application and review process allowed for consistent application of the policy throughout the AOC.	In the previous policy, division directors were given the authority to approve or deny participation. Under the new pilot program, the decision is made by the Administrative Director. The AOC received 105 applications for the regular pilot program. Upon review, the Administrative Director made certain policy determinations, resulting in only 65 employees currently participating in the program.	New to the pilot program, each office leader reviewed and approved each request for ad hoc telecommuting.

Attachment E:

<p>Arming managers and supervisors with the tools necessary to address special circumstances.</p>		<p>During special circumstances in the past, division directors had the discretion to offer employees various options, which contributed to inconsistencies.</p> <p>When special circumstances occurred during the pilot period that required exceptional considerations, the Executive Office further defined consistent parameters agency wide of the ad hoc program to allow for flexibility while operating within the parameters of the policy.</p>
<p>Tracking and monitoring.</p>	<p>Participants submit work logs to their supervisors for review on a monthly basis. Work logs may be audited at any time to ensure that the duties performed while telecommuting are appropriate and sufficient for a full day's work.</p>	<p>The centralized review process allowed tracking of the utilization of the ad hoc remote work days. The AOC Human Resources Services Office examined patterns of usage and potential usage by employees who were not qualified to ad hoc telecommute.</p>

~~Pilot Program Policy~~
Number: 8.9

Title: Working Remotely (Telecommuting) ~~Pilot~~ Program

Contact: Judicial and Court Administrative Services Division,
Human Resources Services Office

Program Statement: The AOC's Remote Work Program authorizes employees to work from home only when doing so is consistent with business needs and the employee's job functions, as authorized by the Administrative Director.

Contents: (A) Purpose of Remote Work Program
(B) Regularly Scheduled Remote Work
(1) Applicability
(2) Request and Approval Process
(3) Remote Work Schedules
(4) Remote Work Log
(C) Ad Hoc Remote Work
(D) The Home Office
(1) Work Environment
(2) Office Equipment
(3) Information Security
(4) Health and Safety
(E) Other Employee Rights and Responsibilities
(F) Termination and Renewal of Remote Work Assignment

(A) Purpose of Remote Work Program

When consistent with business needs and the employee's job functions, the AOC provides employees with a remote work option. Employees participate in the remote work program when, on a periodic basis, during their scheduled work hours, they perform their usual job duties from home. The terms "working remotely", "work remotely", and "remote worker" as used in this ~~pilot~~ program refer to the performance of usual job duties at home. Home locations for purposes of this ~~pilot~~ program shall be in the state of California.

Suitability to participate in the remote work program is based, in part, on an employee's job classification and the nature of the work to be performed by the employee. Those factors alone may compel disapproval of an application to participate in the remote work program.

The AOC recognizes the potential organizational and personal benefits available through a carefully planned and managed remote work program. Both the state and federal government have recognized the positive impacts of remote work programs that include reductions in air pollution, traffic congestion and the costs of highway commuting. Additionally remote working can provide employees with more flexibility in their schedules resulting in increased productivity and employee morale.

This ~~pilot~~ program covers two types of remote work options:

- (1) Regularly scheduled (which allows employees to work from home on a regular, ongoing basis, as described in Section (B) (3) of this ~~pilot~~ program), and
- (2) "Ad hoc" (occasional, one-time approval to work from home, as described in Section (C) of this ~~pilot~~ program).

Employees working in more than one location, other than the home, due to work-related travel, and/or working from multiple AOC offices or court locations, are considered to be working in the office. This Remote Work ~~Pilot~~ Program does not apply to that activity.

Requests to work from home as a reasonable accommodation for a disability will be evaluated consistent with applicable law. Such requests should be directed to the employee's supervisor and approved by the Human Resources Services Office (HR), Integrated Disability Management Unit.

(B) Regularly Scheduled Remote Work

(1) Applicability

Only ~~non-supervisory full-time~~ AOC employees (regular or temporary, ~~full-time or part-time~~, exempt or non-exempt) not serving in a supervisory or lead capacity or whose job description does not require general supervision may apply to participate in the remote work program on a regularly scheduled basis.

(2) Request and Approval Process

An employee may initiate a request to participate in the remote work program on a regularly scheduled basis by submitting a completed [Remote Worker Self-Assessment](#) and [Remote Work Application](#) to his or her supervisor. The supervisor will review the request and make a recommendation to the office leadership. Office leadership will submit the request with a recommendation to Human Resources. Human Resources will review the request to ensure that the application meets all applicable ~~pilot~~ program criteria. HR will submit the request with a recommendation to the Executive Office for consideration. Approval of a remote work arrangement is at the discretion of the Administrative Director or designee.

Step 1 – Office Leadership Review

A request to participate in the remote work program must be reviewed by the employee's office leadership, who will determine if the employee, while working from home, can perform all of the duties and responsibilities of the position in a manner that meets the needs of the organization. When considering a request to work from home, all of the following factors will be considered:

- Nature of Work
The type of work performed by the employee.
- Quantity of work

How much work can get done from home?

- Quality of work
How well can the work be completed from home?
- Timeliness
Can timelines be met when working from home?
- Ability to handle multiple priorities
Is it possible to successfully multitask when working from home?

Employees must also demonstrate suitability of the proposed home work environment.

Employees with performance, attendance, or other work-related deficiencies, or whose jobs by their nature are not suitable for remote work, will not be approved for a remote work arrangement.

Office leaders are expected to review each application with the expectation that services not be impacted as a result of telecommuting. As such, each office must strive to achieve a balance in ensuring that employees are readily available at all times.

Step 2 – Human Resources Services Office Review

Completed remote work applications reviewed by the originating office's leadership shall be submitted to HR for additional review.

HR will review applications to ensure that signatures have been obtained; the agreement is consistent with the parameters of AOC policies and procedures; and the employee's duties and responsibilities align to the five factors noted previously. HR will also consider the following when reviewing applications:

- Requested telecommute day
What is the requested telecommute day and are there coworkers telecommuting?
- Current division and unit balance
How many pilot program participants does the office currently have in relation to office and unit totals?
- Ability to handle scheduled and unexpected leaves
Will the office have coverage in times of scheduled days off or unexpected absences?
- Performance Improvement Plan (PIP)
Is the employee currently on a PIP? Has the employee had past performance issues?

Any remote work agreement that is not complete, does not have all required signatures, or is outside of the scope of the ~~pilot~~ program will be returned to the originating office for review. Remote work schedules may not begin until the remote work agreement has been approved by the Administrative Director or designee.

Step 3 – Administrative Director or designee’s review

The Administrative Director or designee will review the remote work agreement and determine whether to approve or deny. If the remote work agreement is approved, HR will notify the Office Leadership of the approval and a start date can be coordinated with the employee.

(3) Remote Work Schedules

[Employees Full-time employees](#) (excluding [leads](#), supervisors, managers, assistant directors, and directors) may be approved to work from home on a regularly scheduled basis as follows:

- During the first 12 months of employment, employees are not eligible to participate in the remote work program.
- After 12 months of employment, employees are eligible to request to work from home up to a maximum of one day per week in any given week.

If approved, the remote work schedule applicable to a particular employee will be set by the supervisor before remote working begins. Remote workers must be available during the standard workday from 8 a.m. to 5 p.m., Monday through Friday (Hours of Work, policy 4.4(A)), or alternative schedule as approved by their supervisor, to the same extent as if working in the office. The remote work schedule may be modified, with supervisor approval, as needed:

- The remote work assignment may be suspended or terminated at any time, for any reason at the discretion of the office leadership. If a remote work assignment is suspended or terminated the HR work coordinator must be notified immediately.
- If an employee is needed in the office on a regularly scheduled remote work day, the employee must forgo the remote work day. Employees cannot “make up” missed remote work days.
- Remote workers must request approval for time off in the same manner as if not working from home.
- With prior approval, remote workers may attend medical, dental, and business appointments on remote work days.
- For non-exempt employees, any overtime work must be authorized in advance and in writing ([Hours of Work, policy 4.4\(C\)\(1\)](#)).

(4) Remote Work Log

AOC employees approved for a regular remote work schedule must complete a [remote work log](#) for each day that they work from home. The remote work log must be provided regularly to the supervisor for review of work progress during remote work days. Employees who do not satisfactorily complete a remote work log or their assignments during remote work days may have their remote work assignment suspended or terminated at the discretion of the office leadership.

(C) Ad Hoc Remote Work

An employee of the AOC (including [part-time employees, leads](#), managers and supervisors) may alternatively be approved to work from home on an “ad hoc” basis (i.e., not on a regular basis), which may arise due to [special projects, extenuating circumstances such as](#) the demand for expedited work products, or other business or personal needs. The employee’s office leader may approve ad hoc work from home on a case-by-case basis. Each office will submit a monthly report of ad hoc remote work to the HR remote work coordinator. Quarterly reports will be submitted to the Administrative Director. Approval to work remotely on an ad hoc basis does not require submission of the forms referenced in Section (B)(2) of this ~~pilot~~ program and does not confer eligibility to work from home on a regularly scheduled basis.

~~“Ad hoc” remote work occurrences are limited to two days per month in any given month. intended to provide an ability to work remotely during special circumstance situations and are not meant to supplant the remote working program. “Ad Hoc” remote work situations are limited to a maximum of two days per month in any given month. Quarterly reports are provided to the Executive Office for review. Unusually high utilization or patterns of usage by an office or an individual may result in suspension of the “Ad Hoc” opportunity at the discretion of the Administrative Director.~~

Employees who are participating in the regularly scheduled remote work program may not, at the same time, work from home on an “ad hoc” basis.

The supervisor or manager recommends approval of the ad hoc remote working-

request and submits to his or her office leadership. Office leadership ~~may approve the ad hoc remote work and record the usage on~~ shall submit a monthly [usage](#) report ~~that will be submitted~~ to HR. HR will collect that data and provide quarterly utilization reports to the Administrative Director.

(D) The Home Office

(1) Work Environment

Remote workers are responsible for maintaining a safe and productive work environment. Dependent care arrangements must be made so as not to interfere with work. Personal disruptions must be limited to the same extent as when working in the employee’s primary work location.

(2) Office Equipment

The AOC will provide a laptop, subject to availability, for purposes of working from home. Maintenance, repair, and replacement of AOC-owned equipment issued to remote workers is the responsibility of the AOC. The remote worker, however, must provide adequate care and protection of the equipment. [\(Use of AOC Property, policy 8.8\(B\)\)](#). In case of equipment malfunction, the remote worker must notify his or her supervisor immediately. Expenses for purchases, supplies, and repairs to personal equipment will not be reimbursed. Remote workers must restrict access to AOC-provided office equipment from family members and others.

The remote worker must also observe the following:

- The remote worker is responsible to provide appropriate Internet connectivity in order to perform work duties. DSL or cable-based service is normally acceptable for this purpose.
- AOC-issued laptops must be brought into the office a minimum of once per month, and as requested, to assure the necessary technology and security updates are installed. The Information Technology Services Office does not provide technology support for use of personal equipment for working from home.
- Any software installed on AOC-issued laptops remains the property of the AOC and is subject to all applicable copyright laws and rules and regulations on the use or reproduction of software.
- Upon termination of a remote work assignment or employment, or when requested by the supervisor, the employee must return all AOC property, including software.

Computer support for remote workers is available from the Information Technology Services Office Helpdesk during the hours of 7:30 a.m. – 6:00 p.m. Remote workers may request assistance by submitting an on-line service request to the AOC Service Portal, or contacting the HelpDesk at (415) 865-4080 or helpdesk@jud.ca.gov.

(3) Information Security

Network and information security are important considerations when working from home. Remote workers are expected to maintain the security, privacy, and confidentiality of information when working at the home work site or transporting data to and from work sites, including:

- Remote workers must follow all organizational data retention, backup and security procedures.
- Remote workers must restrict access to confidential and personal information from family members and others. (Use of AOC Property, policy 8.8(D)).
- Access-restricted material and data must remain secured, and cannot be taken out of the official work location without supervisory approval.

Some AOC applications will be restricted to on-site access for security reasons. Other data may be unavailable to remote workers for technical reasons. For example, remote access to network drives is only available to employees approved and provided resources for access.

Remote workers must report any potential breach of AOC information security immediately to the Information Technology Services Office HelpDesk.

(4) Health and Safety

Remote workers are responsible for ensuring that their home offices comply with health and safety requirements. The AOC may decline an employee's request to work from home or may terminate a remote work assignment based on safety considerations. The home office may be inspected by the AOC, by appointment, for compliance with health and safety requirements.

If an employee incurs a work-related injury while working from home, workers' compensation law and rules apply. Consistent with [AOC's Workers' Compensation Insurance, policy 6.6](#), employees must immediately notify their supervisor, or if their supervisor is not immediately available, the Human Resources Services Office, Integrated Disability Management Unit, of any work-related injury and complete all required documents.

(E) Other Employee Rights and Responsibilities

Remote workers maintain the rights and responsibilities set forth in AOC policies and procedures to the same extent as if not working remotely. In particular, employees must comply with [Technology Use, policy 8.6](#) and [AOC Computer Use Best Practices](#).

(F) Termination and Renewal of Remote Work Assignment

Participation in the remote work program is voluntary and it is a privilege. Either the employee or the AOC may terminate participation in the remote work program at any time, for any reason or no reason at all. Failure to abide by the policies and procedures set forth in this ~~pilot~~ program may result in immediate termination of an employee's remote work assignment. Any suspension or termination of a remote work assignment must be immediately reported to HR.

It shall be the continuing duty of the office leadership in each office, in which one or more employees telecommute, to assess the performance of each such employee by adhering to the terms, conditions, and standards of this ~~pilot~~ program.

Approval to participate in the remote work program is only valid for the fiscal year in which it is approved. Remote Work Applications must be renewed and approved by the Administrative Director or designee each fiscal year, on or before June 30, as well as when there is a change in the remote worker's or supervisor's position, or any other change that may impact the remote work arrangement. Remote workers who wish to continue their current remote work arrangement without modification are only required to complete the ~~Remote Work Application form (Attachment H)~~ [Remote Work Application form \(Attachment I\)](#) to request renewal. A remote work arrangement must not be continued when it does not meet the business needs or help accomplish the mission of the AOC.

All regularly scheduled remote work arrangements, [including renewals](#), must be approved by the Administrative Director or designee [prior to commencement of the remote work schedule](#). Approval to participate in the remote work program is based on specific criteria considered by the employee's office leadership and the Human Resources Services Office, on a case-by-case basis. As circumstances may change over time, employees previously participating in the remote work program are not assured of a remote work assignment when returning from a leave of absence or after a job transfer.

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	4/2/2013
PREPARED BY	Patrick Farrales
OFFICE NAME	<u>Human Resources Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	27
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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. 7-36. The AOC's at-will employment policy provides management with maximum hiring and firing flexibility, and should be exercised when appropriate.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>The AOC has continued to exercise Policy 2.1, Employment At Will, when appropriate and warranted. It is important to note that while the existence of the at-will employment policy provides flexibility, it is the goal of the AOC to encourage quality communications in a rich and supportive working environment.</p> <p>In February 2012, after a series of investigations concerning serious performance issues and violations of policy, the Human Resources Services Office worked with the Office of Legal Services to draft a number of Performance Improvement Plans (PIP) to provide employees with opportunities for improvement and guidance to meet expected performance levels. In some cases, employees improved performance levels and remained on the job. In others, the AOC utilized its at-will employment policy to terminate individuals from employment for performance-related issues or serious violations of policy. Since February 2012, the AOC has terminated a number of individuals for reasons stated above.</p> <p>Furthermore the at-will policy shaped the development of Policy 2.9, Reductions in Staffing (Layoffs). On May 8, 2012, the Interim Administrative Director approved Policy 2.9, which provides guidance to implement staffing reductions based on non-discriminatory, business-related criteria. In June 2012, the AOC implemented a layoff to achieve cost savings, resulting in the termination of 40 employees.</p>	



JC Directive 27
Report_Final.docx
Microsoft Office Word
Document
18.9 KB

This directive is forwarded to the Judicial Council with options for consideration:

File Attachment

Other:

File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

**IMPLEMENTATION
DATE OR
PROJECTED
IMPLEMENTATION
DATE**

Ongoing activities related to utilization of the at-will policy. Formal training on the at-will policy begins May 1, 2013 to June 20, 2013.

**RESOURCES
REQUIRED FOR
IMPLEMENTATION**

CJER, HRSO, and Legal Services staff will serve as faculty for the course.

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

**PROCEDURES/
POLICIES UPDATED
OR DEVELOPED**


The current AOC policy will remain in place; however the training will focus on the legal definitions of at-will and the applicability of the law to common workplace situations.



Policy 2.1 - Employment
At Will.pdf
Adobe Acrobat Document
10.5 KB

**TRAINING
UPDATED OR
DEVELOPED**

From January 2013 to December 2013, the AOC will be holding a series of management courses aimed at teaching managers and supervisors various leadership development topics. One of the topics focuses on "The At-Will Environment and Other Legal Issues." The AOC will conduct eight sessions on this topic between May 1, 2013 and June 20, 2013.

	 Course Description.docx Microsoft Office Word Document 12.2 KB
<input type="checkbox"/> SAVINGS	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> COST	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> EFFICIENCIES	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> SERVICE LEVEL IMPACT	<input type="text"/> <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> OTHER	<p>The at-will policy is the guiding force behind several Judicial Council directives dealing with performance management and the disciplinary process. In June 2013, the AOC will present a report to the Judicial Council that outlines the steps for an organization-wide performance management program. The program will be introduced in July 2013, with the plan for a full implementation beginning in January 2014.</p> <p>Additionally, the AOC will also amend Policy 8.1, Standards of Conduct, to clearly express the disciplinary process as well as the conduct expectations of AOC employees. As part of the amended Policy 8.1, the AOC will introduce a formal Performance Improvement Plan (PIP) process. This process represents the first in a series of steps to address an employee's performance and conduct prior to termination from employment.</p> <p>To strengthen the process, the AOC, through the classification and compensation study, will be updating job descriptions for all employees, which will ensure the program accurately accounts for employee performance and makes it easier for managers and supervisors to identify areas for improvement.</p> <input type="button" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="4/10/2013"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="4/17/2013"/>

AOC Utilization of the At-Will Employment Policy

The Administrative Office of the Courts (AOC) adopted a new *AOC Personnel Policies and Procedures Manual* in July 2011. Chapter 2, General Employment Policies begins with Policy 2.1, Employment At Will. This policy clearly states that the AOC is an at-will employer. This means that both the employees and the AOC have the right to terminate employment at any time, with or without cause. Although this policy provides the AOC with the ability to terminate employment with or without cause, the reason for termination must be a lawful reason. Employees who are terminated from the AOC retain the right to file complaints with the Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC) and potentially litigate damages against the AOC.

Recent Use of the At-Will Employment Policy

In February 2012 the AOC Human Resources Services Office (HRSO) investigated a number of serious employee-related issues. At the time the Interim Administrative Director of the Courts and the Interim Chief Deputy Director instructed the HRSO team to work collaboratively with the Legal Services Office (LSO) to address any serious performance issues or violations of policy. During this time HRSO staff drafted a number of Performance Improvement Plans (PIP) to provide opportunities for improvement and appropriate guidance to employees who had fallen below the expected performance levels.

Throughout this period the AOC continued to exercise the at-will policy when appropriate, and terminated individuals who did not demonstrate improved performance or seriously violated policies, procedures or ethical standards.

Since February 2012, the AOC has exercised the at-will policy and has terminated a number of individuals from employment for performance-related issues or for serious violations of policy or procedure. Although the AOC is an at-will employer, it has, at its discretion, provided the terminated employee with a written reason or rationale for the determination. The AOC generally provides written justification to the Employment Development Department (EDD) when considering claims for unemployment.

Reductions in Staffing Policy and AOC Layoffs

On May 18, 2012, the Interim Administrative Director approved Policy 2.9, Reductions in Staffing (Layoffs). This policy provides guidance, based on non-discriminatory, business-related criteria, to implement staffing reductions and achieve necessary cost savings. The at-will employment policy provided leadership the flexibility to develop the policy which met the needs of the AOC.

In June 2012 the AOC implemented its first round of layoffs. At the completion of the layoff process **40** individuals were separated from employment with the AOC.

Next Steps

While the existence of the at-will employment policy provides flexibility when making employment decisions, it is the goal of the AOC to encourage quality communications in a rich and supportive working environment. In order to achieve this goal the Administrative Director has directed the Human Resources Services Office to fully implement Policy 3.9, Performance Management Program, of the AOC *Personnel Policies and Procedures Manual*.

In order to properly institute a quality and meaningful program a number of steps need to occur to create a foundation for true performance management. The AOC will outline these steps in a report to the Judicial Council in June 2013, with a plan for full implementation beginning January 2014. The AOC will implement a uniform performance management program throughout the AOC.

Additionally, the AOC will review Policy 8.1, Standards of Conduct, and amend it to clearly express the conduct expectations of AOC employees and the disciplinary process for issues related to performance or misconduct. Specifically, the AOC will add an official Performance Improvement Plan (PIP) process to the disciplinary process, which will highlight to employees that communication is the most effective method of initiating growth and change. To strengthen the process, the AOC, through the classification and compensation study, will be updating job descriptions for all employees, which will ensure the program accurately accounts for employee performance and makes it easier for managers and supervisors to identify areas for improvement.

Furthermore, the supervisor/manager training program, initiated in January 2013, will provide direct guidance to managers and supervisors on identifying performance gaps and effective methods of performance management as well as outlining the challenges of managing employees in an at-will environment.

The first set of courses focus on “The At-Will Environment and Other Legal Issues.” The AOC will conduct eight sessions on this topic between May 1, 2013 and June 20, 2013. The training continues throughout the year, with culminating sessions, which highlight performance management, in November and December 2013. After the training, the utilization of a uniform performance management program, combined with clear discipline procedures, the at-will policy and accurate job descriptions, will provide the AOC with a flexible and responsible approach to address and resolve any performance or conduct concerns.

Policy Number: 2.1

Title: Employment At Will

Contact: Human Resources Division, Policy Development Unit

Policy Statement: The AOC is an at-will employer.

All employment at the AOC is "at will." This means that both employees and the AOC have the right to terminate employment at any time, with or without advance notice, and with or without cause. No one other than the Administrative Director of the Courts has the authority to alter this arrangement, to enter into an agreement for employment for a specified period of time, or to make any agreement contrary to this at-will policy. Any such agreement must be in writing, signed by the Administrative Director of the Courts, in order to be effective.

MAY-JUNE

The At-Will Environment and Other Legal Issues – This course is designed to cover basic employment law issues including the “at will environment” that supervisors face on a day to day basis. The course will include:

Employee Status

1. Define At Will vs. For Cause.
2. Define Exempt vs. Non Exempt.

Harassment and Discrimination

3. Describe protected classes and related instances of discrimination in the workplace.

Accommodation

4. Respond to formal and informal requests for accommodation.

Leaves of Absence

5. Define rights of employees related to leave
6. Responding to requests for leave, e.g. FMLA/CFRA, Pregnancy/Childbirth, Parental, Jury, Military, Election, School Activities.

Privacy

7. Distinguish between the employer’s rights and the employee’s right to privacy.
8. Distinguish between Personnel and Supervisor files and employee right to access.

Liability

9. Identify supervisor’s personal liability exposure in the workplace.

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	6/5/2013
PREPARED BY	Patrick Farrales
OFFICE NAME	<u>Human Resources Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	28
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>Effective July 1, 2013, the AOC will introduce its revised performance management program for all AOC employees.</p> <p>The AOC Human Resources Services Office will outline the performance review process in July 2013, in conjunction with the AOC management training courses. Beginning in July 2013 to December 2013, the AOC will be holding a series of management courses designed to educate managers and supervisors on the performance review process. There will be three courses offered: Setting Expectations and Documenting Performance, Performance Management: Identifying and Addressing Performance Gaps, and AOC Performance Evaluation Process. Once managers and supervisors have had the opportunity to take these courses, the AOC will fully implement the performance review process by January 2014.</p> <p>The implementation of a performance management program throughout the AOC has been developed with the goal of ensuring that employees have the adequate resources and support to succeed in performing their jobs which are essential to the daily functions of the AOC as a support structure for the judicial branch. Effective communication and feedback are essential to both employee performance and customer service. The performance management program provides a mechanism for consistent feedback with formal documentation each year memorializing professional skills competencies as well as project and assignment accomplishments.</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 is an ongoing process.</p>	



Performance
Managment Guide.docx
Microsoft Office Word
Document
22.0 KB

This directive is forwarded to the Judicial Council with options for consideration:

File Attachment

Other:






File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	July 1, 2013
RESOURCES REQUIRED FOR IMPLEMENTATION	<p>The program will ultimately be incorporated in the AOC's HREMS database, which will allow for automated reminders and online forms and documentation. The AOC already possesses the necessary PeopleSoft module for performance management; an external Contractor has been assigned to incorporate the module into the existing database.</p> <p>The timing of the performance evaluation will be conducted a year after the last step increase. Staggered evaluations and review of the Performance Plan will be done throughout the year afterwards.</p> <p>In the interim, tracking and administration of Performance Management will be assigned to existing HRSO staff for a period of at least one complete performance cycle. This will allow time for the AOC to evaluate the program's effectiveness and address any challenges faced before full implementation into HREMS.</p>

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input checked="" type="checkbox"/> PROCEDURES/	<p>The AOC has updated and expanded Policy 3.9 - Performance Management Program to reflect the changes to the program.</p> <p>The amended policy outlines: (1) the purpose of the program, (2) the three phases of the performance management cycle, and (3) the inclusion of a Performance Improvement Plan for employees who experience performance challenges.</p> <p>For employees who are experiencing rectifiable performance issues, the Performance Improvement Plan (PIP) will provide supervisors with a</p>
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<p>POLICIES UPDATED OR DEVELOPED</p>	<p>mechanism for remediating issues that they believe can be remedied.</p> <div data-bbox="516 254 818 506" style="border: 1px solid gray; padding: 5px;">  <p>Policy 3 9 Performance Management Program.docx Microsoft Office Word Document 28.2 KB</p> </div>
<p><input checked="" type="checkbox"/> TRAINING UPDATED OR DEVELOPED</p>	<p>As noted earlier, the AOC will be holding a series of management courses designed to educate managers and supervisors on the performance review process. There will be three courses offered: Setting Expectations and Documenting Performance, Performance Management: Identifying and Addressing Performance Gaps, and AOC Performance Evaluation Process.</p> <p>Performance management tools are most effective when the individuals providing the feedback are familiar with the process and understand the value of providing consistent and quality feedback to employees. Over the past five months all members of AOC management have been participating in monthly courses designed to enhance the skills of all supervisors and managers. This training program will focus on performance management best practices and culminate in the introduction of the new performance management tools.</p> <div data-bbox="516 919 818 982" style="border: 1px solid gray; padding: 5px;">  File Attachment </div>
<p><input type="checkbox"/> SAVINGS</p>	<div data-bbox="516 1056 818 1119" style="border: 1px solid gray; padding: 5px;">  File Attachment </div>
<p><input checked="" type="checkbox"/> COST</p>	<p>To implement the program into HREMS, a one-time cost for services provided by a Contractor is included as part of the overall costs of the program. The project is currently budgeted at an amount not to exceed \$225,343. Depending on the implementation efforts required, the final cost of the project may be lower than anticipated.</p> <p>Otherwise, no additional costs shall be incurred in this program's implementation.</p> <div data-bbox="516 1371 818 1434" style="border: 1px solid gray; padding: 5px;">  File Attachment </div>
<p><input checked="" type="checkbox"/> EFFICIENCIES</p>	<p>The Performance Management program does not inhibit the at-will employment status of the AOC, nor does the existence of a PIP inhibit the ability of the AOC to discipline or terminate employees who are not meeting performance expectations. These tools are meant to create effective communications that will promote high levels of competency and encourage personal and professional growth opportunities for all AOC employees.</p> <p>Technical improvements to the program will also allow for more efficient tracking and processing for employees and their supervisors.</p> <div data-bbox="516 1749 818 1812" style="border: 1px solid gray; padding: 5px;">  File Attachment </div>
<p><input type="checkbox"/> SERVICE LEVEL</p>	<div data-bbox="487 1843 1386 1892" style="border: 1px solid gray; height: 23px;"></div>

IMPACT	<input type="text" value="File Attachment"/>
<input type="checkbox"/> OTHER	<input type="text" value=""/> <input type="text" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="6/13/2013"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="6/17/2013"/>

JUDICIAL COUNCIL OF CALIFORNIA

Administrative Office of the Courts

PERFORMANCE MANAGEMENT PROCESS GUIDELINES

The purpose of the Performance Management Process is to support and enhance the long-term success of the organization and its employees. The process focuses on involving supervisors and employees in identifying meaningful performance expectations that support the organization's goals, recognize individuals' contributions, and foster continuous development of employees. The planning and review process is designed to facilitate communication between supervisors and employees. A sample Performance Plan and Review Form is attached to these guidelines for reference.

OVERVIEW OF THE PROCESS

The process begins by planning and defining performance expectations for the upcoming plan period. The supervisor and employee meet to develop an annual performance plan by reviewing the performance factors and expectations necessary to successfully perform the employee's job duties as stated in the job description. As further defined below, performance factors reflect the skills necessary in order to successfully perform the job. Performance factors and specific tasks should be modified to reflect the employee's particular responsibilities. Key objectives, major goals or special assignments should be identified for each performance factor.

The supervisor and employee also create a development plan by identifying action steps that the employee will take to develop and/or enhance his/her job-related knowledge, skills, and abilities. The Annual Performance Plan and Review Form shall be utilized to record the planning and performance review process.

Throughout the planning and development cycle, the supervisor and employee should meet periodically to review progress and update expectations as needed. The planning cycle ends with an overall review of results accomplished during the previous year. Each cycle should last for one year from the date of initiation. However, plans may be adjusted throughout the year to reflect accomplishments, completed projects or areas needing improvement. A Performance Improvement Plan (PIP) may be initiated at any time to identify critical areas needing immediate improvement.

It is the responsibility of the employee's supervisor, manager and office leadership to ensure that all plans and reviews are completed and submitted to the Human Resources Services Office on a timely basis.

ANNUAL PERFORMANCE PLAN AND REVIEW

Development of Initial Plan

The process begins with the development of an initial performance review plan. Plan development can occur when a new employee is hired, when a job classification changes or when an individual transfers to a new unit. The initial plan should consist of a discussion, expectation setting and the development of anticipated duties, projects or goals.

Feedback Periods

It is expected that supervisors will provide feedback to the employee during each review period. The supervisor should reinforce the positive work habits and provide constructive feedback on improving areas where further development is necessary.

Prior to Annual Review

In the month before the formal annual review, the supervisor should provide the employee with an Employee Self-Assessment form [hyperlink]. This form will allow employees to provide comments on their own performance during the past year. This is an informal document that the supervisor will consider when completing the annual review.

Annual Assessment Meeting

Within a month of each employee's annual review date, it is expected that every supervisor will meet with the employee and conduct an interactive meeting where the supervisor will conduct the Annual Review. At the conclusion of the meeting the employee will be asked to sign the review to verify that the review took place. By signing, the employee is not agreeing to the contents of the review, but that the review was conducted.

During the review meeting, if the employee provides new information that may result in modifications to the review; the supervisor may make any desired changes and schedule a follow-up meeting with the employee prior to finalizing the annual review. The follow-up meeting would then take place and the employee would be asked to sign the revised review.

Rebuttal Period

If an employee disagrees with the supervisor's review, he or she may prepare a rebuttal. This rebuttal should be submitted to the supervisor no later than ten business days from the date the employee received the performance review. The employee's rebuttal should be attached to the review and both documents will be placed in the employee's personnel file.

Completing the Annual Performance and Plan Review

1. Performance Factors

To complete the Annual Performance Plan and Review Form, the supervisor and employee should first review and discuss the performance factors described on the plan. Performance factors should reflect the most significant work responsibilities for the employee during the planning period under consideration.

In preparing the plan, supervisors and employees should review the Professional Skills section. Each area is available for selection through the drop-down menu - when a skill is selected, a descriptor for that skill will appear in the selected area. Supervisors will then determine if the individual “exceeds expectations,” “meets expectations,” or “needs improvement” in each of the selected areas. Please note that, for areas such as punctuality, an “exceeds expectations” is not appropriate since it is a basic job expectation arrive to work as assigned. Any performance factors or specific tasks listed in the drop down menu that are not currently performed and will not be performed during the review period should not be identified.

Each area listed below is available for review. An employee review may include all these areas, but should contain no less than five of the areas listed:

- Technical and Professional Expertise
- Problem Solving
- Computer Skills
- Time Management
- Written Communications
- Verbal Communication
- Initiative
- Setting High Standards
- Relationship Building
- Customer Services
- Organizational Skills
- Punctuality

Additional performance factors and tasks should be added to the employee’s plan if the listed factors do not adequately represent the employee’s responsibilities.

2. Employee Development: Duties, Projects or Goals

The second, more specific area of the review process is the Duties, Projects or Goals section. In this section the supervisor and employee should identify duties, projects or

goals anticipated to be developed or completed during the next year. When considering an appropriate area to identify, supervisors may consider the following areas:

- Base load/ongoing work
- Time-limited assignments
- Multi-year projects with current milestones
- Special projects and assignments
- Job skills and development expectations
- Organizational skills, communication skills, and working relations
- Supervision, leadership and direction
- Reliability/punctuality (included for non-exempt classifications)

When identifying a duty, project or goal, try to be as specific as possible in the description of the item in the descriptor box. During the initial discussion regarding the performance and development plan, the employee and supervisor should discuss how the factors will be evaluated and weighted.

3. *Measuring Performance*

Each performance factor should be an accurate reflection of the employee's performance during the past year. If there is an area where the employee has generally performed well, but has worked through a few rough patches during the year, the rating of "meets expectations" may be appropriate. However, in the comments section, any issues that occurred during the review period should be noted.

Performance on duties, projects or goals should be rated based on the individual performance of that individual during the review period. Key indicators could be:

- *Work Performed:* Quantity, quality, and effectiveness of work, including accuracy, thoroughness, and consistency; time management, meeting deadlines, and compliance with policies and rules.
- *Job Knowledge and Ability:* Job-specific knowledge, skills and abilities; problem identification, analysis, and resolution; decision making; the ability to learn, retain, and apply instructions, policies, and other information.
- *Adherence to timelines:* Were projects or other measurable items delivered in a reasonable timeframe at an acceptable level of quality?
- *Working Relationships:* When completing the project, duty or goal, did the individual work cooperatively with other members of the team or with other stakeholders?

The comment section of the review plan is extremely important for the duties, projects or goals section of the review. Comments should be made in any section where a rating has been reflected. However, managers and supervisors should place special emphasis on areas which received an "exceeds expectations" or "needs improvement" rating. If an

individual has been rated as “exceeds expectations,” list a reason why that rating was provided, cite an example that provides the employee, as well as future supervisors, with the skill or performance that led to this rating. If the employee was rated as “needs improvement,” cite reasons why this rating was provided and give clarifying guidelines on what is needed for improvement. Please keep in mind that this tool is utilized to provide feedback to an employee with the goal of ensuring that all individuals are successful in their job duties.

FEEDBACK DURING THE ANNUAL REVIEW PERIOD

Supervisors should give employees feedback about their performance on an ongoing basis. At a minimum, supervisors should discuss the performance and development plan with the employee after six months. The supervisor and employee should review the employee’s progress toward meeting his or her performance goals. This discussion also provides an opportunity for the supervisor to recognize the employee’s progress to date, as well as to offer direction where needed. Changing business conditions may warrant revising plans and objectives.

PERFORMANCE IMPROVEMENT PLANS

When an employee is experiencing difficulty in either a specific area or in overall performance, the development of a Performance Improvement Plan (PIP) may be implemented to provide the employee with guidance and clear expectations for performance improvement.

The PIP should identify areas of performance needing improvement and strategies on how that improvement could be achieved. The PIP should also identify a timeline of when performance improvement is expected to occur. Failure to demonstrate improvement either during the PIP or at the review date could result in disciplinary action up to and including the possibility of termination.

Issuance of a PIP does not in any way alter the at-will employment status, nor does the timeline for anticipated improvement imply an employment contract.

Policy Number: 3.9

Title: Performance Management Program

Contact: Human Resources Services Office, Labor and Employee Relations Unit

Policy Statement: The Administrative Office of the Courts (AOC) requires periodic feedback to employees regarding their job performance in an effort to best serve the judicial branch while recognizing employee achievements and contributions to the AOC.

Contents: (A) Employee Performance Management Program
(B) Employee Performance Management Cycle
(C) Performance Improvement Plan

(A) Employee Performance Management Program

The performance management program functions as a method to advance AOC operational objectives while recognizing employee achievements and contributions to the AOC. Managing employee performance is an ongoing communication process between a supervisor and an employee. The communication process is a cycle that includes clarifying expectations, identifying and setting goals, providing feedback, and evaluating performance. Overseeing employee performance and providing feedback is not an isolated event, rather it is an ongoing cycle that occurs throughout the year.

(B) Employee Performance Management Cycle

The employee performance management cycle consists of three phases: planning, feedback, and assessment.

Planning

Supervisors will develop an annual performance plan, using the Annual Performance Plan and Review Form [[hyperlink](#)], to direct employees toward achieving specific goals that support the AOC's operational objectives and the employees' professional success. At a minimum, every employee at the AOC will be evaluated on an annual basis, using the Annual Performance Plan and Review Form.

Supervisors must communicate with employees regarding their performance expectations throughout the year. Supervisors and employees should collaborate on developing performance goals and expectations. Early planning to achieve goals, together with mutual communication, pave the path to a successful working relationship.

Guidelines for Determination of the Annual Performance Plan and Setting an Assessment Meeting:

1. The date of the employee's last step increase will be the designated date for the annual assessment meeting.
2. If the employee's step increase date changes, the new step increase date will become the new evaluation and planning date.
3. If the employee's job classification changes and more than 180 days have passed since the last performance review date, the annual performance plan from the past job classification will be completed by the past supervisor and a new performance plan will be initiated by the new supervisor.
4. If the employee's job classification changes and less than 180 days have passed since the last performance review date, a new performance plan will be initiated by the new supervisor utilizing appropriate information from the past performance review plan.
5. If the employee's supervisor changes during the annual review period, but the job classification has not changed, the new supervisor will be responsible for completing the annual performance review and may consider feedback from the prior supervisor. The new supervisor shall meet with the employee to clarify expectations and may revise the performance plan to meet the needs of the employee's new assignment.

Feedback

Once the performance plan is in place, supervisors are responsible for initiating and providing periodic feedback to employees regarding their job performance. Employees may also request feedback on their performance from their supervisors at any time.

While AOC policy states that employee performance should be formally assessed once a year, it is strongly recommended that employees receive a verbal or written performance assessment and feedback on a more frequent basis. Supervisors should acknowledge employee accomplishments or address needs for improved performance as often as necessary. Feedback should be specific to reinforce positive results or provide guidance in areas that need improvement. Supervisors should utilize collaboration, coaching and feedback to ensure that employees achieve positive outcomes.

Assessment

At the end of the annual performance period, the employee's performance is measured against goals established through the Annual Performance Plan and Review Form in the prior year. This annual assessment meeting is an opportunity for supervisors to communicate with employees regarding their performance over the past year, evaluate employees' job satisfaction, and make plans for employees' performance goals.

At the conclusion of the assessment meeting, the supervisor will ask the employee to sign and date the form that summarizes the employee's performance over the prior year. The supervisor will explain to the employee that the signature acknowledges the contents of their discussion, but is not necessarily an agreement with the supervisor's assessment. Afterwards, the supervisor routes the document to office leadership for final signatures, provides a copy of the signed form to the employee, and sends a copy to the assigned Pay and Benefits Specialist for placement in the employee's personnel file.

(C) Performance Improvement Plan

An employee who is experiencing performance challenges may be placed on a Performance Improvement Plan ("PIP") [[hyperlink](#)] with the goal of identifying areas of improvement as well as guiding the employee to improved performance.

The PIP contents will communicate to the employee: (1) specific areas of work performance that are below expected standards, (2) a plan for improving the employee's work performance, (3) a time frame within which the employee is expected to make improvements, and (4) possible consequences should the employee fail to raise his/her performance to meet the expected standards.

The purpose of the PIP is to inform the employee that certain deficiencies have been detected and to give the employee an opportunity to correct or improve their work performance before further action is taken.

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING


DATE	6/5/2013
PREPARED BY	Patrick Farrales
OFFICE NAME	Human Resources Services Office
JUDICIAL COUNCIL DIRECTIVE NUMBER	29
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>The AOC has drafted a new performance management policy, effective July 1, 2013, which addresses the mandatory performance review of all employees on an annual basis. Details concerning its implementation can be found in the AOC's response to Judicial Council Directive 28.</p> <p>In April 26, 2013, the Judicial Council approved an amendment to Judicial Council Directive 29 to remove the reference to a progressive discipline system in the Directive's language. The AOC Human Resources Services Office has clarified that, as an at-will employer, the AOC is not required to, nor does it routinely, practice progressive discipline like in unionized environments.</p> <p>The AOC realizes that a method to rectify performance issues is still necessary. As such, the amended performance management policy will include reference to the use of a Performance Improvement Plan (PIP) to provide supervisors with a mechanism for remediating issues that they believe can be remedied.</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 is an ongoing process.</p>	
<input type="checkbox"/> File Attachment	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration: 	

<input type="checkbox"/> File Attachment
<input type="checkbox"/> Other:
<input type="checkbox"/> File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	<input type="text" value="July 1, 2013"/>
RESOURCES REQUIRED FOR IMPLEMENTATION	<p>The performance management program will ultimately be incorporated in the AOC's HREMS database, which will allow for automated reminders and online forms and documentation. The AOC already possesses the necessary PeopleSoft module for performance management; an external Contractor has been assigned to incorporate the module into the existing database.</p> <p>In the interim, tracking and administration of Performance Management will be assigned to existing HRSO staff for a period of at least one complete performance cycle. This will allow time for the AOC to evaluate the program's effectiveness and address any challenges faced before full implementation into HREMS.</p>

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input checked="" type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<p>The AOC has updated and expanded policy 3.9 - Performance Management Program to reflect the changes to the program.</p> <p>The amended policy outlines: (1) the purpose of the program, (2) the three phases of the performance management cycle, and (3) the inclusion of a Performance Improvement Plan for employees who experience performance challenges. Additional details concerning this policy can be referenced in Directive 28.</p> <div style="border: 1px solid gray; padding: 5px; margin-top: 10px;">  <p>Policy 3 9 Performance Management Program.docx Microsoft Office Word Document 28.2 KB</p> </div>
<input checked="" type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<p>The AOC will be holding a series of management courses designed to educate managers and supervisors on the performance review process. There will be three courses offered: Setting Expectations and Documenting Performance, Performance Management: Identifying and Addressing Performance Gaps, and AOC Performance Evaluation Process.</p> <div style="border: 1px solid gray; padding: 5px; margin-top: 10px;"> <input type="checkbox"/> File Attachment </div>

<input type="checkbox"/> SAVINGS	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; margin-top: 5px;"> File Attachment </div>
<input checked="" type="checkbox"/> COST	<p>To implement the performance management program into HREMS, a one-time cost for services provided by a Contractor is included as part of the overall costs of the program. The project is currently budgeted at an amount not to exceed \$225,343. Depending on the implementation efforts required, the final cost of the project may be lower than anticipated.</p> <p>Otherwise, no additional costs shall be incurred in this program's implementation.</p> <div style="border: 1px solid gray; padding: 2px; margin-top: 5px;"> File Attachment </div>
<input type="checkbox"/> EFFICIENCIES	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; margin-top: 5px;"> File Attachment </div>
<input type="checkbox"/> SERVICE LEVEL IMPACT	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; margin-top: 5px;"> File Attachment </div>
<input type="checkbox"/> OTHER	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; margin-top: 5px;"> File Attachment </div>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: 6/13/2013 <input style="width: 100px;" type="text"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: 6/17/2013 <input style="width: 100px;" type="text"/>

Policy Number: 3.9

Title: Performance Management Program

Contact: Human Resources Services Office, Labor and Employee Relations Unit

Policy Statement: The Administrative Office of the Courts (AOC) requires periodic feedback to employees regarding their job performance in an effort to best serve the judicial branch while recognizing employee achievements and contributions to the AOC.

Contents: (A) Employee Performance Management Program
(B) Employee Performance Management Cycle
(C) Performance Improvement Plan

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(C) Performance Improvement Plan




An employee who is experiencing performance challenges may be placed on a Performance Improvement Plan ("PIP") [[hyperlink](#)] with the goal of identifying areas of improvement as well as guiding the employee to improved performance.






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ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVE
AOC RESTRUCTURING AND REALIGNMENT

DATE	10/5/2012
PREPARED BY	Patrick Farrales
OFFICE NAME	Human Resources Services Office
JUDICIAL COUNCIL DIRECTIVE NUMBER	30
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	The AOC must utilize its layoff process to provide management with a proactive way to deal with significant reductions in resources.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented: Recommendation has been implemented.	
<div style="border: 1px solid gray; padding: 5px; width: fit-content;">  <p>AOC_Personnel_Policy_2.9_Revised.pdf Adobe Acrobat Document 88.4 KB</p> </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration: <div style="border: 1px solid gray; height: 20px; width: 100%; margin-top: 5px;"></div> <div style="border: 1px solid gray; padding: 5px; width: fit-content; margin-top: 5px;">  File Attachment </div>	
<input type="checkbox"/> Other: <div style="border: 1px solid gray; height: 20px; width: 100%; margin-top: 5px;"></div> <div style="border: 1px solid gray; padding: 5px; width: fit-content; margin-top: 5px;">  File Attachment </div>	
TIMELINE AND RESOURCES FOR IMPLEMENTATION	
IMPLEMENTATION DATE OR	

PROJECTED IMPLEMENTATION DATE	Policy 2.9 – Reductions in Staffing (Layoffs) - was revised on May 18, 2012.
RESOURCES REQUIRED FOR IMPLEMENTATION	Upon implementation of the policy and the resulting layoff that shortly followed, the HR Office utilized all eight members of the Employee Relations Services team to develop templates for severance agreements, talking points for managers/supervisors, and separation checklists for impacted staff. All five members of the Pay & Benefits team developed the separation packets, which included COBRA forms, retirement forms, and other separation documents. When layoffs were implemented, due to limited available resources, all LERU and HR senior staff sat in during every separation meeting between management and the impacted employee to ensure that at least one HR representative was available.
ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)	
<input checked="" type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<p>Policy 2.9 is attached. The policy outlined specific procedures in implementing a layoff within the AOC. The policy states that, when layoffs are deemed necessary, the following items must be considered prior to implementation: 1) scope; 2) identification of classifications/positions; 3) identification of employees within the selected classifications/positions; 4) and determining whether employees identified for a layoff will be provided with the option to apply for vacant essential positions.</p> <div data-bbox="500 869 818 1050" style="border: 1px solid gray; padding: 5px;">  <p>AOC_Personnel_Policy_2.9_Revised.pdf Adobe Acrobat Document 88.4 KB</p> </div>
<input checked="" type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<p>Prior to the AOC layoffs which occurred late in the fiscal year 2011-12, managers and supervisors were trained by AOC HR Services on how to communicate to staff affected by a layoff. The training was provided to all managers and supervisors to ensure confidentiality and protect the identities of the impacted staff.</p> <div data-bbox="500 1226 818 1289" style="border: 1px solid gray; padding: 5px;">  File Attachment </div>
<input checked="" type="checkbox"/> SAVINGS	<p>While not a direct result of the policy revision, the resulting layoffs in FY2011-12 saved the AOC approximately \$3.2 million.</p> <div data-bbox="500 1394 818 1457" style="border: 1px solid gray; padding: 5px;">  File Attachment </div>
<input checked="" type="checkbox"/> COST	<p>Staff time was utilized in the development/revision of policy 2.9. Employees who were laid off in late fiscal year 2011-12 were eligible to receive a severance payment contingent on acceptance of a separation agreement. The payment was based on years of AOC service, and capped at \$10,000 per employee. The total cost of FY2011-2012 layoffs were approximately \$675,000.</p> <div data-bbox="500 1646 818 1709" style="border: 1px solid gray; padding: 5px;">  File Attachment </div>
<input checked="" type="checkbox"/> EFFICIENCIES	<p>Revising Policy 2.9 allowed the AOC to follow a structured and defined approach in implementing layoffs.</p> <div data-bbox="500 1814 818 1877" style="border: 1px solid gray; padding: 5px;">  File Attachment </div>

<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>While not a direct result of the policy revision, divisions impacted by layoffs face reduced resources and demoralized staff. With furloughs in place and additional workload transferred to the remaining staff, customers will begin to experience reduced processing and response times. Some of the necessary services performed by laid off employees are being transferred to staff that may be unfamiliar with current processing. This results in significantly slowing down multiple processes as staff are trained to deal with the new responsibilities.</p> <div style="border: 1px solid gray; padding: 2px; width: fit-content; margin-top: 10px;">  File Attachment </div>
<input type="checkbox"/> OTHER	<div style="border: 1px solid gray; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid gray; padding: 2px; width: fit-content; margin-top: 10px;">  File Attachment </div>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>

Policy Number: 2.9

Title: Reductions in Staffing (Layoffs)

Contact: Administrative Services Division, Human Resources Office

Policy Statement: The AOC may implement reductions in staffing based on nondiscriminatory business-related criteria to accomplish necessary cost savings.

Contents:

- (A) Overview**
- (B) Layoff Criteria and Procedures**
 - (1) Determining Scope of Layoffs**
 - (2) Identifying Classifications Subject to Layoff**
 - (3) Identifying Affected Employees Within Classification**
 - (4) Option to Apply for Vacant Essential Positions**
- (C) No Recall**

(A) Overview

Consistent with [Policy 2.8 \(Personnel-Related Cost Savings Measures\)](#), the AOC may implement reductions in staffing to accomplish necessary cost savings. Reductions in staffing will be based on nondiscriminatory, business-related criteria. Before layoffs are implemented, the AOC will evaluate cost saving alternatives to attempt to avoid or minimize the need for layoffs. If, however, layoffs are deemed necessary, the following procedures will be implemented.

(B) Layoff Criteria and Procedures

(1) Determining Scope of Layoffs

In the event layoffs are necessary, the Executive Office will determine the scope of necessary reductions in staff and the allocation of those reductions across divisions. Layoffs may be implemented on an organizational basis, or in one or more divisions, units, or job classifications.

(2) Identifying Classifications Subject to Layoff

If staff reductions are required within a division, the division director, in consultation with the Human Resources Office, will identify classifications within which positions can be eliminated, reduced, or combined based on the operational needs of the AOC as determined by Judicial Council priorities. The Human Resources Office may also identify positions that may be eliminated, reduced, or combined across divisions, based on similar duties or subject matter areas.

(3) Identifying Affected Employees Within Classification

Where positions within a classification are to be eliminated, the division director, in consultation with the Human Resources Office, will evaluate the order of positions for layoff based on the operational needs of the AOC as determined by Judicial Council priorities and a combination of factors, including the affected employees':

- (a) Specialized knowledge, skills, or abilities;
- (b) Ability to cover multiple functions within the division;
- (c) Prior work experience;
- (d) Documented work performance; and
- (e) Length of service with the AOC.

Length of service with the AOC will be considered when the factors listed above in (a) through (d) are essentially equal. If length of service is a factor considered, breaks in service and leaves of absences will not be considered in determining seniority, unless otherwise required by law.

The Executive Office will review and, if in agreement, approve the recommended action for any reductions in staff. Identification of employees for layoff will be in accordance with AOC policy, including [Employment at Will](#), policy 2.1, [Equal Employment Opportunity](#), policy 2.2, and [Personnel-Related Cost Saving Measures](#), policy 2.8.

(4) Option to Apply for Vacant Essential Positions

The Executive Office will determine whether employees identified for layoff will be afforded the option to apply for vacant essential positions. In making that determination, the Executive Office may consider the status of judicial branch or AOC funding decisions, the need to minimize disruption of work and related inefficiencies, and any other factors that the Executive Office considers relevant. If the Executive Office determines that employees identified for layoff will be afforded the option to apply for vacant essential positions, the following steps will generally be followed.

- (a) In consultation with the division director, the Human Resources Office will identify:
 - Vacant positions that, if not filled, will significantly impede the division's ability to support Judicial Council priorities; and
 - Of the employees identified for layoff, those employees, if any, who are qualified to fill such vacant, essential positions.
- (b) Qualified affected employees will be notified of their option to elect to be considered for such vacant positions. Positions will be filled through an internal recruitment process, based on the operational needs of the AOC as determined by council priorities.

- (c) Employees identified for layoff who either do not have an option for continued at-will employment or who do not indicate interest in any vacant position as instructed will be separated from employment.

(C) No Recall

Layoffs result in separation from employment with no right of recall. Employees who are laid off are eligible, however, to apply in the future for open AOC positions for which they are qualified.

ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	7/14/2014
PREPARED BY	Patrick Farrales
OFFICE NAME	<u>Human Resources Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	31
JUDICIAL COUNCIL DIRECTIVE	The Executive and Planning Committee (E&P) recommends that the Judicial Council direct that the Administrative Director require the Judicial Council leadership to develop, maintain, and support implementation of effective and efficient human resources policies and practices uniformly throughout the Judicial Council .
SEC RECOMMENDATION	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.
JC DIRECTIVE TIMELINE	The Administrative Director will provide a report to the Judicial Council at the August 2014 meeting.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the <i>Status Report</i> provided to the Judicial Council)	
<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>	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:	
<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</p>	

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.

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.

 File Attachment

 File Attachment

This directive is pending:

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date: July 31, 2014

ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	7/14/2014
PREPARED BY	Patrick Farrales
OFFICE NAME	Human Resources Services Office
JUDICIAL COUNCIL DIRECTIVE NUMBER	32
JUDICIAL COUNCIL DIRECTIVE	The Executive and Planning Committee (E&P) recommends that the Judicial Council direct the Administrative Director that a gradual, prioritized review of all HR policies and practices, including all those incorporated in the Judicial Council Personnel Policies and Procedures Manual, should be undertaken to ensure they are appropriate and are being applied effectively and consistently throughout the Judicial Council.
SEC RECOMMENDATION	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.
JC DIRECTIVE TIMELINE	The Administrative Director will provide a report to the Judicial Council at the August 2014 meeting.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the Status Report provided to the Judicial Council)	
<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>	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:	
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.

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.

 File Attachment

This directive is pending:

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	6/3/2013
PREPARED BY	Patrick Farrales
OFFICE NAME	<u>Human Resources Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	47
JUDICIAL COUNCIL DIRECTIVE	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.
SEC RECOMMENDATION	Employment of temporary or other staff to circumvent a hiring freeze should not be permitted. The Executive Leadership Team should immediately review all temporary staff assignments and eliminate those that are being used to replace positions subject to the hiring freeze. Temporary employees should be limited to periods not exceeding six months and should be used only in limited circumstances of demonstrated need, such in the case of an emergency or to provide a critical skill set not available through the use of authorized employees.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>The AOC has established guidelines to further restrict the use of agency temporary workers across the organization. Effective July 1, 2013, agency temporary staff can only be utilized under three circumstances:</p> <ol style="list-style-type: none"> 1) The temporary assignment must be identified as a short-term (less than six months), critical, project- based assignment, not backfilling a vacant position. 2) The temporary assignment is backfilling an approved extended leave of absence and the position is supporting a critical core function. 3) The agency temporary worker is backfilling a position supporting a critical core function while the approval to conduct recruitment for the position is going through the AOC exemption process. The maximum duration for these assignments is three months. <p>Agency temporary worker assignments have a maximum duration of no more than six months and shall not continue past June 30 of each fiscal year, regardless of the assignment start date, without granting a request to extend.</p> <p>If the assignment begins less than six months before June 30, the requesting office may formally request to extend the assignment beginning on July 1. The total timeframe the agency temporary</p>	

worker may be on assignment with the AOC shall not exceed six months.


The AOC must make preparations to transition workload to other staff if an agency temporary worker's assignment is close to reaching the six month limit. The six month period shall be effective based upon the temporary worker's initial assignment date.

The six month limitation also reduces benefits liability. In addition to addressing concerns raised by Judicial Council Directive 47, the six-month timeframe was implemented to avoid a temporary agency worker potentially applying for California Public Employees Retirement System (CalPERS) membership under the common law employment factors.

As of April 30, 2013, the AOC currently has 30.5 agency temporary workers, compared to a peak of 141 in fiscal year 2010-2011.


The AOC recently completed the solicitation of a new vendor to manage the agency temporary program. Effective, July 1, 2013, the AOC will initiate a master contract for use by the state judicial branch. In prior years, the master contract was limited to only the AOC. Under the new master contract, the Supreme Court, the Courts of Appeal, AOC, Habeas Corpus Resource Center, and the Commission on Judicial Performance will now be able to utilize agency temporary workers under a single contract.

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 is an ongoing process.




AOC Agency Temp Background.docx
Microsoft Office Word Document
19.2 KB

This directive is forwarded to the Judicial Council with options for consideration:



File Attachment








Other:



File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	July 1, 2013
RESOURCES	<p>The AOC, through the HRSO, will be utilizing 2.0 FTE to manage and track the agency temporary worker program.</p> <p>A Staff Analyst (1.0) has been assigned to monitor and track usage and will be asked to serve as the first line of contact for inquiries and concerns.</p>

REQUIRED FOR IMPLEMENTATION	A Supervising Business Applications Analyst (1.0) will be managing the program and will be responsible for agency-wide program modifications and continuing process improvements. This position will also be the primary contact with the vendor on all agency temporary-related issues.
ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)	
<input checked="" type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<p>The AOC will post its updated guidelines on the AOC Intranet, and develop communications addressing the organization-wide program change.</p> <div style="border: 1px solid gray; padding: 5px; width: fit-content;">  <p>Temp Employees_Policies and Procedures.docx Microsoft Office Word Document 23.7 KB</p> </div>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 5px; width: fit-content;">  File Attachment </div>
<input checked="" type="checkbox"/> SAVINGS	<p>\$102,644 is the projected savings when comparing FY12-13 costs to projected FY13-14 costs. This figure represents approximately ten percent savings for agency temporary workers funded out of the master contract. This does not include cost of temporary workers paid from special or grant funds.</p> <div style="border: 1px solid gray; padding: 5px; width: fit-content;">  File Attachment </div>
<input checked="" type="checkbox"/> COST	<p>\$1,306,332 for FY 13-14 for 16 temporary workers funded out of the master contract. This does not include cost of temporary workers paid from special or grant funds.</p> <div style="border: 1px solid gray; padding: 5px; width: fit-content;">  File Attachment </div>
<input checked="" type="checkbox"/> EFFICIENCIES	<p>In bringing on temporary staff to aid in projects, this is will free-up the time of the employee who would have otherwise been tasked with the project. It would also address staffing shortages for a short period of time.</p> <div style="border: 1px solid gray; padding: 5px; width: fit-content;">  File Attachment </div>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>There would be none due to the fact that temporary workers are used on a short-term, special project basis and short-term projects should not exceed the six month period.</p> <div style="border: 1px solid gray; padding: 5px; width: fit-content;">  File Attachment </div>
<input checked="" type="checkbox"/> OTHER	<p>AOC will distribute communications to all its offices, effective July 1, 2013, to communicate the new agency temporary worker guidelines, which includes limits on the duration of all agency temporary worker assignments.</p> <div style="border: 1px solid gray; padding: 5px; width: fit-content;">  File Attachment </div>

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="6/13/2013"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="6/17/2013"/>

AOC Utilization of Agency Temporary Employees

Historical Information

The Administrative Office of the Courts (AOC) currently utilizes a single-vendor master contract, with low negotiated rates, to provide agency temporary staffing services. The AOC's practice of using a primary, contracted vendor has been in place since 1999. The Human Resources Services Office (HRSO), through its master contract, monitors agency temporary usage, controls costs and oversees the temporary staffing process.

In February 2008, when a limited number of recruitments were permitted, hiring managers began to employ an increased number of agency temporary staff to offset increasing workloads brought about by a lack of staffing resources. Agency temporary usage at the AOC hit its peak at 141 temporary assignments during fiscal year 2010-2011. During this time, the approval to employ an agency temporary worker was at the discretion of the Division Director and Executive Office.

Recent Use of Agency Temporary Employees

Beginning in late 2012, the AOC began to reduce its reliance on agency temporary staff and took the first steps by converting 32 temporary staff to regular employee positions.

MONTH	COUNT
12-Apr	82.0
12-May	71.0
12-Jun	56.0
12-Jul	55.0
12-Aug	54.0
12-Sep	51.0
12-Oct	51.2
12-Nov	47.1
12-Dec	17.5
13-Jan	20.5
13-Feb	24.5
13-Mar	26.5
13-Apr	30.5

In January 2013, HRSO, in conjunction with the Chief Administrative Officer, further restricted the process by implementing new parameters for securing agency temporary workers funded through the master contract. These parameters include:

- The temporary assignment must be less than six months in length, critical, and established on a project-only basis; or

The temporary assignment is backfilling a position in which the incumbent is on an approved extended leave of absence and only if the position is supporting a critical core function.

Before the agency temporary worker is funded through the master contract, the request must be reviewed by HRSO to determine if one of the above criteria is met.

Next Steps

While the need for agency temporary staffing exists, it is the goal of the AOC to implement stringent guidelines to decrease its dependence on agency temporary workers for long-term assignments.

These guidelines have been outlined in the attached document. The guidelines contain three requirements to determine whether an agency temporary worker may be brought on an assignment. It also includes up to a six-month maximum timeframe that agency temporary workers may remain on assignment.

In addition to addressing concerns raised by Judicial Council Directives 47 and 140, the maximum six-month timeframe was implemented to avoid a temporary agency worker potentially applying for California Public Employees Retirement System (CalPERS) membership under the common law employment factors. One of the requirements for CalPERS membership eligibility is that an individual must work more than 1000 hours, or equivalent to six months, for a state agency or state contracting agency.

The AOC will inform staff and apply these standards beginning July 1, 2013. The AOC will continue to assign HRSO oversight and enforcement responsibilities.

The AOC recently completed the solicitation of a new vendor to manage the agency temporary program. Effective, July 1, 2013, the AOC will initiate a master contract for use by the state judicial branch. In prior years, the master contract was limited to only the AOC. Under the new master contract, the Supreme Court, the Courts of Appeal, AOC, Habeas Corpus Resource Center, and the Commission on Judicial Performance will now be able to utilize agency temporary workers under a single contract.

Agency Temporary Worker Guidelines and Procedures

These guidelines and procedures outline criteria for the use of agency temporary workers as a reasonable resource to address staffing needs, provide guidance on how to complete the exemption request form, and provide assistance for the supervision of the agency temporary workers if the agency temporary worker request is granted.

I. DEFINITION

Agency temporary workers are not employees of the Administrative Office of the Courts (AOC). An agency temporary worker is an employee of an external employment agency; agency temporary workers receive compensation directly from the employment agency and carry out specific assignments. They are not eligible for any AOC benefits (sick leave, vacation, paid holidays, retirement, training, service credit, compensatory time, and transit passes, etc.), salary increases, reclassification or shift differential pay.

Agency temporary workers are hourly employees and must be paid for all hours worked, including overtime pay pursuant to applicable state and federal laws.

Agency temporary workers are not granted preferential treatment based on their temporary assignment with the AOC if they apply for an AOC employee position.

An agency temporary worker may be considered for employment as an AOC employee after working the minimum hours as governed by the current AOC Master Temporary Staffing Services Contract. All agency temporary workers must meet the minimum qualifications of the AOC classification in order to be considered for employment.

II. DURATION OF AGENCY TEMPORARY WORKER ASSIGNMENTS

Agency temporary worker assignments have a maximum duration of no more than six months **and** shall not continue past June 30 of each fiscal year, regardless of the assignment start date, without granting a request to extend.

If the assignment begins less than six months before June 30, the requesting office may formally request to extend the assignment beginning on July 1. The total timeframe the agency temporary worker may be on assignment with the AOC shall not exceed six months.

III. TYPES OF AGENCY TEMPORARY WORKER ASSIGNMENTS

1. Short-Term, Project-Based Assignments typically involve assistance on a special project (i.e., not for regularly assigned work).

Under short-term, project-based assignments:

- The agency temporary worker is not backfilling a position vacancy due to a planned separation or retirement;
 - The agency temporary worker receives compensation based on contracted rates in the Temporary Worker Salary Classification Schedule, as defined in the AOC Master Temporary Staffing Services Contract;
 - A former agency temporary worker may begin work on a new assignment with the AOC after a six-month break; and
 - No individual who retired under the California Public Employees' Retirement System (CalPERS) may work for the AOC as an agency temporary worker within 180 days of retirement.
2. Backfilling an approved Extended Leave of Absence is allowable when the incumbent is on an approved extended leave of absence and the incumbent supports an AOC critical core function.

Under backfilling of approved extended leave of absence assignments:

- The agency temporary worker is not backfilling a position vacancy due to a planned separation or retirement;
 - The agency temporary worker receives compensation based on contracted rates in the Temporary Worker Salary Classification Schedule, as defined in the master agreement;
 - A former agency temporary worker may begin work on a new assignment with the AOC after a six-month break; and
 - No individual who retired under CalPERS may work for the AOC as an agency temporary worker within 180 days of retirement.
3. Backfilling a Position Vacancy involves the use of an agency temporary worker to backfill a position that has been identified as supporting an AOC critical core function. Under backfilling a position vacancy assignments:
 - The agency temporary worker is backfilling the position while the approval to recruit for the position is being determined.

- The agency temporary worker receives compensation based on contracted rates in the Temporary Worker Salary Classification Schedule as defined in the master agreement;
- The agency temporary worker's assignment for back filling a vacancy has a maximum duration of no more than three months.
- A former agency temporary worker may begin work on a new assignment with the AOC after a six-month break; and
- No individual who retired CalPERS may work for the AOC as an agency temporary worker within 180 days of retirement.

IV. CRITERIA FOR REQUESTING AN AGENCY TEMPORARY WORKER

Before an agency temporary worker request is considered for approval, the requesting office should clearly demonstrate that:

- a. The agency temporary worker is an essential staffing need for a project-based assignment, with a duration of no more than six months, **and** the specific work assignment cannot be performed by regular employees;

OR

- b. The agency temporary worker is backfilling a position supporting a critical core function when the incumbent is on an approved extended leave of absence. The maximum duration of six months is still applicable, regardless of the incumbent's time on leave.

OR

- c. The agency temporary worker is backfilling a position supporting a critical core function while the approval to conduct recruitment for the position is going through the AOC exemption process. The maximum duration for these assignments is three months.

V. PROCEDURE FOR REQUESTING AN AGENCY TEMPORARY WORKER

Offices must submit an exemption form to request an agency temporary worker. The Chief Administrative Officer ultimately has approval authority over all requests for agency temporary workers.

To submit a request for an agency temporary assignment, the requesting office must complete the following two forms and provide them to the Human Resources Services Office (HRSO):

1. *Request for Exemption - Temporary Help (link)*
2. *Temporary Agency Work Order (link)*

HRSO reviews the forms to ensure that the criteria for an agency temporary worker assignment have been met and that all sections of the exemption and work order forms have been accurately completed.

If the request successfully meets the criteria, HRSO forwards the forms to the Chief Administrative Officer for final approval. HRSO then informs the requesting office of the Chief Administrative Officer's decision. **Under all circumstances**, HRSO initiates contact with the agency; requesting offices may not directly contact the agency or prospective agency temporary workers.

VI. PROCEDURE FOR TERMINATION OF ASSIGNMENT OF AN AGENCY TEMPORARY WORKER

Hiring managers should contact HRSO before communicating assignment terminations with an agency temporary worker. HRSO will contact the agency temporary worker's employment agency and then provide guidance to the hiring manager on next steps.

VII. OFFICE PROCEDURES FOR AGENCY TEMPORARY WORKERS

The office requesting an agency temporary worker is responsible for determining cubicle space, securing a phone with Business Services, and computer and network setup with the Information Technology Services Office HelpDesk.


VIII. AOC SUPERVISOR RESPONSIBILITY

Only AOC employees in classifications designated as supervisor or above may serve as the "supervisor" of the agency temporary worker, with tasks such as:

- Approving weekly timecards;
- Approving any needed travel and lodging expenses and/or following AOC policies and procedures;
- Establishing guidelines regarding worker expectations and conduct (as long as they are reasonable and do not conflict with the AOC agency temporary guidelines); and
- Communicating and enforcing AOC safety practices.

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/4/2012
PREPARED BY	Maureen Dumas
OFFICE NAME	<u>Executive Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	96
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>On August 31, 2012, the Judicial Council approved a new organizational structure for the Administrative Office of the Courts (AOC) proposed by the interim Administrative Director of the Courts and incoming Administrative Director of the Courts. The new organizational structure reduced the AOC Executive Team to four positions (Administrative Director, Chief of Staff, Chief Operating Officer, and Chief Administrative Officer) and realigned and renamed existing divisions into offices housed under one of three newly created divisions (Judicial Council and Court Leadership Services Division, Judicial and Court Operations Services Division, and Judicial and Court Administrative Services Division).</p> <p>As indicated in the attached organizational chart (Attachment A), effective October 1, 2012, the Human Resources Division is no longer considered a division and is now the Human Resources Services Office under the CAO in the Judicial and Court Administrative Services Division. This is consistent with SEC recommendation 7-32 which recommended that the HR function no longer be assigned "stand-alone division status" and should report to the CAO in an Administrative Services Division.</p>	
<div style="border: 1px solid black; padding: 5px;">  <p>Rec 96 AOC org_final_100512.pdf Adobe Acrobat Document 729 KB</p> </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	

<input type="checkbox"/> File Attachment
<input type="checkbox"/> Other:
<input type="text"/>
<input type="checkbox"/> File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	<input type="text" value="10/1/12"/>
RESOURCES REQUIRED FOR IMPLEMENTATION	<input type="text"/>

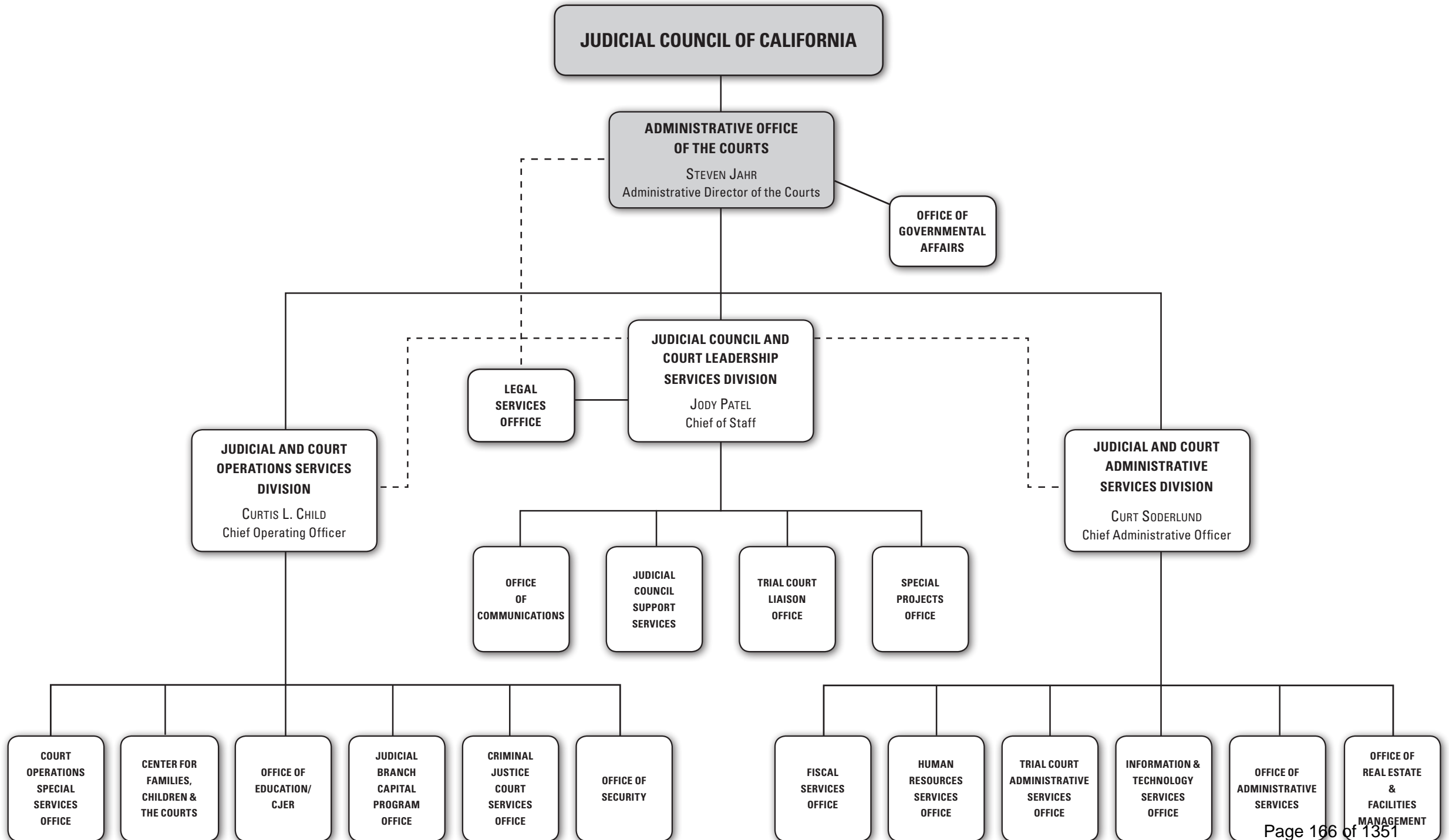
ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input type="text"/> <input type="checkbox"/> File Attachment
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input type="text"/> <input type="checkbox"/> File Attachment
<input type="checkbox"/> SAVINGS	<input type="text"/> <input type="checkbox"/> File Attachment
<input type="checkbox"/> COST	<input type="text"/> <input type="checkbox"/> File Attachment

<input checked="" type="checkbox"/> EFFICIENCIES	<p>Placing the AOC Human Resources Services Office under the Judicial and Court Administrative Services Division will result in efficiencies for the organization as it aligns Human Resources Services Office with other administrative offices (e.g. Fiscal Services Office, Information Technology Services Office) that HR interacts with and relies on for day-to-day activities. This will allow for increased teamwork and collaboration to be more responsive to the needs of the judicial branch and the public it serves.</p> <p>Additionally, efficiencies will be realized by housing the Human Resources Services Office under the leadership of the Chief Administrative Officer which provides a dedicated Executive Team member that can provide timely assistance as well as consistent and clearly defined decision-making from the Executive Team.</p>
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	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> SERVICE LEVEL IMPACT	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> OTHER	<input type="text"/> <input type="button" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>

ORGANIZATIONAL STRUCTURE OF THE ADMINISTRATIVE OFFICE OF THE COURTS



ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/4/2012
PREPARED BY	Maureen Dumas
OFFICE NAME	<u>Executive Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	97
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	The current number of higher-level positions in the HR Division should be reduced, as follows: The Division Director position should be permanently eliminated as the HR function should no longer be a stand-alone division.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>In May of 2012, the Administrative Office of the Courts (AOC) eliminated the Human Resources Division Director position as part of staffing reductions. Elimination of the Human Resources Division Director supports SEC Recommendation 7-34 which proposed that the "Division Director position should be permanently eliminated as the HR function should no longer be a stand-alone division."</p> <p>In addition, as indicated in Judicial Council approved recommendation #96, the Human Resources Division was realigned and is no longer a stand-alone division but is now the Human Resources Services Office under the Chief Administrative Officer in the Judicial and Court Administrative Services Division. With the new organizational structure, the Human Resources Services Office Assistant Director currently leads the Human Resources Services Office. The issue of compensation of the Assistant Director will be revisited after the AOC organization-wide classification and compensation study is complete.</p>	
<input type="checkbox"/> File Attachment	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	
<input type="checkbox"/> File Attachment	
<input type="checkbox"/> Other:	

<input type="button" value="File Attachment"/>
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TIMELINE AND RESOURCES FOR IMPLEMENTATION
--

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	
RESOURCES REQUIRED FOR IMPLEMENTATION	

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)
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<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <input type="button" value="File Attachment"/>
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<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <input type="button" value="File Attachment"/>
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<input checked="" type="checkbox"/> SAVINGS	<p>The elimination of the AOC HR Division Director position has resulted in savings to the organization totaling \$252,721 (base salary of \$179,400 plus benefits of \$73,321).</p> <input type="button" value="File Attachment"/>
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<input type="checkbox"/> COST	<div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <input type="button" value="File Attachment"/>
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<input type="checkbox"/> EFFICIENCIES	<div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <input type="button" value="File Attachment"/>
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<input type="checkbox"/> SERVICE LEVEL IMPACT	<div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <input type="button" value="File Attachment"/>
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<input type="checkbox"/> OTHER	<div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <input type="button" value="File Attachment"/>
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ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
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EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/16/2012
PREPARED BY	Patrick Farrales
OFFICE NAME	<u>Human Resources Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	97.1
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	The current number of higher-level positions in the HR Division should be reduced, as follows: The number of manager positions should be reduced from five to three, with some of the resulting resources allocated to line HR functions.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented: Recommendation has been implemented. There were a number of staffing changes within the HR Services Office that were implemented prior to the realignment recommendations by the Judicial Council. One of those staffing changes included the abolishment of the HR Division Director position. HR Services Office has only had three manager positions. Two of the three positions are at the Senior Manager level. One of the positions is at the Manager level and is currently vacant. The vacant Manager position will be reclassified to a staff level position at a later date if the office is given approval to backfill critical vacancies. This is in alignment with SEC recommendation 7-34 (d), which states that "consideration should be given to redirecting the resources from those positions to support vacant HR analyst positions."	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	
<input type="checkbox"/> Other:	

 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE

All initiatives finalized and completed as of July 1, 2012

RESOURCES REQUIRED FOR IMPLEMENTATION

One Pay & Benefits staff has worked with the office of the State Controller to abolish the HR Division Director position. One Classification analyst will be responsible for preparing the documentation necessary to reclassify the vacant manager position as soon as the HR Services Office receives approval to backfill the position at a lower level. If a recruitment is required, an additional analyst will be tasked to take on the recruitment process.

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

PROCEDURES/ POLICIES UPDATED OR DEVELOPED

 File Attachment

TRAINING UPDATED OR DEVELOPED

If resources are redirected to vacant analyst positions, additional training may be required to educate staff on processes and procedures. For example, if resources are allocated to backfilling a vacant labor relations officer, the LERU will be familiarizing the individual with the negotiation processes within the trial courts, and other employee relations/investigations services within the trial courts and the AOC.

 File Attachment

SAVINGS

Abolishment of the Division Director position has resulted in FY12-13 savings of approximately \$195,116. The vacant manager position has created a full year savings of approximately \$177,613.

 File Attachment




COST

If resources are redirected to vacant analyst positions, costs may be incurred as follows:
Fill a Labor and Employee Relations Officer II: \$155,896 (Salary + Benefits)
OR
Fill a Senior Human Resources Analyst: \$120,607 (Salary + Benefits)

 File Attachment




EFFICIENCIES





An analyst-level position will provide the necessary staff support to multiple areas of HR and will relieve the heavy backlog of work created by the multiple vacancies within the office - it will also allow for a balanced distribution of workload among staff. At the analyst-level, the position can support the day-to-day functions associated with critical trial court programs such as labor relations or compensation & benefits. With the current structure of the HR Office, the management team has been

	<p>designed so that they can continue to provide oversight and direction across multiple areas of HR in the event high level policy decisions are needed.</p> <p> File Attachment</p>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>Staffing continues to be an issue and the increasing workload as a result of multiple labor contract negotiations and the classification/compensation study associated with the organizational-wide realignment will add to the existing plate of responsibilities within the office. Service levels to the trial courts and appellate courts will be maintained, but additional new programs may have to be redirected or placed on hold until staffing resources are available.</p> <p> File Attachment</p>
<input type="checkbox"/> OTHER	<p> File Attachment</p>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/5/2012
PREPARED BY	Patrick Farrales
OFFICE NAME	<u>Human Resources Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	97.2
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	The current number of higher-level positions in the HR Division should be reduced, as follows: 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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>	
<input type="checkbox"/> Other: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>	
TIMELINE AND RESOURCES FOR IMPLEMENTATION	
	There were a number of staffing changes within the HR Services Office that

<p>IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE</p>	<p>were implemented prior to the realignment recommendations by the Judicial Council. One of those staffing changes included the abolishment of the HR Division Director position on July 1, 2012.</p> <p>HR Services Office has only had three manager positions. Two of the three positions are at the Senior Manager level. One of the positions is at the Manager level and is currently vacant. The vacant Manager position will be reclassified to a staff level position at a later date if the office is given approval to backfill critical vacancies. This is in alignment with SEC recommendation 7-34 (d), which states that “consideration should be given to redirecting the resources from those positions to support vacant HR analyst positions.”</p>
<p>RESOURCES REQUIRED FOR IMPLEMENTATION</p>	<p>One Pay & Benefits staff has worked with the office of the State Controller to abolish the HR Division Director position. One Classification analyst will be responsible for preparing the documentation necessary to reclassify the vacant manager position as soon as the HR Services Office receives approval to backfill the position at a lower level. If a recruitment is required, an additional analyst will be tasked to take on the recruitment process.</p>
<p>ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)</p>	
<p><input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED</p>	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 5px; margin-top: 5px;">  File Attachment </div>
<p><input checked="" type="checkbox"/> TRAINING UPDATED OR DEVELOPED</p>	<p>If resources are redirected to vacant analyst positions, additional training may be required to educate staff on processes and procedures. For example, if resources are allocated to backfilling a vacant labor relations officer, the LERU will be familiarizing the individual with the negotiation processes within the trial courts, and other employee relations/investigations services within the trial courts and the AOC.</p> <div style="border: 1px solid gray; padding: 5px; margin-top: 5px;">  File Attachment </div>
<p><input checked="" type="checkbox"/> SAVINGS</p>	<p>Abolishment of the Division Director position has resulted in FY12-13 savings of approximately \$195,116. The vacant manager position has created a full year savings of approximately \$177,613.</p> <div style="border: 1px solid gray; padding: 5px; margin-top: 5px;">  File Attachment </div>
<p><input checked="" type="checkbox"/> COST</p>	<p>If resources are redirected to vacant analyst positions, costs may be incurred as follows: Fill a Labor and Employee Relations Officer II: \$155,896 (Salary + Benefits) OR Fill a Senior Human Resources Analyst: \$120,607 (Salary + Benefits)</p> <div style="border: 1px solid gray; padding: 5px; margin-top: 5px;">  File Attachment </div>
<p><input checked="" type="checkbox"/> EFFICIENCIES</p>	<p>An analyst-level position will provide the necessary staff support to multiple areas of HR and will relieve the heavy backlog of work created by the multiple vacancies within the office - it will also allow for a balanced distribution of workload among staff. At the analyst-level, the position can support the day-to-day functions associated with critical trial court programs such as labor relations or compensation & benefits. With the current structure of the HR Office, the management team has been designed so that they can continue to provide oversight and direction across multiple areas of HR in the event high level policy decisions are</p>

	needed.
	<input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>Staffing continues to be an issue and the increasing workload as a result of multiple labor contract negotiations and the classification/compensation study associated with the organizational-wide realignment will add to the existing plate of responsibilities within the office. Service levels to the trial courts and appellate courts will be maintained, but additional new programs may have to be redirected or placed on hold until staffing resources are available.</p> <input type="button" value="File Attachment"/>
<input type="checkbox"/> OTHER	<input type="button" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: 10/5/2012
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: 10/19/2012

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/16/2012
PREPARED BY	Patrick Farrales
OFFICE NAME	<u>Human Resources Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	98
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	The current number of higher-level positions in the HR Division should be reduced, as follows: 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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented: Recommendation has been implemented. The Human Resources Division merged with the Trial Court Administrative Services Division to form the Administrative Services Division on May 1, 2012. On August 31, 2012, the Administrative Director of the Courts proposed the establishment of a separate human resources function under the Administrative Services Division. The function, now known as the Human Resources Services Office, is no longer considered a stand-alone division and is one of multiple offices reporting separately to the Chief Administrative Officer. This is consistent with SEC recommendation 7-32 and JC recommendation 98. In addition to the establishment of a separate Human Resources Services Office on August 31, 2012, there were a number of staffing changes within the office that were implemented prior to the realignment recommendations by the Judicial Council. One of those staffing changes included the abolishment of the HR Division Director position. HR Services Office has only had three manager positions. Two of the three positions are at the Senior Manager level. One of the positions is at the Manager level and is currently vacant. The vacant Manager position will be reclassified to a staff level position at a later date if the office is given approval to backfill critical vacancies. This is in alignment with SEC recommendation 7-34 (d), which states that "consideration should be given to redirecting the resources from those positions to support vacant HR analyst positions."	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	

 File Attachment

<input type="button" value="File Attachment"/>
<input type="checkbox"/> Other: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
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TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	<div style="border: 1px solid black; padding: 2px;">August 31, 2012</div>
RESOURCES REQUIRED FOR IMPLEMENTATION	<p>One Pay & Benefits staff has worked with the office of the State Controller to abolish the HR Division Director position. One Classification analyst will be responsible for preparing the documentation necessary to reclassify the vacant manager position as soon as the HR Services Office receives approval to backfill the position at a lower level. If a recruitment is required, an additional analyst will be tasked to take on the recruitment process.</p>

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<p>If resources are redirected to vacant analyst positions, additional training may be required to educate staff on processes and procedures. For example, if resources are allocated to backfilling a vacant labor relations officer, the LERU will be familiarizing the individual with the negotiation processes within the trial courts, and other employee relations/investigations services within the trial courts and the AOC.</p> <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> SAVINGS	<p>Abolishment of the Division Director position has resulted in FY12-13 savings of approximately \$195,116. The vacant manager position has created a full year savings of approximately \$177,613.</p> <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> COST	<p>If resources are redirected to vacant analyst positions, costs may be incurred as follows:</p> <p>Fill a Labor and Employee Relations Officer II: \$155,896 (Salary + Benefits) OR Fill a Senior Human Resources Analyst: \$120,607 (Salary + Benefits)</p>

	<input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> EFFICIENCIES	<p>An analyst-level position will provide the necessary staff support to multiple areas of HR and will relieve the heavy backlog of work created by the multiple vacancies within the office - it will also allow for a balanced distribution of workload among staff. At the analyst-level, the position can support the day-to-day functions associated with critical trial court programs such as labor relations or compensation & benefits. With the current structure of the HR Office, the management team has been designed so that they can continue to provide oversight and direction across multiple areas of HR in the event high level policy decisions are needed.</p> <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>Staffing continues to be an issue and the increasing workload as a result of multiple labor contract negotiations and the classification/compensation study associated with the organizational-wide realignment will add to the existing plate of responsibilities within the office. Service levels to the trial courts and appellate courts will be maintained, but additional new programs may have to be redirected or placed on hold until staffing resources are available.</p> <input type="button" value="File Attachment"/>
<input type="checkbox"/> OTHER	<input type="button" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>

ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING

DATE	10/16/2012
PREPARED BY	Patrick Farrales
OFFICE NAME	<u>Human Resources Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	103
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	Especially with CCMS not being fully deployed, staff reductions in this division are in order, including: The total number of senior managers should be reduced.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented: <div style="border: 1px solid black; padding: 5px;"> <p>Recommendation has been implemented.</p> <p>Following the March 27 decision by the judicial council to stop the deployment of CCMS V4 as a statewide initiative, the AOC began activity to terminate the CCMS Project including the Project Management Office. By July 31, 2012 all staff, contractors and temporary employees were terminated, retired or were transferred into critical vacant ISD positions.</p> <p>The last remaining manager position will be vacated in November 2012.</p> </div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> File Attachment </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration: <div style="border: 1px solid black; height: 20px; width: 100%; margin-bottom: 5px;"></div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> File Attachment </div>	
<input type="checkbox"/> Other: <div style="border: 1px solid black; height: 20px; width: 100%; margin-bottom: 5px;"></div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> File Attachment </div>	







TIMELINE AND RESOURCES FOR IMPLEMENTATION	
IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	July 31, 2012 and November 2012.
RESOURCES REQUIRED FOR IMPLEMENTATION	One Pay & Benefits Specialist has been assigned to process final payments and other payroll/benefits-related transactions in order to separate the employees from the organization.
ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)	
<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; width: 100%;"> File Attachment </div>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; width: 100%;"> File Attachment </div>
<input checked="" type="checkbox"/> SAVINGS	Annual on-going staff costs savings: \$1,213,336 in salaries and benefits. <div style="border: 1px solid gray; padding: 2px; width: 100%;"> File Attachment </div>
<input checked="" type="checkbox"/> COST	One-time costs to implement CCMS staff reductions, including leave balances and severance amounts: \$135,311. <div style="border: 1px solid gray; padding: 2px; width: 100%;"> File Attachment </div>
<input type="checkbox"/> EFFICIENCIES	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; width: 100%;"> File Attachment </div>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	The Judicial Council's decision to stop deployment of CCMS was made with the understanding that the need for a case management system at a local court level still existed, and they directed the Judicial Council Internal Committee to develop a roadmap for filling needs left vacant by the CCMS termination; that work continues. <div style="border: 1px solid gray; padding: 2px; width: 100%;"> File Attachment </div>
<input type="checkbox"/> OTHER	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; width: 100%;"> File Attachment </div>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: 10/5/2012
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	


E&P REVIEW

Executive and Planning Review Date:

ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING

DATE	10/15/2012
PREPARED BY	Patrick Farrales
OFFICE NAME	<u>Human Resources Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	113
JUDICIAL COUNCIL DIRECTIVE	E&P recommends that the Judicial Council support SEC Recommendation 7-73 with no further action.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>Recommendation has been implemented. Telecommuting by the two staff identified in the SEC report has ended. It should be noted, however, that those instances did not represent noncompliance with the telecommute policy as the policy afforded Directors the discretion to approve exceptions to the policy, and in the instances noted, exceptions had been approved.</p> <p>In addition, at the direction of the Administrative Director of the Courts, a proposed amended telecommuting policy is being prepared for the judicial council's consideration at its December 2012 meeting.</p>	
<input type="checkbox"/> File Attachment	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	
<input type="checkbox"/> File Attachment	
<input type="checkbox"/> Other:	
<input type="checkbox"/> File Attachment	
TIMELINE AND RESOURCES FOR IMPLEMENTATION	

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	<p>The telecommuting status of both out-of-state attorney positions ended no later than September 18, 2012.</p> <p>The telecommuting status of the supervising attorney will be addressed under the revised proposed policy, which will be considered by the judicial council at its December 2012 meeting.</p>
RESOURCES REQUIRED FOR IMPLEMENTATION	<p>No additional resources are needed once the telecommuting status of both these positions ends. As part of this recommendation, the AOC is reviewing and in the process of revising the current AOC Telecommuting Policy for the council's consideration in December 2012. The revision and review requires the following HR staffing resources: Senior Manager (HR LERU), and a Senior HR Analyst.</p>
ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)	
<input checked="" type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<p>At the direction of the Administrative Director of the Courts, the AOC is currently in the process of updating the AOC Telecommuting Policy. The policy will provide clarification on the amount of allowable telecommuting days per week, regularly scheduled remote work, and the addition of a remote work log. Additional considerations include: the quantity of work, quality of work, timeliness, and ability to handle multiple priorities. Under the proposed revised policy, the subject of telecommuting by supervisors and above will be addressed. The proposed policy will be presented for consideration by the Judicial Council at its December 2012 meeting.</p> <div data-bbox="500 905 818 968" style="border: 1px solid gray; padding: 2px;">  File Attachment </div>
<input checked="" type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<p>The revision to the AOC Telecommuting Policy will recommend/suggest a training component to assist supervisors in understanding and applying new policy standards – possibly as part of performance management training.</p> <div data-bbox="500 1119 818 1182" style="border: 1px solid gray; padding: 2px;">  File Attachment </div>
<input checked="" type="checkbox"/> SAVINGS	<p>At least one of the former telecommuting employees was a retired annuitant and the Legal Services Office has not utilized her services in FY12-13. Retired annuitants are paid on an as-needed basis, and the associated savings of not utilizing her services are projected at \$25,577.36. This amount is based on the total hours this employee worked in FY11-12.</p> <div data-bbox="500 1356 818 1419" style="border: 1px solid gray; padding: 2px;">  File Attachment </div>
<input type="checkbox"/> COST	<div data-bbox="500 1493 818 1556" style="border: 1px solid gray; padding: 2px;">  File Attachment </div>
<input checked="" type="checkbox"/> EFFICIENCIES	<p>By ending the telecommuting status of two employees, the Legal Services Office will be better able to respond to requests from the trial and appellate courts and reduce scheduling and meeting conflicts.</p> <div data-bbox="500 1682 818 1745" style="border: 1px solid gray; padding: 2px;">  File Attachment </div>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>Increased access to AOC services as a result of staff availability.</p> <div data-bbox="500 1808 818 1871" style="border: 1px solid gray; padding: 2px;">  File Attachment </div>

<input type="checkbox"/> OTHER	<div style="border: 1px solid gray; padding: 5px; width: fit-content;">  File Attachment </div>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	6/3/2013
PREPARED BY	Patrick Farrales
OFFICE NAME	<u>Human Resources Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	140
JUDICIAL COUNCIL DIRECTIVE	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.
SEC RECOMMENDATION	The use of temporary or other staff to circumvent the hiring freeze should cease.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>The AOC has established guidelines to further restrict the use of agency temporary workers across the organization. Effective July 1, 2013, agency temporary staff can only be utilized under three circumstances:</p> <ol style="list-style-type: none"> 1) The temporary assignment must be identified as a short-term (less than six months), critical, project- based assignment, not backfilling a vacant position. 2) The temporary assignment is backfilling an approved extended leave of absence and the position is supporting a critical core function. 3) The agency temporary worker is backfilling a position supporting a critical core function while the approval to conduct recruitment for the position is going through the AOC exemption process. The maximum duration for these assignments is three months. <p>Agency temporary worker assignments have a maximum duration of no more than six months and shall not continue past June 30 of each fiscal year, regardless of the assignment start date, without granting a request to extend.</p> <p>If the assignment begins less than six months before June 30, the requesting office may formally request to extend the assignment beginning on July 1. The total timeframe the agency temporary worker may be on assignment with the AOC shall not exceed six months.</p> <p>The AOC must make preparations to transition workload to other staff if an agency temporary worker's assignment is close to reaching the six month limit. The six month period shall be effective</p>	

based upon the temporary worker's initial assignment date.

The six month limitation also reduces benefits liability. In addition to addressing concerns raised by Judicial Council Directive 47, the six-month timeframe was implemented to avoid a temporary agency worker potentially applying for California Public Employees Retirement System (CalPERS) membership under the common law employment factors.

As of April 30, 2013, the AOC currently has 30.5 agency temporary workers, compared to a peak of 141 in fiscal year 2010-2011.

The AOC recently completed the solicitation of a new vendor to manage the agency temporary program. Effective, July 1, 2013, the AOC will initiate a master contract for use by the state judicial branch. In prior years, the master contract was limited to only the AOC. Under the new master contract, the Supreme Court, the Courts of Appeal, AOC, Habeas Corpus Resource Center, and the Commission on Judicial Performance will now be able to utilize agency temporary workers under a single contract.

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 is an ongoing process.



AOC Agency Temp
Background.docx
Microsoft Office Word
Document
19.2 KB

This directive is forwarded to the Judicial Council with options for consideration:

File Attachment

Other:

File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

<p>IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE</p>	<p>July 1, 2013</p>
<p>RESOURCES REQUIRED FOR IMPLEMENTATION</p>	<p>The AOC, through the HRSO, will be utilizing 2.0 FTE to manage and track the agency temporary worker program.</p> <p>A Staff Analyst (1.0) has been assigned to monitor and track usage and will be asked to serve as the first line of contact for inquiries and concerns.</p> <p>A Supervising Business Applications Analyst (1.0) will be managing the program and will be responsible for agency-wide program modifications and continuing process improvements. This position will also be the primary</p>

contact with the vendor on all agency temporary-related issues.

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

**PROCEDURES/
POLICIES UPDATED
OR DEVELOPED**

The AOC will post its updated guidelines on the AOC Intranet, and develop communications addressing the organization-wide program change.



Temp
Employees_Policies and
Procedures.docx
Microsoft Office Word
Document
23.7 KB

**TRAINING
UPDATED OR
DEVELOPED**

 File Attachment

SAVINGS

\$102,644 is the projected savings when comparing FY12-13 costs to projected FY13-14 costs. This figure represents approximately ten percent savings for agency temporary workers funded out of the master contract. This does not include cost of temporary workers paid from special or grant funds.

 File Attachment

COST

\$1,306,332 for FY 13-14 for 16 temporary workers funded out of the master contract. This does not include cost of temporary workers paid from special or grant funds.

 File Attachment

EFFICIENCIES

In bringing on temporary staff to aid in projects, this is will free-up the time of the employee who would have otherwise been tasked with the project. It would also address staffing shortages for a short period of time.

 File Attachment

**SERVICE LEVEL
IMPACT**

There would be none due to the fact that temporary workers are used on a short-term, special project basis and short-term projects should not exceed the six month period.

 File Attachment

OTHER

AOC will distribute communications to all its offices, effective July 1, 2013, to communicate the new agency temporary worker guidelines, which includes limits on the duration of all agency temporary worker assignments.

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

Administrative Director of the Courts Review Date: 6/13/2013

ADOC REVIEW	
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: 6/17/2013 <input type="text"/>

AOC Utilization of Agency Temporary Employees

Historical Information

The Administrative Office of the Courts (AOC) currently utilizes a single-vendor master contract, with low negotiated rates, to provide agency temporary staffing services. The AOC's practice of using a primary, contracted vendor has been in place since 1999. The Human Resources Services Office (HRSO), through its master contract, monitors agency temporary usage, controls costs and oversees the temporary staffing process.

In February 2008, when a limited number of recruitments were permitted, hiring managers began to employ an increased number of agency temporary staff to offset increasing workloads brought about by a lack of staffing resources. Agency temporary usage at the AOC hit its peak at 141 temporary assignments during fiscal year 2010-2011. During this time, the approval to employ an agency temporary worker was at the discretion of the Division Director and Executive Office.

Recent Use of Agency Temporary Employees

Beginning in late 2012, the AOC began to reduce its reliance on agency temporary staff and took the first steps by converting 32 temporary staff to regular employee positions.

MONTH	COUNT
12-Apr	82.0
12-May	71.0
12-Jun	56.0
12-Jul	55.0
12-Aug	54.0
12-Sep	51.0
12-Oct	51.2
12-Nov	47.1
12-Dec	17.5
13-Jan	20.5
13-Feb	24.5
13-Mar	26.5
13-Apr	30.5

In January 2013, HRSO, in conjunction with the Chief Administrative Officer, further restricted the process by implementing new parameters for securing agency temporary workers funded through the master contract. These parameters include:

- The temporary assignment must be less than six months in length, critical, and established on a project-only basis; or

The temporary assignment is backfilling a position in which the incumbent is on an approved extended leave of absence and only if the position is supporting a critical core function.

Before the agency temporary worker is funded through the master contract, the request must be reviewed by HRSO to determine if one of the above criteria is met.

Next Steps

While the need for agency temporary staffing exists, it is the goal of the AOC to implement stringent guidelines to decrease its dependence on agency temporary workers for long-term assignments.

These guidelines have been outlined in the attached document. The guidelines contain three requirements to determine whether an agency temporary worker may be brought on an assignment. It also includes up to a six-month maximum timeframe that agency temporary workers may remain on assignment.

In addition to addressing concerns raised by Judicial Council Directives 47 and 140, the maximum six-month timeframe was implemented to avoid a temporary agency worker potentially applying for California Public Employees Retirement System (CalPERS) membership under the common law employment factors. One of the requirements for CalPERS membership eligibility is that an individual must work more than 1000 hours, or equivalent to six months, for a state agency or state contracting agency.

The AOC will inform staff and apply these standards beginning July 1, 2013. The AOC will continue to assign HRSO oversight and enforcement responsibilities.

The AOC recently completed the solicitation of a new vendor to manage the agency temporary program. Effective, July 1, 2013, the AOC will initiate a master contract for use by the state judicial branch. In prior years, the master contract was limited to only the AOC. Under the new master contract, the Supreme Court, the Courts of Appeal, AOC, Habeas Corpus Resource Center, and the Commission on Judicial Performance will now be able to utilize agency temporary workers under a single contract.

Agency Temporary Worker Guidelines and Procedures

These guidelines and procedures outline criteria for the use of agency temporary workers as a reasonable resource to address staffing needs, provide guidance on how to complete the exemption request form, and provide assistance for the supervision of the agency temporary workers if the agency temporary worker request is granted.

I. DEFINITION

Agency temporary workers are not employees of the Administrative Office of the Courts (AOC). An agency temporary worker is an employee of an external employment agency; agency temporary workers receive compensation directly from the employment agency and carry out specific assignments. They are not eligible for any AOC benefits (sick leave, vacation, paid holidays, retirement, training, service credit, compensatory time, and transit passes, etc.), salary increases, reclassification or shift differential pay.

Agency temporary workers are hourly employees and must be paid for all hours worked, including overtime pay pursuant to applicable state and federal laws.

Agency temporary workers are not granted preferential treatment based on their temporary assignment with the AOC if they apply for an AOC employee position.

An agency temporary worker may be considered for employment as an AOC employee after working the minimum hours as governed by the current AOC Master Temporary Staffing Services Contract. All agency temporary workers must meet the minimum qualifications of the AOC classification in order to be considered for employment.

II. DURATION OF AGENCY TEMPORARY WORKER ASSIGNMENTS

Agency temporary worker assignments have a maximum duration of no more than six months **and** shall not continue past June 30 of each fiscal year, regardless of the assignment start date, without granting a request to extend.

If the assignment begins less than six months before June 30, the requesting office may formally request to extend the assignment beginning on July 1. The total timeframe the agency temporary worker may be on assignment with the AOC shall not exceed six months.

III. TYPES OF AGENCY TEMPORARY WORKER ASSIGNMENTS

1. Short-Term, Project-Based Assignments typically involve assistance on a special project (i.e., not for regularly assigned work).

Under short-term, project-based assignments:

- The agency temporary worker is not backfilling a position vacancy due to a planned separation or retirement;
 - The agency temporary worker receives compensation based on contracted rates in the Temporary Worker Salary Classification Schedule, as defined in the AOC Master Temporary Staffing Services Contract;
 - A former agency temporary worker may begin work on a new assignment with the AOC after a six-month break; and
 - No individual who retired under the California Public Employees' Retirement System (CalPERS) may work for the AOC as an agency temporary worker within 180 days of retirement.
2. Backfilling an approved Extended Leave of Absence is allowable when the incumbent is on an approved extended leave of absence and the incumbent supports an AOC critical core function.

Under backfilling of approved extended leave of absence assignments:

- The agency temporary worker is not backfilling a position vacancy due to a planned separation or retirement;
 - The agency temporary worker receives compensation based on contracted rates in the Temporary Worker Salary Classification Schedule, as defined in the master agreement;
 - A former agency temporary worker may begin work on a new assignment with the AOC after a six-month break; and
 - No individual who retired under CalPERS may work for the AOC as an agency temporary worker within 180 days of retirement.
3. Backfilling a Position Vacancy involves the use of an agency temporary worker to backfill a position that has been identified as supporting an AOC critical core function. Under backfilling a position vacancy assignments:
 - The agency temporary worker is backfilling the position while the approval to recruit for the position is being determined.

- The agency temporary worker receives compensation based on contracted rates in the Temporary Worker Salary Classification Schedule as defined in the master agreement;
- The agency temporary worker's assignment for back filling a vacancy has a maximum duration of no more than three months.
- A former agency temporary worker may begin work on a new assignment with the AOC after a six-month break; and
- No individual who retired CalPERS may work for the AOC as an agency temporary worker within 180 days of retirement.

IV. CRITERIA FOR REQUESTING AN AGENCY TEMPORARY WORKER

Before an agency temporary worker request is considered for approval, the requesting office should clearly demonstrate that:

- a. The agency temporary worker is an essential staffing need for a project-based assignment, with a duration of no more than six months, **and** the specific work assignment cannot be performed by regular employees;

OR

- b. The agency temporary worker is backfilling a position supporting a critical core function when the incumbent is on an approved extended leave of absence. The maximum duration of six months is still applicable, regardless of the incumbent's time on leave.

OR

- c. The agency temporary worker is backfilling a position supporting a critical core function while the approval to conduct recruitment for the position is going through the AOC exemption process. The maximum duration for these assignments is three months.

V. PROCEDURE FOR REQUESTING AN AGENCY TEMPORARY WORKER

Offices must submit an exemption form to request an agency temporary worker. The Chief Administrative Officer ultimately has approval authority over all requests for agency temporary workers.

To submit a request for an agency temporary assignment, the requesting office must complete the following two forms and provide them to the Human Resources Services Office (HRSO):

1. *Request for Exemption - Temporary Help (link)*
2. *Temporary Agency Work Order (link)*

HRSO reviews the forms to ensure that the criteria for an agency temporary worker assignment have been met and that all sections of the exemption and work order forms have been accurately completed.

If the request successfully meets the criteria, HRSO forwards the forms to the Chief Administrative Officer for final approval. HRSO then informs the requesting office of the Chief Administrative Officer's decision. **Under all circumstances**, HRSO initiates contact with the agency; requesting offices may not directly contact the agency or prospective agency temporary workers.

VI. PROCEDURE FOR TERMINATION OF ASSIGNMENT OF AN AGENCY TEMPORARY WORKER

Hiring managers should contact HRSO before communicating assignment terminations with an agency temporary worker. HRSO will contact the agency temporary worker's employment agency and then provide guidance to the hiring manager on next steps.

VII. OFFICE PROCEDURES FOR AGENCY TEMPORARY WORKERS

The office requesting an agency temporary worker is responsible for determining cubicle space, securing a phone with Business Services, and computer and network setup with the Information Technology Services Office HelpDesk.

VIII. AOC SUPERVISOR RESPONSIBILITY

Only AOC employees in classifications designated as supervisor or above may serve as the "supervisor" of the agency temporary worker, with tasks such as:

- Approving weekly timecards;
- Approving any needed travel and lodging expenses and/or following AOC policies and procedures;
- Establishing guidelines regarding worker expectations and conduct (as long as they are reasonable and do not conflict with the AOC agency temporary guidelines); and
- Communicating and enforcing AOC safety practices.

ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/11/2013
PREPARED BY	Zlatko Theodorovic
OFFICE NAME	<u>Fiscal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	07
JUDICIAL COUNCIL DIRECTIVE	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.
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.
JC DIRECTIVE TIMELINE	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the Status Report provided to the Judicial Council)	
<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>	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:	
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	

The AOC has developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes 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.

The proposed "Guidelines for the Administration of Branchwide Projects and Initiatives" include the "Request for Approval of Project Proposal" form. These guidelines require the full documented collaboration of all stakeholders impacted by a project or initiative. Please see attachments below.



Memo to Judge Jahr re
JC Directives Guidelines
& Processes.docx
Microsoft Office Word
Document
62.1 KB



Guidelines for the
Administration of
Branchwide Projects and
Initiatives.docx
Microsoft Office Word
Document
60.3 KB

File Attachment

File Attachment

This directive is pending:

File Attachment

File Attachment

File Attachment

File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
JUDICIAL AND COURT ADMINISTRATIVE SERVICES DIVISION
2850 Gateway Oaks Drive, Suite 300 • Sacramento, California 95833-4348
Telephone 916-263-1400 • Fax 916-643-8028 • TDD 415-865-4272

M E M O R A N D U M

Date

November 25, 2013

Action Requested

Consider Guidelines and Process
Recommendation

To

Hon. Steven Jahr
Administrative Director of the Courts

Deadline

At your convenience

From

Curt Soderlund
Chief Administrative Officer

Contact

Curt Soderlund
916-263-5512 phone
curt.soderlund@jud.ca.gov

Zlatko Theodorovic
Director, Fiscal Services Office

Subject

Judicial Council Directives 7-13, 21, 40, 91
and 145

This memorandum requests your review and approval of staff recommendations to establish guidelines and a process to address the various common aspects of Judicial Council Directives 7-13, 21, 40, 91 and 145 specific to future critical initiatives. This recommendation seeks to encompass a process that ensures a full and comprehensive cost-benefit analysis that includes:

- The input and collaboration of all stakeholders;
- Consultation with the Judicial Council and the Executive and Planning Committee, as necessary;
- A complete analysis of scope;
- The development of accurate cost estimates and the identification of funding in constant collaboration with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Background

The Judicial Council approved various directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. The directives approved were derived from the SEC's observations that alleged a lack of uniform internal processes, insufficient collaboration, and inadequate analysis.

Projects brought before the Judicial Council for consideration should be evaluated on the basis of scope, resources, and political sensitivity. The inclusion of these components will assist the Judicial Council in their operational role of request review so that they may provide:

- Clear and complete definition of priorities;
- A balance between the requests and branch roles and responsibilities;
- Complete consultation; and
- Timely feedback and direction.

The AOC recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects and will continually seek refinement of existing processes.

Recommendation

We request the approval of the following policy regarding cost-benefit analyses:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes 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.

We further recommend that you approve use of the proposed *Guidelines for the Administration of Branchwide Projects and Initiatives* as the official AOC process.

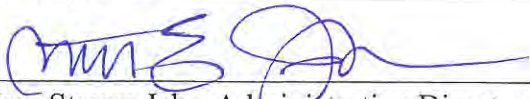
Lastly, should you approve the above guidelines, we recommend that you direct staff of the Fiscal Services Office to publicize the new process.

APPROVAL

(Please check one)

I approve the recommendations above.

I approve _____



Hon. Steven Jahr, Administrative Director of the Courts

11/27/13

Date

November 25, 2013
Page 3

Attachment



GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes 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.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
 - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
 - Office Director holds preliminary discussions with Division Chief
 - Division Chief and Office Director present the issue to the Executive Office as an informal concept
 - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate for further evaluation.
 - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form
 - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources.
 - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
 - Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged: <http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx>
- Components of the RAPP Form
 - a. Requesting Office or Division
 - b. Date Prepared
 - c. Contact Information
 - d. Project Title
 - e. Summary
 - f. Summarized Estimated Costs
 - g. Proposal Review Routing
 - h. Associated JC Strategic Goal, if applicable
 - i. Project Scope
 - j. Stakeholders
 - k. Impact Analysis
 - l. Documentation of Decision-Making Process
 - m. Cost Considerations
 - n. Authorization to Proceed (Office Director or Designee)
3. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.
 4. Briefing of Executive Office by Division Chief/Office Director
 - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
 - Consider discussion with Chief Justice
 - Consider discussions with external stakeholders such as the courts or State Bar
 5. Executive Office Action
 - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
 - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Fleshman at (415) 865-7531 or bob.fleshman@jud.ca.gov.



REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/10/13

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary <i>(Please provide 3 to 4 sentences briefly describing your request.)</i>	
Summarized Estimated Costs <i>(Please differentiate between one-time and ongoing costs, if applicable.)</i>	
Proposal Review Routing <i>(Please select as applicable.)</i>	<input type="checkbox"/> Human Resources Office <input type="checkbox"/> Legal Services Office <input type="checkbox"/> Fiscal Services Office <input type="checkbox"/> Information Technology Services Office <input type="checkbox"/> Office of Governmental Affairs <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and direction of your project, including timeline.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the AOC or stakeholders directly or indirectly if this project is approved. Consider staff time, additional funding, and other requirements involved in successfully administering and implementing this project. Include offsets where applicable.

Documentation of Decision-Making Process

Please provide a summary of items you used to determine the need for this undertaking. Provide attachments where applicable.

Cost Considerations

Cost estimates must be developed in collaboration with the Fiscal Services Office.

Budget Augmentation Required?										
	No									
	Yes		If YES, indicate fiscal year(s) and associated amount:							
			FY		FY		FY		FY	
			\$		\$		\$		\$	

PROJECT COSTS

1.	Fiscal Year					TOTAL
2.	One-Time Cost					\$
3.	Continuing Costs					\$
4.	TOTAL PROJECT BUDGET	\$	\$	\$	\$	\$

PROJECT FINANCIAL BENEFITS

5.	Cost Savings/Avoidances	\$	\$	\$	\$
6.	Revenue Increase	\$	\$	\$	\$

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.



Name (Office Director or Designee)

11/27/13

Date

Notes/Comments

ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/11/2013
PREPARED BY	Zlatko Theodorovic
OFFICE NAME	<u>Fiscal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	08
JUDICIAL COUNCIL DIRECTIVE	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.
SEC RECOMMENDATION	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.
JC DIRECTIVE TIMELINE	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the Status Report provided to the Judicial Council)	
<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>	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:	

The AOC has developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes 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.

The proposed "Guidelines for the Administration of Branchwide Projects and Initiatives" include the "Request for Approval of Project Proposal" form. Please see attachments below.



Memo to Judge Jahr re
JC Directives Guidelines
& Processes.docx
Microsoft Office Word
Document
62.1 KB



Guidelines for the
Administration of
Branchwide Projects and
Initiatives.docx
Microsoft Office Word
Document
60.3 KB



File Attachment



File Attachment

This directive is pending:



File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
JUDICIAL AND COURT ADMINISTRATIVE SERVICES DIVISION
2850 Gateway Oaks Drive, Suite 300 • Sacramento, California 95833-4348
Telephone 916-263-1400 • Fax 916-643-8028 • TDD 415-865-4272

MEMORANDUM

Date November 25, 2013	Action Requested Consider Guidelines and Process Recommendation
To Hon. Steven Jahr Administrative Director of the Courts	Deadline At your convenience
From Curt Soderlund Chief Administrative Officer Zlatko Theodorovic Director, Fiscal Services Office	Contact Curt Soderlund 916-263-5512 phone curt.soderlund@jud.ca.gov
Subject Judicial Council Directives 7-13, 21, 40, 91 and 145	

This memorandum requests your review and approval of staff recommendations to establish guidelines and a process to address the various common aspects of Judicial Council Directives 7-13, 21, 40, 91 and 145 specific to future critical initiatives. This recommendation seeks to encompass a process that ensures a full and comprehensive cost-benefit analysis that includes:

- The input and collaboration of all stakeholders;
- Consultation with the Judicial Council and the Executive and Planning Committee, as necessary;
- A complete analysis of scope;
- The development of accurate cost estimates and the identification of funding in constant collaboration with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Background

The Judicial Council approved various directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. The directives approved were derived from the SEC's observations that alleged a lack of uniform internal processes, insufficient collaboration, and inadequate analysis.

Projects brought before the Judicial Council for consideration should be evaluated on the basis of scope, resources, and political sensitivity. The inclusion of these components will assist the Judicial Council in their operational role of request review so that they may provide:

- Clear and complete definition of priorities;
- A balance between the requests and branch roles and responsibilities;
- Complete consultation; and
- Timely feedback and direction.

The AOC recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects and will continually seek refinement of existing processes.

Recommendation

We request the approval of the following policy regarding cost-benefit analyses:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes 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.

We further recommend that you approve use of the proposed *Guidelines for the Administration of Branchwide Projects and Initiatives* as the official AOC process.

Lastly, should you approve the above guidelines, we recommend that you direct staff of the Fiscal Services Office to publicize the new process.

APPROVAL

(Please check one)

I approve the recommendations above.

I approve _____


Hon. Steven Jahr, Administrative Director of the Courts

11/27/13
Date

November 25, 2013
Page 3

Attachment



GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes 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.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
 - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
 - Office Director holds preliminary discussions with Division Chief
 - Division Chief and Office Director present the issue to the Executive Office as an informal concept
 - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate for further evaluation.
 - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form
 - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources.
 - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
 - Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged: <http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx>
- Components of the RAPP Form
 - a. Requesting Office or Division
 - b. Date Prepared
 - c. Contact Information
 - d. Project Title
 - e. Summary
 - f. Summarized Estimated Costs
 - g. Proposal Review Routing
 - h. Associated JC Strategic Goal, if applicable
 - i. Project Scope
 - j. Stakeholders
 - k. Impact Analysis
 - l. Documentation of Decision-Making Process
 - m. Cost Considerations
 - n. Authorization to Proceed (Office Director or Designee)
3. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.
 4. Briefing of Executive Office by Division Chief/Office Director
 - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
 - Consider discussion with Chief Justice
 - Consider discussions with external stakeholders such as the courts or State Bar
 5. Executive Office Action
 - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
 - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Fleshman at (415) 865-7531 or bob.fleshman@jud.ca.gov.



REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/10/13

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary <i>(Please provide 3 to 4 sentences briefly describing your request.)</i>	
Summarized Estimated Costs <i>(Please differentiate between one-time and ongoing costs, if applicable.)</i>	
Proposal Review Routing <i>(Please select as applicable.)</i>	<input type="checkbox"/> Human Resources Office <input type="checkbox"/> Legal Services Office <input type="checkbox"/> Fiscal Services Office <input type="checkbox"/> Information Technology Services Office <input type="checkbox"/> Office of Governmental Affairs <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and direction of your project, including timeline.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the AOC or stakeholders directly or indirectly if this project is approved. Consider staff time, additional funding, and other requirements involved in successfully administering and implementing this project. Include offsets where applicable.

Documentation of Decision-Making Process

Please provide a summary of items you used to determine the need for this undertaking. Provide attachments where applicable.

Cost Considerations

Cost estimates must be developed in collaboration with the Fiscal Services Office.

Budget Augmentation Required?										
	No									
	Yes		If YES, indicate fiscal year(s) and associated amount:							
			FY		FY		FY		FY	
			\$		\$		\$		\$	

PROJECT COSTS

1.	Fiscal Year					TOTAL
2.	One-Time Cost					\$
3.	Continuing Costs					\$
4.	TOTAL PROJECT BUDGET	\$	\$	\$	\$	\$

PROJECT FINANCIAL BENEFITS

5.	Cost Savings/Avoidances	\$	\$	\$	\$
6.	Revenue Increase	\$	\$	\$	\$

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.



Name (Office Director or Designee)

11/27/13

Date

Notes/Comments

ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/11/2013
PREPARED BY	Zlatko Theodorovic
OFFICE NAME	<u>Fiscal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	9
JUDICIAL COUNCIL DIRECTIVE	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.
SEC RECOMMENDATION	The AOC must develop and communicate accurate cost estimates for projects, programs, and initiatives.
JC DIRECTIVE TIMELINE	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the <i>Status Report</i> provided to the Judicial Council)	
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.	
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.	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:	
The AOC has developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes 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.

The proposed "Guidelines for the Administration of Branchwide Projects and Initiatives" include the "Request for Approval of Project Proposal" form. Please see attachments below.



Memo to Judge Jahr re
JC Directives Guidelines
& Processes.docx
Microsoft Office Word
Document
62.1 KB



Guidelines for the
Administration of
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Microsoft Office Word
Document
60.3 KB

 File Attachment

 File Attachment

This directive is pending:

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
JUDICIAL AND COURT ADMINISTRATIVE SERVICES DIVISION
2850 Gateway Oaks Drive, Suite 300 • Sacramento, California 95833-4348
Telephone 916-263-1400 • Fax 916-643-8028 • TDD 415-865-4272

M E M O R A N D U M

Date

November 25, 2013

Action Requested

Consider Guidelines and Process
Recommendation

To

Hon. Steven Jahr
Administrative Director of the Courts

Deadline

At your convenience

From

Curt Soderlund
Chief Administrative Officer

Contact

Curt Soderlund
916-263-5512 phone
curt.soderlund@jud.ca.gov

Zlatko Theodorovic
Director, Fiscal Services Office

Subject

Judicial Council Directives 7-13, 21, 40, 91
and 145

This memorandum requests your review and approval of staff recommendations to establish guidelines and a process to address the various common aspects of Judicial Council Directives 7-13, 21, 40, 91 and 145 specific to future critical initiatives. This recommendation seeks to encompass a process that ensures a full and comprehensive cost-benefit analysis that includes:

- The input and collaboration of all stakeholders;
- Consultation with the Judicial Council and the Executive and Planning Committee, as necessary;
- A complete analysis of scope;
- The development of accurate cost estimates and the identification of funding in constant collaboration with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Background

The Judicial Council approved various directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. The directives approved were derived from the SEC's observations that alleged a lack of uniform internal processes, insufficient collaboration, and inadequate analysis.

Projects brought before the Judicial Council for consideration should be evaluated on the basis of scope, resources, and political sensitivity. The inclusion of these components will assist the Judicial Council in their operational role of request review so that they may provide:

- Clear and complete definition of priorities;
- A balance between the requests and branch roles and responsibilities;
- Complete consultation; and
- Timely feedback and direction.

The AOC recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects and will continually seek refinement of existing processes.

Recommendation

We request the approval of the following policy regarding cost-benefit analyses:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes 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.

We further recommend that you approve use of the proposed *Guidelines for the Administration of Branchwide Projects and Initiatives* as the official AOC process.

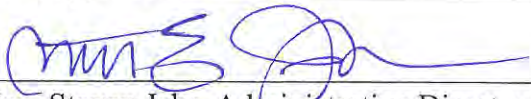
Lastly, should you approve the above guidelines, we recommend that you direct staff of the Fiscal Services Office to publicize the new process.

APPROVAL

(Please check one)

I approve the recommendations above.

I approve _____


Hon. Steven Jahr, Administrative Director of the Courts

11/27/13
Date

November 25, 2013
Page 3

Attachment



GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes 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.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

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 - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
 - Office Director holds preliminary discussions with Division Chief
 - Division Chief and Office Director present the issue to the Executive Office as an informal concept
 - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate for further evaluation.
 - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form
 - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources.
 - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
 - Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged: <http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx>
- Components of the RAPP Form
 - a. Requesting Office or Division
 - b. Date Prepared
 - c. Contact Information
 - d. Project Title
 - e. Summary
 - f. Summarized Estimated Costs
 - g. Proposal Review Routing
 - h. Associated JC Strategic Goal, if applicable
 - i. Project Scope
 - j. Stakeholders
 - k. Impact Analysis
 - l. Documentation of Decision-Making Process
 - m. Cost Considerations
 - n. Authorization to Proceed (Office Director or Designee)
3. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.
 4. Briefing of Executive Office by Division Chief/Office Director
 - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
 - Consider discussion with Chief Justice
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 5. Executive Office Action
 - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
 - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Fleshman at (415) 865-7531 or bob.fleshman@jud.ca.gov.



REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/10/13

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary <i>(Please provide 3 to 4 sentences briefly describing your request.)</i>	
Summarized Estimated Costs <i>(Please differentiate between one-time and ongoing costs, if applicable.)</i>	
Proposal Review Routing <i>(Please select as applicable.)</i>	<input type="checkbox"/> Human Resources Office <input type="checkbox"/> Legal Services Office <input type="checkbox"/> Fiscal Services Office <input type="checkbox"/> Information Technology Services Office <input type="checkbox"/> Office of Governmental Affairs <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and direction of your project, including timeline.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the AOC or stakeholders directly or indirectly if this project is approved. Consider staff time, additional funding, and other requirements involved in successfully administering and implementing this project. Include offsets where applicable.

Documentation of Decision-Making Process

Please provide a summary of items you used to determine the need for this undertaking. Provide attachments where applicable.

Cost Considerations

Cost estimates must be developed in collaboration with the Fiscal Services Office.

Budget Augmentation Required?										
	No									
	Yes		If YES, indicate fiscal year(s) and associated amount:							
			FY		FY		FY		FY	
			\$		\$		\$		\$	

PROJECT COSTS

1.	Fiscal Year					TOTAL
2.	One-Time Cost					\$
3.	Continuing Costs					\$
4.	TOTAL PROJECT BUDGET	\$	\$	\$	\$	\$

PROJECT FINANCIAL BENEFITS

5.	Cost Savings/Avoidances	\$	\$	\$	\$
6.	Revenue Increase	\$	\$	\$	\$

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.



Name (Office Director or Designee)

11/27/13

Date

Notes/Comments

ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/11/2013
PREPARED BY	Zlatko Theodorovic
OFFICE NAME	<u>Fiscal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	10
JUDICIAL COUNCIL DIRECTIVE	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.
SEC RECOMMENDATION	The AOC must apply proper cost and contract controls and monitoring, including independent assessment and verification, for significant projects and programs.
JC DIRECTIVE TIMELINE	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the Status Report provided to the Judicial Council)	
<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>	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:	
The AOC has developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes 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.

The proposed "Guidelines for the Administration of Branchwide Projects and Initiatives" include the "Request for Approval of Project Proposal" form. Please see attachments below.



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Document
62.1 KB



Guidelines for the
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Branchwide Projects and
Initiatives.docx
Microsoft Office Word
Document
60.3 KB



File Attachment



File Attachment

This directive is pending:



File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
JUDICIAL AND COURT ADMINISTRATIVE SERVICES DIVISION
2850 Gateway Oaks Drive, Suite 300 • Sacramento, California 95833-4348
Telephone 916-263-1400 • Fax 916-643-8028 • TDD 415-865-4272

M E M O R A N D U M

Date November 25, 2013	Action Requested Consider Guidelines and Process Recommendation
To Hon. Steven Jahr Administrative Director of the Courts	Deadline At your convenience
From Curt Soderlund Chief Administrative Officer	Contact Curt Soderlund 916-263-5512 phone curt.soderlund@jud.ca.gov
Zlatko Theodorovic Director, Fiscal Services Office	
Subject Judicial Council Directives 7-13, 21, 40, 91 and 145	

This memorandum requests your review and approval of staff recommendations to establish guidelines and a process to address the various common aspects of Judicial Council Directives 7-13, 21, 40, 91 and 145 specific to future critical initiatives. This recommendation seeks to encompass a process that ensures a full and comprehensive cost-benefit analysis that includes:

- The input and collaboration of all stakeholders;
- Consultation with the Judicial Council and the Executive and Planning Committee, as necessary;
- A complete analysis of scope;
- The development of accurate cost estimates and the identification of funding in constant collaboration with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Background

The Judicial Council approved various directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. The directives approved were derived from the SEC's observations that alleged a lack of uniform internal processes, insufficient collaboration, and inadequate analysis.

Projects brought before the Judicial Council for consideration should be evaluated on the basis of scope, resources, and political sensitivity. The inclusion of these components will assist the Judicial Council in their operational role of request review so that they may provide:

- Clear and complete definition of priorities;
- A balance between the requests and branch roles and responsibilities;
- Complete consultation; and
- Timely feedback and direction.

The AOC recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects and will continually seek refinement of existing processes.

Recommendation

We request the approval of the following policy regarding cost-benefit analyses:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes 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.

We further recommend that you approve use of the proposed *Guidelines for the Administration of Branchwide Projects and Initiatives* as the official AOC process.

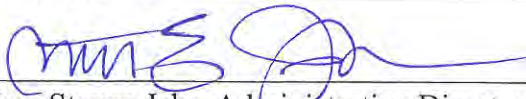
Lastly, should you approve the above guidelines, we recommend that you direct staff of the Fiscal Services Office to publicize the new process.

APPROVAL

(Please check one)

I approve the recommendations above.

I approve _____



Hon. Steven Jahr, Administrative Director of the Courts

11/27/13

Date

November 25, 2013
Page 3

Attachment



GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes 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.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
 - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
 - Office Director holds preliminary discussions with Division Chief
 - Division Chief and Office Director present the issue to the Executive Office as an informal concept
 - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate for further evaluation.
 - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form
 - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources.
 - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
 - Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged: <http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx>
- Components of the RAPP Form
 - a. Requesting Office or Division
 - b. Date Prepared
 - c. Contact Information
 - d. Project Title
 - e. Summary
 - f. Summarized Estimated Costs
 - g. Proposal Review Routing
 - h. Associated JC Strategic Goal, if applicable
 - i. Project Scope
 - j. Stakeholders
 - k. Impact Analysis
 - l. Documentation of Decision-Making Process
 - m. Cost Considerations
 - n. Authorization to Proceed (Office Director or Designee)
3. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.
 4. Briefing of Executive Office by Division Chief/Office Director
 - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
 - Consider discussion with Chief Justice
 - Consider discussions with external stakeholders such as the courts or State Bar
 5. Executive Office Action
 - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
 - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Fleshman at (415) 865-7531 or bob.fleshman@jud.ca.gov.



REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/10/13

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary <i>(Please provide 3 to 4 sentences briefly describing your request.)</i>	
Summarized Estimated Costs <i>(Please differentiate between one-time and ongoing costs, if applicable.)</i>	
Proposal Review Routing <i>(Please select as applicable.)</i>	<input type="checkbox"/> Human Resources Office <input type="checkbox"/> Legal Services Office <input type="checkbox"/> Fiscal Services Office <input type="checkbox"/> Information Technology Services Office <input type="checkbox"/> Office of Governmental Affairs <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and direction of your project, including timeline.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the AOC or stakeholders directly or indirectly if this project is approved. Consider staff time, additional funding, and other requirements involved in successfully administering and implementing this project. Include offsets where applicable.

Documentation of Decision-Making Process

Please provide a summary of items you used to determine the need for this undertaking. Provide attachments where applicable.

Cost Considerations

Cost estimates must be developed in collaboration with the Fiscal Services Office.

Budget Augmentation Required?										
	No									
	Yes		If YES, indicate fiscal year(s) and associated amount:							
			FY		FY		FY		FY	
			\$		\$		\$		\$	

PROJECT COSTS

1.	Fiscal Year					TOTAL
2.	One-Time Cost					\$
3.	Continuing Costs					\$
4.	TOTAL PROJECT BUDGET	\$	\$	\$	\$	\$

PROJECT FINANCIAL BENEFITS

5.	Cost Savings/Avoidances	\$	\$	\$	\$
6.	Revenue Increase	\$	\$	\$	\$

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.



Name (Office Director or Designee)

11/27/13

Date

Notes/Comments

ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/4/2013
PREPARED BY	Zlatko Theodorovic
OFFICE NAME	<u>Fiscal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	11
JUDICIAL COUNCIL DIRECTIVE	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.
SEC RECOMMENDATION	The AOC must maintain proper documentation and records of its decision making process for significant projects and programs.
JC DIRECTIVE TIMELINE	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the <i>Status Report</i> provided to the Judicial Council)	
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.	
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.	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:	
The AOC has developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes 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.

The proposed "Guidelines for the Administration of Branchwide Projects and Initiatives" include the "Request for Approval of Project Proposal" form which requires detail regarding the documentation of the decision-making processes for significant initiatives. Please see attachments below.



Memo to Judge Jahr re
JC Directives Guidelines
& Processes.docx
Microsoft Office Word
Document
62.1 KB



Guidelines for the
Administration of
Branchwide Projects and
Initiatives.docx
Microsoft Office Word
Document
60.3 KB



File Attachment



File Attachment

This directive is pending:



File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
JUDICIAL AND COURT ADMINISTRATIVE SERVICES DIVISION
2850 Gateway Oaks Drive, Suite 300 • Sacramento, California 95833-4348
Telephone 916-263-1400 • Fax 916-643-8028 • TDD 415-865-4272

M E M O R A N D U M

Date

November 25, 2013

Action Requested

Consider Guidelines and Process
Recommendation

To

Hon. Steven Jahr
Administrative Director of the Courts

Deadline

At your convenience

From

Curt Soderlund
Chief Administrative Officer

Contact

Curt Soderlund
916-263-5512 phone
curt.soderlund@jud.ca.gov

Zlatko Theodorovic
Director, Fiscal Services Office

Subject

Judicial Council Directives 7-13, 21, 40, 91
and 145

This memorandum requests your review and approval of staff recommendations to establish guidelines and a process to address the various common aspects of Judicial Council Directives 7-13, 21, 40, 91 and 145 specific to future critical initiatives. This recommendation seeks to encompass a process that ensures a full and comprehensive cost-benefit analysis that includes:

- The input and collaboration of all stakeholders;
- Consultation with the Judicial Council and the Executive and Planning Committee, as necessary;
- A complete analysis of scope;
- The development of accurate cost estimates and the identification of funding in constant collaboration with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Background

The Judicial Council approved various directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. The directives approved were derived from the SEC's observations that alleged a lack of uniform internal processes, insufficient collaboration, and inadequate analysis.

Projects brought before the Judicial Council for consideration should be evaluated on the basis of scope, resources, and political sensitivity. The inclusion of these components will assist the Judicial Council in their operational role of request review so that they may provide:

- Clear and complete definition of priorities;
- A balance between the requests and branch roles and responsibilities;
- Complete consultation; and
- Timely feedback and direction.

The AOC recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects and will continually seek refinement of existing processes.

Recommendation

We request the approval of the following policy regarding cost-benefit analyses:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes 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.

We further recommend that you approve use of the proposed *Guidelines for the Administration of Branchwide Projects and Initiatives* as the official AOC process.

Lastly, should you approve the above guidelines, we recommend that you direct staff of the Fiscal Services Office to publicize the new process.

APPROVAL

(Please check one)

I approve the recommendations above.

I approve _____


Hon. Steven Jahr, Administrative Director of the Courts

11/27/13
Date

November 25, 2013
Page 3

Attachment



GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes 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.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
 - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
 - Office Director holds preliminary discussions with Division Chief
 - Division Chief and Office Director present the issue to the Executive Office as an informal concept
 - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate for further evaluation.
 - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form
 - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources.
 - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
 - Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged: <http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx>
- Components of the RAPP Form
 - a. Requesting Office or Division
 - b. Date Prepared
 - c. Contact Information
 - d. Project Title
 - e. Summary
 - f. Summarized Estimated Costs
 - g. Proposal Review Routing
 - h. Associated JC Strategic Goal, if applicable
 - i. Project Scope
 - j. Stakeholders
 - k. Impact Analysis
 - l. Documentation of Decision-Making Process
 - m. Cost Considerations
 - n. Authorization to Proceed (Office Director or Designee)
3. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.
 4. Briefing of Executive Office by Division Chief/Office Director
 - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
 - Consider discussion with Chief Justice
 - Consider discussions with external stakeholders such as the courts or State Bar
 5. Executive Office Action
 - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
 - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Fleshman at (415) 865-7531 or bob.fleshman@jud.ca.gov.



REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/10/13

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary <i>(Please provide 3 to 4 sentences briefly describing your request.)</i>	
Summarized Estimated Costs <i>(Please differentiate between one-time and ongoing costs, if applicable.)</i>	
Proposal Review Routing <i>(Please select as applicable.)</i>	<input type="checkbox"/> Human Resources Office <input type="checkbox"/> Legal Services Office <input type="checkbox"/> Fiscal Services Office <input type="checkbox"/> Information Technology Services Office <input type="checkbox"/> Office of Governmental Affairs <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and direction of your project, including timeline.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the AOC or stakeholders directly or indirectly if this project is approved. Consider staff time, additional funding, and other requirements involved in successfully administering and implementing this project. Include offsets where applicable.

Documentation of Decision-Making Process

Please provide a summary of items you used to determine the need for this undertaking. Provide attachments where applicable.

Cost Considerations

Cost estimates must be developed in collaboration with the Fiscal Services Office.

Budget Augmentation Required?										
	No									
	Yes		If YES, indicate fiscal year(s) and associated amount:							
			FY		FY		FY		FY	
			\$		\$		\$		\$	

PROJECT COSTS

1.	Fiscal Year					TOTAL
2.	One-Time Cost					\$
3.	Continuing Costs					\$
4.	TOTAL PROJECT BUDGET	\$	\$	\$	\$	\$

PROJECT FINANCIAL BENEFITS

5.	Cost Savings/Avoidances	\$	\$	\$	\$
6.	Revenue Increase	\$	\$	\$	\$

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.



Name (Office Director or Designee)

11/27/13

Date

Notes/Comments

ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/4/2013
PREPARED BY	Zlatko Theodorovic
OFFICE NAME	<u>Fiscal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	12
JUDICIAL COUNCIL DIRECTIVE	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.
SEC RECOMMENDATION	The AOC must identify and secure sufficient funding and revenue streams to support projects and programs before undertaking them.
JC DIRECTIVE TIMELINE	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the Status Report provided to the Judicial Council)	
<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>	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:	
<p>The AOC has developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes the input and</p>	

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.

The proposed "Guidelines for the Administration of Branchwide Projects and Initiatives" include the "Request for Approval of Project Proposal" form which requires details and identification of revenue streams for proposals brought forward for consideration. Please see attachments below.



Memo to Judge Jahr re
JC Directives Guidelines
& Processes.docx
Microsoft Office Word
Document
62.1 KB



Guidelines for the
Administration of
Branchwide Projects and
Initiatives.docx
Microsoft Office Word
Document
60.3 KB

 File Attachment

 File Attachment

This directive is pending:

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
JUDICIAL AND COURT ADMINISTRATIVE SERVICES DIVISION
2850 Gateway Oaks Drive, Suite 300 • Sacramento, California 95833-4348
Telephone 916-263-1400 • Fax 916-643-8028 • TDD 415-865-4272

M E M O R A N D U M

Date

November 25, 2013

Action Requested

Consider Guidelines and Process
Recommendation

To

Hon. Steven Jahr
Administrative Director of the Courts

Deadline

At your convenience

From

Curt Soderlund
Chief Administrative Officer

Contact

Curt Soderlund
916-263-5512 phone
curt.soderlund@jud.ca.gov

Zlatko Theodorovic
Director, Fiscal Services Office

Subject

Judicial Council Directives 7-13, 21, 40, 91
and 145

This memorandum requests your review and approval of staff recommendations to establish guidelines and a process to address the various common aspects of Judicial Council Directives 7-13, 21, 40, 91 and 145 specific to future critical initiatives. This recommendation seeks to encompass a process that ensures a full and comprehensive cost-benefit analysis that includes:

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- A complete analysis of scope;
- The development of accurate cost estimates and the identification of funding in constant collaboration with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Background

The Judicial Council approved various directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. The directives approved were derived from the SEC's observations that alleged a lack of uniform internal processes, insufficient collaboration, and inadequate analysis.

Projects brought before the Judicial Council for consideration should be evaluated on the basis of scope, resources, and political sensitivity. The inclusion of these components will assist the Judicial Council in their operational role of request review so that they may provide:

- Clear and complete definition of priorities;
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- Timely feedback and direction.

The AOC recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects and will continually seek refinement of existing processes.

Recommendation

We request the approval of the following policy regarding cost-benefit analyses:

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We further recommend that you approve use of the proposed *Guidelines for the Administration of Branchwide Projects and Initiatives* as the official AOC process.

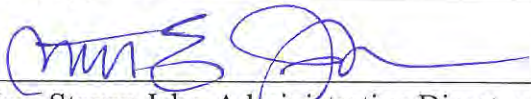
Lastly, should you approve the above guidelines, we recommend that you direct staff of the Fiscal Services Office to publicize the new process.

APPROVAL

(Please check one)

I approve the recommendations above.

I approve _____



Hon. Steven Jahr, Administrative Director of the Courts

11/27/13

Date

November 25, 2013
Page 3

Attachment



GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes 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.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
 - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
 - Office Director holds preliminary discussions with Division Chief
 - Division Chief and Office Director present the issue to the Executive Office as an informal concept
 - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate for further evaluation.
 - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form
 - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources.
 - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
 - Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged: <http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx>
- Components of the RAPP Form
 - a. Requesting Office or Division
 - b. Date Prepared
 - c. Contact Information
 - d. Project Title
 - e. Summary
 - f. Summarized Estimated Costs
 - g. Proposal Review Routing
 - h. Associated JC Strategic Goal, if applicable
 - i. Project Scope
 - j. Stakeholders
 - k. Impact Analysis
 - l. Documentation of Decision-Making Process
 - m. Cost Considerations
 - n. Authorization to Proceed (Office Director or Designee)
3. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.
 4. Briefing of Executive Office by Division Chief/Office Director
 - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
 - Consider discussion with Chief Justice
 - Consider discussions with external stakeholders such as the courts or State Bar
 5. Executive Office Action
 - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
 - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Fleshman at (415) 865-7531 or bob.fleshman@jud.ca.gov.



REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/10/13

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary <i>(Please provide 3 to 4 sentences briefly describing your request.)</i>	
Summarized Estimated Costs <i>(Please differentiate between one-time and ongoing costs, if applicable.)</i>	
Proposal Review Routing <i>(Please select as applicable.)</i>	<input type="checkbox"/> Human Resources Office <input type="checkbox"/> Legal Services Office <input type="checkbox"/> Fiscal Services Office <input type="checkbox"/> Information Technology Services Office <input type="checkbox"/> Office of Governmental Affairs <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and direction of your project, including timeline.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the AOC or stakeholders directly or indirectly if this project is approved. Consider staff time, additional funding, and other requirements involved in successfully administering and implementing this project. Include offsets where applicable.

Documentation of Decision-Making Process

Please provide a summary of items you used to determine the need for this undertaking. Provide attachments where applicable.

Cost Considerations

Cost estimates must be developed in collaboration with the Fiscal Services Office.

Budget Augmentation Required?										
	No									
	Yes		If YES, indicate fiscal year(s) and associated amount:							
			FY		FY		FY		FY	
			\$		\$		\$		\$	

PROJECT COSTS

1.	Fiscal Year					TOTAL
2.	One-Time Cost					\$
3.	Continuing Costs					\$
4.	TOTAL PROJECT BUDGET	\$	\$	\$	\$	\$

PROJECT FINANCIAL BENEFITS

5.	Cost Savings/Avoidances	\$	\$	\$	\$
6.	Revenue Increase	\$	\$	\$	\$

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.



Name (Office Director or Designee)

11/27/13

Date

Notes/Comments

ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/11/2013
PREPARED BY	Zlatko Theodorovic
OFFICE NAME	<u>Fiscal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	13
JUDICIAL COUNCIL DIRECTIVE	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 to the courts.
SEC RECOMMENDATION	The AOC must accurately report and make available information on potential costs of projects and impacts to the courts.
JC DIRECTIVE TIMELINE	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the Status Report provided to the Judicial Council)	
<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>	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:	
<p>The AOC has developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes the input and</p>	

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.

The proposed "Guidelines for the Administration of Branchwide Projects and Initiatives" include the "Request for Approval of Project Proposal" form that requires that transparency of costs and impacts to stakeholders. Please see attachments below.



Memo to Judge Jahr re
JC Directives Guidelines
& Processes.docx
Microsoft Office Word
Document
62.1 KB



Guidelines for the
Administration of
Branchwide Projects and
Initiatives.docx
Microsoft Office Word
Document
60.3 KB

 File Attachment

 File Attachment

This directive is pending:

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
JUDICIAL AND COURT ADMINISTRATIVE SERVICES DIVISION
2850 Gateway Oaks Drive, Suite 300 • Sacramento, California 95833-4348
Telephone 916-263-1400 • Fax 916-643-8028 • TDD 415-865-4272

M E M O R A N D U M

Date

November 25, 2013

Action Requested

Consider Guidelines and Process
Recommendation

To

Hon. Steven Jahr
Administrative Director of the Courts

Deadline

At your convenience

From

Curt Soderlund
Chief Administrative Officer

Contact

Curt Soderlund
916-263-5512 phone
curt.soderlund@jud.ca.gov

Zlatko Theodorovic
Director, Fiscal Services Office

Subject

Judicial Council Directives 7-13, 21, 40, 91
and 145

This memorandum requests your review and approval of staff recommendations to establish guidelines and a process to address the various common aspects of Judicial Council Directives 7-13, 21, 40, 91 and 145 specific to future critical initiatives. This recommendation seeks to encompass a process that ensures a full and comprehensive cost-benefit analysis that includes:

- The input and collaboration of all stakeholders;
- Consultation with the Judicial Council and the Executive and Planning Committee, as necessary;
- A complete analysis of scope;
- The development of accurate cost estimates and the identification of funding in constant collaboration with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Background

The Judicial Council approved various directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. The directives approved were derived from the SEC's observations that alleged a lack of uniform internal processes, insufficient collaboration, and inadequate analysis.

Projects brought before the Judicial Council for consideration should be evaluated on the basis of scope, resources, and political sensitivity. The inclusion of these components will assist the Judicial Council in their operational role of request review so that they may provide:

- Clear and complete definition of priorities;
- A balance between the requests and branch roles and responsibilities;
- Complete consultation; and
- Timely feedback and direction.

The AOC recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects and will continually seek refinement of existing processes.

Recommendation

We request the approval of the following policy regarding cost-benefit analyses:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes 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.

We further recommend that you approve use of the proposed *Guidelines for the Administration of Branchwide Projects and Initiatives* as the official AOC process.


Lastly, should you approve the above guidelines, we recommend that you direct staff of the Fiscal Services Office to publicize the new process.

APPROVAL

(Please check one)

I approve the recommendations above.

I approve _____



Hon. Steven Jahr, Administrative Director of the Courts

11/27/13

Date

November 25, 2013
Page 3

Attachment



GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes 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.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
 - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
 - Office Director holds preliminary discussions with Division Chief
 - Division Chief and Office Director present the issue to the Executive Office as an informal concept
 - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate for further evaluation.
 - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form
 - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources.
 - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
 - Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged: <http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx>
- Components of the RAPP Form
 - a. Requesting Office or Division
 - b. Date Prepared
 - c. Contact Information
 - d. Project Title
 - e. Summary
 - f. Summarized Estimated Costs
 - g. Proposal Review Routing
 - h. Associated JC Strategic Goal, if applicable
 - i. Project Scope
 - j. Stakeholders
 - k. Impact Analysis
 - l. Documentation of Decision-Making Process
 - m. Cost Considerations
 - n. Authorization to Proceed (Office Director or Designee)
3. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.
 4. Briefing of Executive Office by Division Chief/Office Director
 - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
 - Consider discussion with Chief Justice
 - Consider discussions with external stakeholders such as the courts or State Bar
 5. Executive Office Action
 - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
 - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Fleshman at (415) 865-7531 or bob.fleshman@jud.ca.gov.



REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/10/13

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary <i>(Please provide 3 to 4 sentences briefly describing your request.)</i>	
Summarized Estimated Costs <i>(Please differentiate between one-time and ongoing costs, if applicable.)</i>	
Proposal Review Routing <i>(Please select as applicable.)</i>	<input type="checkbox"/> Human Resources Office <input type="checkbox"/> Legal Services Office <input type="checkbox"/> Fiscal Services Office <input type="checkbox"/> Information Technology Services Office <input type="checkbox"/> Office of Governmental Affairs <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and direction of your project, including timeline.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the AOC or stakeholders directly or indirectly if this project is approved. Consider staff time, additional funding, and other requirements involved in successfully administering and implementing this project. Include offsets where applicable.

Documentation of Decision-Making Process

Please provide a summary of items you used to determine the need for this undertaking. Provide attachments where applicable.

Cost Considerations

Cost estimates must be developed in collaboration with the Fiscal Services Office.

Budget Augmentation Required?										
	No									
	Yes		If YES, indicate fiscal year(s) and associated amount:							
			FY		FY		FY		FY	
			\$		\$		\$		\$	

PROJECT COSTS

1.	Fiscal Year					TOTAL
2.	One-Time Cost					\$
3.	Continuing Costs					\$
4.	TOTAL PROJECT BUDGET	\$	\$	\$	\$	\$

PROJECT FINANCIAL BENEFITS

5.	Cost Savings/Avoidances	\$	\$	\$	\$
6.	Revenue Increase	\$	\$	\$	\$

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.



Name (Office Director or Designee)




11/27/13

Date

Notes/Comments

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVE
AOC RESTRUCTURING AND REALIGNMENT

DATE	10/4/2012
PREPARED BY	Bob Fleshman
OFFICE NAME	<u>Fiscal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	34
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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).
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented: <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>All requests for fiscal information--whether from the media, those that fall under CRC 10.500, legislative or executive branch entities, representatives from within the branch, and so on--are coordinated in conjunction with the AOC Fiscal Services Office, which in turn collaborates with any supporting office(s) and division(s). Periodic updates will be occur to ensure all AOC offices/divisions continue to coordinate effectively with fiscal staff.</p> </div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px; width: fit-content;">  File Attachment </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration: <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px; width: fit-content;">  File Attachment </div>	
<input type="checkbox"/> Other: <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px; width: fit-content;">  File Attachment </div>	
TIMELINE AND RESOURCES FOR IMPLEMENTATION	
IMPLEMENTATION DATE OR	

PROJECTED IMPLEMENTATION DATE	Ongoing
RESOURCES REQUIRED FOR IMPLEMENTATION	N/A
ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)	
<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> SAVINGS	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> COST	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> EFFICIENCIES	<input type="text"/> <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	We expect service enhancements by providing consistent information to public, court, and other requesters. <input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> OTHER	<input type="text"/> <input type="button" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: 10/5/2012
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: 10/19/2012

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

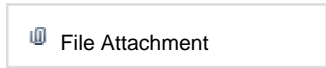
DATE	6/11/2013
PREPARED BY	Zlatko Theodorovic
OFFICE NAME	<u>Fiscal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	35
JUDICIAL COUNCIL DIRECTIVE	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that budget and fiscal tracking systems be in place so that timely and accurate information on resources available and expenditures to date are readily available.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>Budget expenditure information is readily available via the Oracle financial system to management team members and division/office budget liaisons. FSO staff will work to develop enhanced budget training to ensure liaisons are familiar with available budget tools.</p> <p>Targeted improvements to budget and fiscal tracking systems include actions such as: *Budget staff will no longer “zero out” the remaining budget when preparing the monthly PSR. *Budget staff will not automatically move salary savings for vacant positions to the unallocated line item in the office’s budget; the funding will remain in the PSR and may be moved at the request of the office. *Vacant positions are budgeted at mid-step salary (the prior process did not budget for vacant positions until filled).</p> <p>The FSO has standard fiscal reports available online for each division and office of the AOC by the 4th workday of each month. Standard reports (see attached) include:</p> <ul style="list-style-type: none"> *Budget By Account Summary *Unliquidated Encumbrances *Expenditures by Line Item. <p>These reports have been available on this timeline since 1996-97. Report access is granted to the employee/s in the division/office/unit designated by management for dissemination within the division/office/unit. These reports are also available online for the Supreme Court and Courts of Appeal on the same timeline.</p> <p>In addition to existing and enhanced tools, the Fiscal Services Office will confer with state departments to obtain feedback regarding the budget and fiscal tracking systems they have in place to determine what, if any, would provide value if incorporated into current practices.</p> <p>An update was provided to the Judicial Council at the February 2013 meeting and will be provided</p>	

annually thereafter upon release of the Governor's proposed budget.

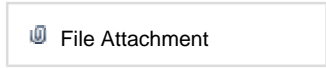
It should be recognized that the administration and maintenance of policies and procedures is an ongoing process of continuous improvement, and although milestones can be achieved, this is an ongoing process.



This directive is forwarded to the Judicial Council with options for consideration:



Other:





TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	<input type="text" value="June 2013"/>
RESOURCES REQUIRED FOR IMPLEMENTATION	<input type="text"/>

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input type="text"/>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input type="text"/>
<input type="checkbox"/> SAVINGS	<input type="text"/>
	<input type="text"/>

<input type="checkbox"/> COST	 File Attachment
<input type="checkbox"/> EFFICIENCIES	 File Attachment
<input type="checkbox"/> SERVICE LEVEL IMPACT	 File Attachment
<input type="checkbox"/> OTHER	 File Attachment
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="6/13/2013"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="6/17/2013"/>

Period : 13, Ending 30-JUN-2012
 Fiscal Year 11

Year of Statute

		Current Exp	Budget	YTD Expenditure	YTD PO/Contract Encumbrance	Balance
0250	Judiciary					
9011	Personal Services					
C101	0065 Authorized Positions	.00	1,631,451.00	1,618,187.10	.00	13,263.90
	0084 Lump Sum Vacation	12,155.32	.00	67,381.97	.00	67,381.97-
	0085 Regular Temporary Help	.00	35,942.00	19,037.29	.00	16,904.71
	Salaries & Wages Subtotal:	12,155.32	1,667,393.00	1,704,606.36	.00	37,213.36-
C103	0103 O A S D I	.00	.00	100,141.64	.00	100,141.64-
	0104 Dental Insurance	.00	.00	18,488.32	.00	18,488.32-
	0105 Health and Welfare Insurance	.00	.00	171,269.79	.00	171,269.79-
	0107 Public Employees	.00	.00	293,717.42	.00	293,717.42-
	0134 Other	.00	.00	3,597.32	.00	3,597.32-
	0135 Life Insurance	.00	.00	1,876.25	.00	1,876.25-
	0136 Vision Care	.00	.00	1,969.92	.00	1,969.92-
	0137 Medicare Taxation-ER Share	929.88	.00	24,543.40	.00	24,543.40-
	0138 Employee Transit Pass Program	.00	.00	600.00	.00	600.00-
	B103 Staff Benefits	.00	615,590.00	.00	.00	615,590.00
	Staff Benefits Subtotal:	929.88	615,590.00	616,204.06	.00	614.06-
	Account Subtotal:	13,085.20	2,282,983.00	2,320,810.42	.00	37,827.42-
9012	Operating Expenses and Equipment					
C311	0206 Office Supplies	763.19	.00	1,375.75	4,762.55	6,138.30-
	0207 Freight and Drayage	.00	.00	536.28	.00	536.28-
	0217 Meetings, Conferences, Exhibits and Shows	.00	.00	229.50	.00	229.50-
	0226 Minor Equipment-Non-IT	.00	.00	112.00	.00	112.00-
	B311 General Expense	.00	8,070.00	.00	.00	8,070.00
	General Expense Subtotal:	763.19	8,070.00	2,253.53	4,762.55	1,053.92
C312	0242 All Printed Items (Forms, Stationery, Report	.00	.00	316.24	.00	316.24-
	0243 Photocopy Paper	.00	.00	2,849.13	.00	2,849.13-
	0244 Office Copier Expense (Rental, Maintenance,	.00	.00	554.02	2,477.79	3,031.81-
	B312 Printing	.00	6,405.00	.00	.00	6,405.00
	Printing Subtotal:	.00	6,405.00	3,719.39	2,477.79	207.82
C313	0257 Telephone	212.45	.00	3,020.51	.00	3,020.51-
	B313 Communications	.00	3,127.00	.00	.00	3,127.00
	Communications Subtotal:	212.45	3,127.00	3,020.51	.00	106.49

Period : 13, Ending 30-JUN-2012
 Fiscal Year 11

			Current Exp	Budget	YTD Expenditure	YTD PO/Contract Encumbrance	Balance
0250	Judiciary						
9012	Operating Expenses and Equipment						
C314	B314 Postage		.00	89.00	.00	.00	89.00
	Postage Subtotal:		.00	89.00	.00	.00	89.00
C317	0298 All Travel Expenditures--In State		1,282.40		17,498.89	.00	17,498.89-
	B317 Travel: In-State		.00	17,916.00	.00	.00	17,916.00
	Travel: In-State Subtotal:		1,282.40	17,916.00	17,498.89	.00	417.11
C321	0332 Tuition and Registration Fees		.00	.00	500.00	.00	500.00-
	B321 Training		.00	500.00	.00	.00	500.00
	Training Subtotal:		.00	500.00	500.00	.00	.00
C323	0342 Rent--Buildings and Grounds (State-Owned)		.00	155,179.00	154,975.29	.00	203.71
	0343 Rent--Buildings and Grounds (Non-State-Owned)		.00	98,468.00	98,470.95	.00	2.95-
	0347 Facility Planning--General Services (Space M		.00	488.32	688.32	.00	205.32-
	0352 Routine Minor Maintenance and Repair--Less Th		.00	.00	1,278.15	.00	1,278.15-
	0358 Facility Relocation		.00	.00	1,550.00	.00	1,550.00-
	Facilities Operatio Subtotal:		.00	254,130.00	256,962.71	.00	2,832.71-
C324	B324 Utilities		.00	244.00	.00	.00	244.00
	Utilities Subtotal:		.00	244.00	.00	.00	244.00
C326	0417 Consultants--Other		.00	.00	237,384.00	.00	237,384.00-
	B326 Consultant and Professional Services--Externa		.00	237,384.00	.00	.00	237,384.00
	Consultant and Prof Subtotal:		.00	237,384.00	237,384.00	.00	.00
C333	0533 Vehicle Maintenance and Repair Services		.00	.00	225.53	.00	225.53-
	B333 Other Items of Expense		.00	500.00	.00	.00	500.00
	Other Items of Expe Subtotal:		.00	500.00	225.53	.00	274.47
C337	B337 Funds Unallocated		.00	171,366.00	.00	.00	171,366.00
	Funds Unallocated Subtotal:		.00	171,366.00	.00	.00	171,366.00
	Account Subtotal:	**	2,258.04	699,731.00	521,564.56	7,240.34	170,926.10
0250	Subtotal:	***	15,343.24	2,982,714.00	2,842,374.98	7,240.34	133,098.68
	Fiscal Year 2011 - 2012		15,343.24	2,982,714.00	2,842,374.98	7,240.34	133,098.68

Expenditure By Line Item Report

Fiscal Year 11

Last Post Date

Period From Sep-12
Period To Dec-12

1000000 FISCAL SERVICES OFFICE

10031000 Budget Mgt Operating Unit

Sub-division: 10030000 Budget Management Services

Obj	Object Description	Journal Name	Vendor Name	Invoice Number	CS No	Inv Date	PO Number	Period	Expenditure	Proj	CC	Other
0244	Office Copier Expense (Rental, Maintenance, etc.)	6363043 Purchase Invoices USD 6416535 Purchase Invoices USD	KONICA MINOLTA BUSINESS SOLUTIONS USA, INC. KONICA MINOLTA BUSINESS SOLUTIONS USA, INC.	222139518 222139256	2569539 2570552	09/01/12 09/01/12	1024753 1024945	Sep-12 Nov-12	270.93 416.25	10031001 10031001	00 00	0000 0000
LINE ITEM Sub-Total									687.18			
UNIT Totals									687.18			
DIVISION Totals									687.18			
FISCAL YEAR/REPORT Totals									687.18			

Last Post Date:

Judiciary

Period: 6, Ending 31-DEC-11

Fiscal Year 11

Unit	Acct Obj	Proj	Other	PO No	PO Date	TP	Vendor Name	PG	CC	Vendor No	Vend Site	Encumbrance	Changes	Expenditure	Balance
10031	9012	0206	10031001	0000	1023616	B	STAPLES ADVANTAGE	30	00	142562	BOSTON	1,085.00	0.00	23.36	1,061.64
			10031001	0000	1023617	B	STAPLES ADVANTAGE	30	00	142562	BOSTON	4,310.00	0.00	100.28	4,209.72
							ACCOUNT Totals					5,395.00	0.00	123.64	5,271.36 *
							Budget Mgt Operating Unit					5,395.00	0.00	123.64	5,271.36 **
							FISCAL YEAR Totals					5,395.00	0.00	123.64	5,271.36
							AGENCY Totals					5,395.00	0.00	123.64	5,271.36***
							REPORT Total					5,395.00	0.00	123.64	5,271.36

ACTIVITY REPORTING AND PROPOSAL FORM

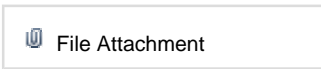
JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	6/11/2013
PREPARED BY	Zlatko Theodorovic
OFFICE NAME	<u>Fiscal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	36
JUDICIAL COUNCIL DIRECTIVE	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.
SEC RECOMMENDATION	Information displays need to be streamlined and simplified so they are clearly understandable.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>The AOC is subject to the same informational requirements and timeline dictated by the Department of Finance relative to the state budget development process and related fiscal reporting process. Information about branch revenues, expenditures, and position information submitted to the Department of Finance in conjunction with these processes is posted on the California Courts website for easy reference. More technically complex documents, such as fund condition statements, are published in conjunction with the release of the Governor's proposed budget each January--this also available online.</p> <p>AOC is currently working to re-engineer the budget process to include the display of fiscal information and ensure that the information is clearly understandable. The following standardized Oracle financial reports (see attached) are available online each month by the 4th workday:</p> <ul style="list-style-type: none"> *Budget By Account Summary *Unliquidated Encumbrances *Expenditures by Line Item <p>These reports are simple and easy to read and have been provided monthly since 1996-97.</p> <p>The AOC has been working with the Department of Finance and others to affect meaningful change to the budget process. Examples include:</p> <ul style="list-style-type: none"> *Worked with the state Department of Finance to more clearly display trial court appropriation, allocations, and expenditure budgets. *Eliminated unnecessary or redundant AOC fiscal reports. <p>It is worthy to note that the branch's budget, to include the AOC's, is extremely complex and is comprised of numerous funds supported by state funds, federal funds, and local revenues. Many programs and projects administered by the AOC are supported by multiple fund sources, some of which aren't provided or otherwise available in conjunction with the annual state budget. As a result, branch fiscal information is inherently convoluted and oftentimes presents significant challenges to communicate or display in a simplified manner so that it's "clearly understandable".</p>	

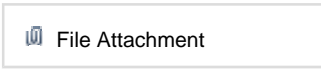
It should be recognized that the administration and maintenance of policies and procedures is an ongoing process of continuous improvement, and although milestones can be achieved, this is an ongoing process.



This directive is forwarded to the Judicial Council with options for consideration:



Other:



TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	<input type="text" value="June 2013"/>
RESOURCES REQUIRED FOR IMPLEMENTATION	<input type="text"/>

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input type="text"/> File Attachment
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input type="text"/> File Attachment
<input type="checkbox"/> SAVINGS	<input type="text"/> File Attachment
<input type="checkbox"/> COST	<input type="text"/>

	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> EFFICIENCIES	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> SERVICE LEVEL IMPACT	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> OTHER	<input type="text"/> <input type="button" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="6/13/2013"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="6/17/2013"/>

		Current Exp	Budget	YTD Expenditure	YTD PO/Contract Encumbrance	Balance
0250	Judiciary					
9011	Personal Services					
C101	0065 Authorized Positions	.00	1,631,451.00	1,618,187.10	.00	13,263.90
	0084 Lump Sum Vacation	12,155.32	.00	67,381.97	.00	67,381.97-
	0085 Regular Temporary Help	.00	35,942.00	19,037.29	.00	16,904.71
	Salaries & Wages Subtotal:	12,155.32	1,667,393.00	1,704,606.36	.00	37,213.36-
C103	0103 O A S D I	.00	.00	100,141.64	.00	100,141.64-
	0104 Dental Insurance	.00	.00	18,488.32	.00	18,488.32-
	0105 Health and Welfare Insurance	.00	.00	171,269.79	.00	171,269.79-
	0107 Public Employees	.00	.00	293,717.42	.00	293,717.42-
	0134 Other	.00	.00	3,597.32	.00	3,597.32-
	0135 Life Insurance	.00	.00	1,876.25	.00	1,876.25-
	0136 Vision Care	.00	.00	1,969.92	.00	1,969.92-
	0137 Medicare Taxation-ER Share	929.88	.00	24,543.40	.00	24,543.40-
	0138 Employee Transit Pass Program	.00	.00	600.00	.00	600.00-
	B103 Staff Benefits	.00	615,590.00	.00	.00	615,590.00
	Staff Benefits Subtotal:	929.88	615,590.00	616,204.06	.00	614.06-
	Account Subtotal:	13,085.20	2,282,983.00	2,320,810.42	.00	37,827.42-
9012	Operating Expenses and Equipment					
C311	0206 Office Supplies	763.19	.00	1,375.75	4,762.55	6,138.30-
	0207 Freight and Drayage	.00	.00	536.28	.00	536.28-
	0217 Meetings, Conferences, Exhibits and Shows	.00	.00	229.50	.00	229.50-
	0226 Minor Equipment-Non-IT	.00	.00	112.00	.00	112.00-
	B311 General Expense	.00	8,070.00	.00	.00	8,070.00
	General Expense Subtotal:	763.19	8,070.00	2,253.53	4,762.55	1,053.92
C312	0242 All Printed Items (Forms, Stationery, Report	.00	.00	316.24	.00	316.24-
	0243 Photocopy Paper	.00	.00	2,849.13	.00	2,849.13-
	0244 Office Copier Expense (Rental, Maintenance,	.00	.00	554.02	2,477.79	3,031.81-
	B312 Printing	.00	6,405.00	.00	.00	6,405.00
	Printing Subtotal:	.00	6,405.00	3,719.39	2,477.79	207.82
C313	0257 Telephone	212.45	.00	3,020.51	.00	3,020.51-
	B313 Communications	.00	3,127.00	.00	.00	3,127.00
	Communications Subtotal:	212.45	3,127.00	3,020.51	.00	106.49

Period : 13, Ending 30-JUN-2012
Fiscal Year 11

		Current Exp	Budget	YTD Expenditure	YTD PO/Contract Encumbrance	Balance
0250	Judiciary					
9012	Operating Expenses and Equipment					
C314	B314 Postage	.00	89.00	.00	.00	89.00
	Postage Subtotal:	.00	89.00	.00	.00	89.00
C317	0298 All Travel Expenditures--In State	1,282.40		17,498.89	.00	17,498.89-
	B317 Travel: In-State	.00	17,916.00	.00	.00	17,916.00
	Travel: In-State Subtotal:	1,282.40	17,916.00	17,498.89	.00	417.11
C321	0332 Tuition and Registration Fees	.00	.00	500.00	.00	500.00-
	B321 Training	.00	500.00	.00	.00	500.00
	Training Subtotal:	.00	500.00	500.00	.00	.00
C323	0342 Rent--Buildings and Grounds (State-Owned)	.00	155,179.00	154,975.29	.00	203.71
	0343 Rent--Buildings and Grounds (Non-State-Owned)	.00	98,468.00	98,470.95	.00	2.95-
	0347 Facility Planning--General Services (Space M	.00	488.32	688.32	.00	205.32-
	0352 Routine Minor Maintenance and Repair--Less Th	.00	.00	1,278.15	.00	1,278.15-
	0358 Facility Relocation	.00	.00	1,550.00	.00	1,550.00-
	Facilities Operatio Subtotal:	.00	254,130.00	256,962.71	.00	2,832.71-
C324	B324 Utilities	.00	244.00	.00	.00	244.00
	Utilities Subtotal:	.00	244.00	.00	.00	244.00
C326	0417 Consultants--Other	.00	.00	237,384.00	.00	237,384.00-
	B326 Consultant and Professional Services--Externa	.00	237,384.00	.00	.00	237,384.00
	Consultant and Prof Subtotal:	.00	237,384.00	237,384.00	.00	.00
C333	0533 Vehicle Maintenance and Repair Services	.00	.00	225.53	.00	225.53-
	B333 Other Items of Expense	.00	500.00	.00	.00	500.00
	Other Items of Expe Subtotal:	.00	500.00	225.53	.00	274.47
C337	B337 Funds Unallocated	.00	171,366.00	.00	.00	171,366.00
	Funds Unallocated Subtotal:	.00	171,366.00	.00	.00	171,366.00
	Account Subtotal:	2,258.04	699,731.00	521,564.56	7,240.34	170,926.10
0250	Subtotal:	15,343.24	2,982,714.00	2,842,374.98	7,240.34	133,098.68
	Fiscal Year 2011 - 2012	15,343.24	2,982,714.00	2,842,374.98	7,240.34	133,098.68

Expenditure By Line Item Report

Fiscal Year 11

Last Post Date

Period From Sep-12
Period To Dec-12

1000000 FISCAL SERVICES OFFICE

10031000 Budget Mgt Operating Unit

Sub-division: 10030000 Budget Management Services

Obj	Object Description	Journal Name	Vendor Name	Invoice Number	CS No	Inv Date	PO Number	Period	Expenditure	Proj	CC	Other
0244	Office Copier Expense (Rental, Maintenance, etc.)	6363043 Purchase Invoices USD 6416535 Purchase Invoices USD	KONICA MINOLTA BUSINESS SOLUTIONS USA, INC. KONICA MINOLTA BUSINESS SOLUTIONS USA, INC.	222139518 222139256	2569539 2570552	09/01/12 09/01/12	1024753 1024945	Sep-12 Nov-12	270.93 416.25	10031001 10031001	00 00	0000 0000
LINE ITEM Sub-Total									687.18			
UNIT Totals									687.18			
DIVISION Totals									687.18			
FISCAL YEAR/REPORT Totals									687.18			

Last Post Date:

Judiciary

Period: 6, Ending 31-DEC-11

Fiscal Year 11

Unit	Acct	Obj	Proj	Other	PO No	PO Date	TP	Vendor Name	PG	CC	Vendor No	Vend Site	Encumbrance	Changes	Expenditure	Balance
10031	9012	0206	10031001	0000	1023616	16-AUG-11	B	STAPLES ADVANTAGE	30	00	142562	BOSTON	1,085.00	0.00	23.36	1,061.64
					1023617	16-AUG-11	B	STAPLES ADVANTAGE	30	00	142562	BOSTON	4,310.00	0.00	100.28	4,209.72
								ACCOUNT Totals					5,395.00	0.00	123.64	5,271.36 *
								Budget Mgt Operating Unit					5,395.00	0.00	123.64	5,271.36 **
								FISCAL YEAR Totals					5,395.00	0.00	123.64	5,271.36
								AGENCY Totals					5,395.00	0.00	123.64	5,271.36***
								REPORT Total					5,395.00	0.00	123.64	5,271.36

ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	9/30/2013
PREPARED BY	Zlatko Theodorovic
OFFICE NAME	<u>Fiscal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	37
JUDICIAL COUNCIL DIRECTIVE	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.
SEC RECOMMENDATION	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.
JC DIRECTIVE TIMELINE	ADOC interim report to the council at the February 2013 meeting and final report at the October 2013 meeting.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the <i>Status Report</i> provided to the Judicial Council)	
<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>	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:	

The AOC FSO tracks appropriations and expenditures by fund. The information has been tracked this way since the inception of the AOC 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. Year to year comparisons for units or divisions are generally more accurate within a short period of time given the organizational re-structure of the AOC that has occurred over time.


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.

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. Additionally, the AOC has retained a retired annuitant to review existing fiscal processes, as well as, provide recommendations to enhance and streamline the agency's internal fiscal processes, including reviewing, streamlining and automating current fiscal processes in order to improve the AOC's long and short-term fiscal practices.

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 is an ongoing process.

 File Attachment

This directive is pending:

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/8/2013"/>
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ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	6/11/2013
PREPARED BY	Zlatko Theodorovic
OFFICE NAME	<u>Fiscal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	39
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>The AOC has been, and will continue to be, in compliance with timelines associated with the state budget development process, budget administration, and fiscal reporting. Despite the conformance to the state budget development and reporting processes, the judicial branch budget is far more complex than most state-funded entities and has additional timelines that differ from how many Executive Branch department/agency/unit budgets are managed. As one example, the trial court funding isn't allocated immediately following enactment of the state budget. Instead, the council receives funding allocation and policy recommendations from a budget advisory group--since trial court funding was enacted, this has included the Trial Court Budget Commission, Judicial Branch Budget Advisory Committee, and the Trial Court Budget Working Group--for consideration. In one particularly late budget year, the council wasn't able to act on funding allocations until October--months after the state of the fiscal year. In a typical year given requirements for the legislature to submit an approved, on-time budget to the Governor, the council isn't able to generally act on funding recommendations until late July, pushing initial current fiscal year allocations to mid-August (for July, courts still receive allocations, but are based on estimates).</p> <p>As part of the AOC's response to this directive, staff will confer with other state-funded entities regarding their respective internal budget development and administration processes, schedules and procedures including interaction with the State Controller's Office. While many state funded entities utilize the DOF CalSTARS system for accounting and therefore rely on that system to manage data from the SCO, others have their own systems to manage data received from the SCO and accounting functions. These entities include the following:</p> <p>Department Of Justice State Controllers' Office Board of Equalization Department of General Services Public Employees' Retirement System Caltrans</p>	

Department of Motor Vehicles
 California State University
 Employment Development Department

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 is an ongoing process.

 File Attachment

This directive is forwarded to the Judicial Council with options for consideration:

 File Attachment

Other:


 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	<input type="text"/>
RESOURCES REQUIRED FOR IMPLEMENTATION	<input type="text"/>

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input type="text"/>  File Attachment
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input type="text"/>  File Attachment
<input type="checkbox"/> SAVINGS	<input type="text"/>  File Attachment
<input type="checkbox"/> COST	<input type="text"/>  File Attachment

<input type="checkbox"/> EFFICIENCIES	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; width: fit-content; margin-top: 5px;">  File Attachment </div>
<input type="checkbox"/> SERVICE LEVEL IMPACT	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; width: fit-content; margin-top: 5px;">  File Attachment </div>
<input type="checkbox"/> OTHER	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; width: fit-content; margin-top: 5px;">  File Attachment </div>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input style="width: 100px;" type="text" value="6/13/2013"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input style="width: 100px;" type="text" value="6/17/2013"/>

ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/11/2013
PREPARED BY	Zlatko Theodorovic
OFFICE NAME	<u>Fiscal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	40
JUDICIAL COUNCIL DIRECTIVE	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 it's 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.
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 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.
JC DIRECTIVE TIMELINE	Immediate implementation
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the <i>Status Report</i> provided to the Judicial Council)	
<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>	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	

This directive has been completed, implemented, or closed:

The AOC has developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes 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.

The proposed "Guidelines for the Administration of Branchwide Projects and Initiatives" include the "Request for Approval of Project Proposal" form that requires a complete and detailed cost-benefit analysis for each proposed project. Please see attachments below.



Memo to Judge Jahr re
JC Directives Guidelines
& Processes.docx
Microsoft Office Word
Document
62.1 KB



Guidelines for the
Administration of
Branchwide Projects and
Initiatives.docx
Microsoft Office Word
Document
60.3 KB



File Attachment



File Attachment

This directive is pending:



File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
JUDICIAL AND COURT ADMINISTRATIVE SERVICES DIVISION
2850 Gateway Oaks Drive, Suite 300 • Sacramento, California 95833-4348
Telephone 916-263-1400 • Fax 916-643-8028 • TDD 415-865-4272

M E M O R A N D U M

Date

November 25, 2013

Action Requested

Consider Guidelines and Process
Recommendation

To

Hon. Steven Jahr
Administrative Director of the Courts

Deadline

At your convenience

From

Curt Soderlund
Chief Administrative Officer

Contact

Curt Soderlund
916-263-5512 phone
curt.soderlund@jud.ca.gov

Zlatko Theodorovic
Director, Fiscal Services Office

Subject

Judicial Council Directives 7-13, 21, 40, 91
and 145

This memorandum requests your review and approval of staff recommendations to establish guidelines and a process to address the various common aspects of Judicial Council Directives 7-13, 21, 40, 91 and 145 specific to future critical initiatives. This recommendation seeks to encompass a process that ensures a full and comprehensive cost-benefit analysis that includes:

- The input and collaboration of all stakeholders;
- Consultation with the Judicial Council and the Executive and Planning Committee, as necessary;
- A complete analysis of scope;
- The development of accurate cost estimates and the identification of funding in constant collaboration with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Background

The Judicial Council approved various directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. The directives approved were derived from the SEC's observations that alleged a lack of uniform internal processes, insufficient collaboration, and inadequate analysis.

Projects brought before the Judicial Council for consideration should be evaluated on the basis of scope, resources, and political sensitivity. The inclusion of these components will assist the Judicial Council in their operational role of request review so that they may provide:

- Clear and complete definition of priorities;
- A balance between the requests and branch roles and responsibilities;
- Complete consultation; and
- Timely feedback and direction.

The AOC recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects and will continually seek refinement of existing processes.

Recommendation

We request the approval of the following policy regarding cost-benefit analyses:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes 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.

We further recommend that you approve use of the proposed *Guidelines for the Administration of Branchwide Projects and Initiatives* as the official AOC process.

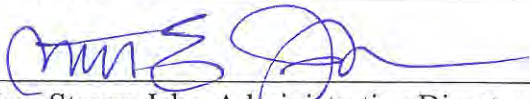
Lastly, should you approve the above guidelines, we recommend that you direct staff of the Fiscal Services Office to publicize the new process.

APPROVAL

(Please check one)

I approve the recommendations above.

I approve _____



Hon. Steven Jahr, Administrative Director of the Courts

11/27/13

Date

November 25, 2013
Page 3

Attachment



GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes 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.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
 - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
 - Office Director holds preliminary discussions with Division Chief
 - Division Chief and Office Director present the issue to the Executive Office as an informal concept
 - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate for further evaluation.
 - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form
 - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources.
 - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
 - Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged: <http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx>
- Components of the RAPP Form
 - a. Requesting Office or Division
 - b. Date Prepared
 - c. Contact Information
 - d. Project Title
 - e. Summary
 - f. Summarized Estimated Costs
 - g. Proposal Review Routing
 - h. Associated JC Strategic Goal, if applicable
 - i. Project Scope
 - j. Stakeholders
 - k. Impact Analysis
 - l. Documentation of Decision-Making Process
 - m. Cost Considerations
 - n. Authorization to Proceed (Office Director or Designee)
3. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.
 4. Briefing of Executive Office by Division Chief/Office Director
 - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
 - Consider discussion with Chief Justice
 - Consider discussions with external stakeholders such as the courts or State Bar
 5. Executive Office Action
 - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
 - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Fleshman at (415) 865-7531 or bob.fleshman@jud.ca.gov.



REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/10/13

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary <i>(Please provide 3 to 4 sentences briefly describing your request.)</i>	
Summarized Estimated Costs <i>(Please differentiate between one-time and ongoing costs, if applicable.)</i>	
Proposal Review Routing <i>(Please select as applicable.)</i>	<input type="checkbox"/> Human Resources Office <input type="checkbox"/> Legal Services Office <input type="checkbox"/> Fiscal Services Office <input type="checkbox"/> Information Technology Services Office <input type="checkbox"/> Office of Governmental Affairs <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and direction of your project, including timeline.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the AOC or stakeholders directly or indirectly if this project is approved. Consider staff time, additional funding, and other requirements involved in successfully administering and implementing this project. Include offsets where applicable.

Documentation of Decision-Making Process

Please provide a summary of items you used to determine the need for this undertaking. Provide attachments where applicable.

Cost Considerations

Cost estimates must be developed in collaboration with the Fiscal Services Office.

Budget Augmentation Required?										
	No									
	Yes		If YES, indicate fiscal year(s) and associated amount:							
			FY		FY		FY		FY	
			\$		\$		\$		\$	

PROJECT COSTS

1.	Fiscal Year					TOTAL
2.	One-Time Cost					\$
3.	Continuing Costs					\$
4.	TOTAL PROJECT BUDGET	\$	\$	\$	\$	\$

PROJECT FINANCIAL BENEFITS

5.	Cost Savings/Avoidances	\$	\$	\$	\$
6.	Revenue Increase	\$	\$	\$	\$

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.



Name (Office Director or Designee)

11/27/13

Date

Notes/Comments

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	4/2/2013
PREPARED BY	Bob Fleshman
OFFICE NAME	Fiscal Services Office
JUDICIAL COUNCIL DIRECTIVE NUMBER	41
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>AOC staff presented a midyear update on the judicial branch budget at the January 2013 Judicial Council meeting.</p> <p>Updates will be provided as necessary as developments occur in the budget process. For example, an update will be provided after the release of the Governor's May Revision.</p> <p>The Fiscal Services Office has implemented processes to ensure all numbers tie to the Governor's budget or can otherwise be explained.</p>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	
<input type="text"/>	
<input type="checkbox"/> Other:	
<input type="text"/>	

 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE

April 2013

RESOURCES REQUIRED FOR IMPLEMENTATION

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

PROCEDURES/ POLICIES UPDATED OR DEVELOPED

 File Attachment

TRAINING UPDATED OR DEVELOPED

 File Attachment

SAVINGS

 File Attachment

COST

 File Attachment

EFFICIENCIES

 File Attachment

SERVICE LEVEL IMPACT

 File Attachment

OTHER

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL


ADOC REVIEW

Administrative Director of the Courts Review Date: 4/10/2013

EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	11/20/2012
PREPARED BY	Bob Fleshman
OFFICE NAME	<u>Fiscal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	42
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input type="checkbox"/> This directive has been completed and implemented: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">  File Attachment </div>	
<input checked="" type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration: <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>The AOC adheres to state fiscal reporting guidelines, some of which require reported numbers to be adjusted after initial submission. As an example, encumbrances initially reported as expenditures may be less if the contract amount was not fully utilized. As a result, prior year expenditure numbers would need to be revised. As another example, the Governor's own budget has reported numbers that change three times in the course of several months (Governor's January budget, May Revision, enacted budget).</p> <p>For those instances where revisions are required, appropriate documentation will occur. Generally, though, reported numbers will not change unless such changes are dictated by state fiscal reporting guidelines.</p> <p>UPDATE (Nov. 20, 2012): AOC staff notes that the word "time" in the SEC recommendation, if removed, provides the same flexibility as those reporting provisions included in state fiscal reporting requirements. The recommendation reads in part, as follows: "...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."</p> <p>By omitting the word "time", the AOC will be able to comply with state fiscal reporting requirements, which often stipulate the adjustment of reported numbers such as with budget change requests</p> </div>	

(when the estimated funding need increases/decreases) in the same manner the Governor's own budget changes from the January release to when the May Revision occurs.

In addition, the Administrative Director of the Courts will propose a briefing calendar to advise the Judicial Council of any adjustments to previously reported numbers submitted by the AOC as part of the state budget development/fiscal reporting process.

 File Attachment







Other:


 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	Ongoing
RESOURCES REQUIRED FOR IMPLEMENTATION	

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	 File Attachment
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	 File Attachment
<input type="checkbox"/> SAVINGS	 File Attachment
<input type="checkbox"/> COST	 File Attachment
<input type="checkbox"/> EFFICIENCIES	 File Attachment
<input type="checkbox"/> SERVICE LEVEL IMPACT	 File Attachment

<input type="checkbox"/> OTHER	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="11/30/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="12/7/2012"/>

ACTIVITY REPORTING AND PROPOSAL FORM
JUDICIAL COUNCIL DIRECTIVES

DATE	9/8/2014
PREPARED BY	Zlatko Theodorovic
OFFICE NAME	<u>Finance</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	44
JUDICIAL COUNCIL DIRECTIVE	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.
SEC RECOMMENDATION	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.
JC DIRECTIVE TIMELINE	Administrative Director of the Courts to report to council at the December 2014 council meeting.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the <i>Status Report</i> provided to the Judicial Council)	
<p>In 2013, the JCC staff Executive Office retained an individual with extensive departmental budget experience with both the judicial and executive branch to undertake a review of the JCC office'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 JCC 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>Following the JCC's determination of staff services and workload priorities the Finance Office will work with the Executive Office to align individual units with their 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>	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:	
<p>In 2013, the JCC Executive Office retained an individual with extensive departmental budget experience with both the judicial and executive branch to undertake a review of the JCC's budget and forecast processes. Budget and forecasting recommendations from this effort were received and</p>	

are planned for implementation in July 2014. These process improvements along with periodic reviews of individual JCC 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.


Recommendations include:


- * Establishment of an internal spring budget development process that would include meetings with JCC offices to identify major items of expense for the upcoming year, program priorities and resource needs;
- * Review and evaluation of significant changes in expenditure patterns that compares current year and prior fiscal years;
- * Changes to improve the timeliness and accuracy of the forecast process (see attached document).
- * Shift lead responsibility for the forecast process over time to the JCC Finance Office with input as needed from the offices.

The recommendations will be presented to the JCC Management Council and office budget liaisons for consideration and feedback prior to implementation. The final approved recommended process changes will be implemented effective July 2014 with the first financial forecast using the new process in November 2014.

Following the JCC's determination of staff services and workload priorities the Finance Office will work with the Executive Office to align individual units with their program responsibilities.

Although process improvements will be implemented in July 2014 with the first financial forecast under the new process occurring in November 2014, the JCC Finance Office will continue to make modifications to its budget review techniques as part of an ongoing process of continuous improvement.

 File Attachment


 AOC Financial Report.pdf
 Adobe Acrobat Document
 81.1 KB

This directive is pending:

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW	Administrative Director of the Courts Review Date: <input style="width: 150px;" type="text" value="October 3, 2014"/>
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JUDICIAL BRANCH MONTHLY FINANCIAL FORECAST

AS OF: July 1, 2013

FISCAL SERVICES OFFICE

Table with columns: CATEGORY, Initial Budget Allocation (A), Budget Adjustment (B), UMCs (C), Net Budget (D=A+B+C), Jul, Aug, Sep, Oct, Nov, Dec, Jan, Feb, Mar, Apr, May, Jun, Adj, YTD Expend. (E), Unliq. Encumbr. (F), Remaining Budget (G), Req. Encumbr. (H), Forecast Method, Proj. Expend. (I), Projected Expend. Adjs (J), Year-end Total Expend. (K=E+F+H+J), Year-end Balance (L=D-K), Year-end % Expended, YE Total Exp per xxx-xx Forecast, 13-14 PY actual, 12-13 PY actual.

ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/11/2013
PREPARED BY	Zlatko Theodorovic
OFFICE NAME	<u>Fiscal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	91
JUDICIAL COUNCIL DIRECTIVE	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.
SEC RECOMMENDATION	The AOC must improve its fiscal decision making processes. The AOC must make a commitment to involve the Fiscal Services Office in all phase of fiscal planning and budgeting, especially with regard to large-scale or branch-wide projects or initiatives.
JC DIRECTIVE TIMELINE	ADOC interim report to the council at the February 2013 council meeting and final report at the meeting in October 2013.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the <i>Status Report</i> provided to the Judicial Council)	
<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>	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:	

The AOC has developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes 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.

The proposed "Guidelines for the Administration of Branchwide Projects and Initiatives" include the "Request for Approval of Project Proposal" form and the form requires the collaboration of the Fiscal Services Office in all phases of any proposed initiative. Please see attachments below.



Memo to Judge Jahr re
JC Directives Guidelines
& Processes.docx
Microsoft Office Word
Document
62.1 KB



Guidelines for the
Administration of
Branchwide Projects and
Initiatives.docx
Microsoft Office Word
Document
60.3 KB



File Attachment



File Attachment

This directive is pending:



File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
JUDICIAL AND COURT ADMINISTRATIVE SERVICES DIVISION
2850 Gateway Oaks Drive, Suite 300 • Sacramento, California 95833-4348
Telephone 916-263-1400 • Fax 916-643-8028 • TDD 415-865-4272

M E M O R A N D U M

Date

November 25, 2013

Action Requested

Consider Guidelines and Process
Recommendation

To

Hon. Steven Jahr
Administrative Director of the Courts

Deadline

At your convenience

From

Curt Soderlund
Chief Administrative Officer

Contact

Curt Soderlund
916-263-5512 phone
curt.soderlund@jud.ca.gov

Zlatko Theodorovic
Director, Fiscal Services Office

Subject

Judicial Council Directives 7-13, 21, 40, 91
and 145

This memorandum requests your review and approval of staff recommendations to establish guidelines and a process to address the various common aspects of Judicial Council Directives 7-13, 21, 40, 91 and 145 specific to future critical initiatives. This recommendation seeks to encompass a process that ensures a full and comprehensive cost-benefit analysis that includes:

- The input and collaboration of all stakeholders;
- Consultation with the Judicial Council and the Executive and Planning Committee, as necessary;
- A complete analysis of scope;
- The development of accurate cost estimates and the identification of funding in constant collaboration with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Background

The Judicial Council approved various directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. The directives approved were derived from the SEC's observations that alleged a lack of uniform internal processes, insufficient collaboration, and inadequate analysis.

Projects brought before the Judicial Council for consideration should be evaluated on the basis of scope, resources, and political sensitivity. The inclusion of these components will assist the Judicial Council in their operational role of request review so that they may provide:

- Clear and complete definition of priorities;
- A balance between the requests and branch roles and responsibilities;
- Complete consultation; and
- Timely feedback and direction.

The AOC recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects and will continually seek refinement of existing processes.

Recommendation

We request the approval of the following policy regarding cost-benefit analyses:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes 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.

We further recommend that you approve use of the proposed *Guidelines for the Administration of Branchwide Projects and Initiatives* as the official AOC process.

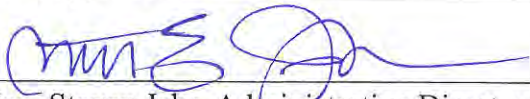
Lastly, should you approve the above guidelines, we recommend that you direct staff of the Fiscal Services Office to publicize the new process.

APPROVAL

(Please check one)

I approve the recommendations above.

I approve _____



Hon. Steven Jahr, Administrative Director of the Courts

11/27/13

Date

November 25, 2013
Page 3

Attachment



GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes 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.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
 - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
 - Office Director holds preliminary discussions with Division Chief
 - Division Chief and Office Director present the issue to the Executive Office as an informal concept
 - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate for further evaluation.
 - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form
 - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources.
 - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
 - Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged: <http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx>
- Components of the RAPP Form
 - a. Requesting Office or Division
 - b. Date Prepared
 - c. Contact Information
 - d. Project Title
 - e. Summary
 - f. Summarized Estimated Costs
 - g. Proposal Review Routing
 - h. Associated JC Strategic Goal, if applicable
 - i. Project Scope
 - j. Stakeholders
 - k. Impact Analysis
 - l. Documentation of Decision-Making Process
 - m. Cost Considerations
 - n. Authorization to Proceed (Office Director or Designee)
3. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.
 4. Briefing of Executive Office by Division Chief/Office Director
 - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
 - Consider discussion with Chief Justice
 - Consider discussions with external stakeholders such as the courts or State Bar
 5. Executive Office Action
 - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
 - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Fleshman at (415) 865-7531 or bob.fleshman@jud.ca.gov.



REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/10/13

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary <i>(Please provide 3 to 4 sentences briefly describing your request.)</i>	
Summarized Estimated Costs <i>(Please differentiate between one-time and ongoing costs, if applicable.)</i>	
Proposal Review Routing <i>(Please select as applicable.)</i>	<input type="checkbox"/> Human Resources Office <input type="checkbox"/> Legal Services Office <input type="checkbox"/> Fiscal Services Office <input type="checkbox"/> Information Technology Services Office <input type="checkbox"/> Office of Governmental Affairs <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and direction of your project, including timeline.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the AOC or stakeholders directly or indirectly if this project is approved. Consider staff time, additional funding, and other requirements involved in successfully administering and implementing this project. Include offsets where applicable.

Documentation of Decision-Making Process

Please provide a summary of items you used to determine the need for this undertaking. Provide attachments where applicable.

Cost Considerations

Cost estimates must be developed in collaboration with the Fiscal Services Office.

Budget Augmentation Required?										
	No									
	Yes		If YES, indicate fiscal year(s) and associated amount:							
			FY		FY		FY		FY	
			\$		\$		\$		\$	

PROJECT COSTS

1.	Fiscal Year					TOTAL
2.	One-Time Cost					\$
3.	Continuing Costs					\$
4.	TOTAL PROJECT BUDGET	\$	\$	\$	\$	\$

PROJECT FINANCIAL BENEFITS

5.	Cost Savings/Avoidances	\$	\$	\$	\$
6.	Revenue Increase	\$	\$	\$	\$

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.



Name (Office Director or Designee)

11/27/13

Date

Notes/Comments

ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	9/30/2013
PREPARED BY	Zlatko Theodorovic
OFFICE NAME	Fiscal Services Office
JUDICIAL COUNCIL DIRECTIVE NUMBER	92
JUDICIAL COUNCIL DIRECTIVE	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.
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.
JC DIRECTIVE TIMELINE	ADOC interim report to the council at the February 2013 meeting and final report at the October 2013 meeting.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the Status Report provided to the Judicial Council)	
<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 (http://www.ebudget.ca.gov/). 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>	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:	
<p>Budget information is readily available to the public via the court website which includes the link to the DOF ebudget website (http://www.ebudget.ca.gov/). 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</p>	

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).


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. A retired annuitant has been retained by the AOC to review existing fiscal processes as well as provide recommendations to enhance and streamline internal fiscal processes, including reviewing, streamlining and automating current fiscal processes in order to improve the AOC's long and short-term fiscal practices.

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 is an ongoing process.

Also, refer to JC Directive #33 which addresses similar efforts to improve the AOC's fiscal and budget processes.

 File Attachment

This directive is pending:

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL


ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/8/2013"/>
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ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	6/11/2013
PREPARED BY	Zlatko Theodorovic
OFFICE NAME	<u>Fiscal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	93
JUDICIAL COUNCIL DIRECTIVE	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.
SEC RECOMMENDATION	This division must make a commitment to processing contracts in more timely fashion, with an eye toward better serving courts, contractors, vendors, and others.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>A group of division directors has been convened to review and make improvements to the contracting process (the Contracts Advisory Team or CAT). CAT meetings have resulted in the identification of business process improvements many of which have and are being implemented by the divisions and Business Services Unit (BSU). These improvements include regularly scheduled meetings between BSU and various divisions to improve the communication process and the timeliness of the contract documents. The CAT meetings also focus on monitoring upcoming contract inventories in the various divisions as well as tracking those that are currently being processed by the Business Services Unit. Monitoring and tracking contract inventories has resulted in more timely submittals to BSU, as well as quicker turnarounds to the requesting division.</p> <p>The Fiscal Services Office will continue to evaluate and monitor its contracting processes on an ongoing basis to ensure the timeliness of processing contracts in service to the courts, contractors, vendors and others.</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 is an ongoing process.</p>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	
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Other:


 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	June 2013
RESOURCES REQUIRED FOR IMPLEMENTATION	

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<p></p> <p> File Attachment</p>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<p></p> <p> File Attachment</p>
<input checked="" type="checkbox"/> SAVINGS	<p>Additional deployment of electronic requisitions is being accomplished with AOC staff without the assistance of contracted consultants.</p> <p> File Attachment</p>
<input type="checkbox"/> COST	<p></p> <p> File Attachment</p>
<input checked="" type="checkbox"/> EFFICIENCIES	<p>Various improvements have streamlined the contracting process: sending contractors their original of a contract or amendment immediately after execution rather than during distribution of the AOC copy (which requires time to certify funding); distributing electronic copies rather than hard copies of contracts and amendments; additional internal deployment of electronic requisitions (e.g., iProcurement); and meeting with key division and Office personnel to determine upcoming contract needs and associated timing.</p> <p> File Attachment</p>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>Average turnaround time has been improved. The number of contracts and amendments processed this fiscal year compared to last fiscal year (e.g., fiscal year-to-date), has increased.</p> <p> File Attachment</p>

<input type="checkbox"/> OTHER	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">  File Attachment </div>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="6/13/2013"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="6/17/2013"/>

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	6/11/2013
PREPARED BY	Zlatko Theodorovic
OFFICE NAME	<u>Fiscal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	94
JUDICIAL COUNCIL DIRECTIVE	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 necessary adjustments in staffing positions can be made.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>As part of AOC downsizing efforts over the past 18 months, the Fiscal Services Office reviewed staffing needs in its Budget unit and made adjustments to better align resources with workload. This was especially necessary in light of the retirement of an Assistant Director with critical expertise and responsibility over budget activities and the loss of four budget positions through mandatory layoffs in 2012. Staffing assessments will be revisited on an ongoing basis.</p> <p>Since issuance of the SEC report, support required by the Budget Office has increased significantly--particularly with relation to the development of the new trial court funding methodology (and anticipated ongoing support of that effort) as well as the extensive budget realignment occurring due to AOC restructuring. These efforts, along with countless complex informational/data requests from the Governor's finance staff and legislative members and staff, have resulted in considerable workload pressure among our limited staff. In addition, the current review of essential services and critical positions will reflect an ongoing staffing crisis in our Accounting and Business Services (contract development and support) units. These functional areas have received little, if any, General Fund support in the state budget despite an exponential increase in workload over the past decade.</p> <p>The workload needs of Internal Audit Services (IAS) has increased since the office was established in 2001 focused primarily on audits of the trial courts. IAS staff performs comprehensive work at the superior courts that includes: compliance with rules of courts (submitted cases) and the Trial Court Financial Policies and Procedures Manual, financial work on the trial court financial statements under GAAP and GASB, and operational work on cashiering, information systems (including revenue distribution), exhibit rooms, security, and other operational areas. During the last 12 years, IAS has utilized external audit firms under audit contracts to assist in these audits and special projects. Unfortunately, the external audit contract and funding expired in 2012.</p> <p>In addition IAS is responsible for the Whistleblower hotline and investigative work and reporting associated with it, and consultative work on revenue distribution, data integrity, information systems, and accounting and operation questions. This work has been absorbed into responsibilities without</p>	

additional staffing. In fact, in the last three years staffing in IAS has decreased from 14 positions as of December 31, 2010, to 12 positions currently.


Although the workload associated with trial court audits may be impacted based on the existing statutes regarding contracts (Bureau of State Audit under Public Contracts Code Section 12210) and financial statements (State Controller's Office, Bureau of State Audits, or Department of Finance under Government Code Section 77206), state assumption of audit activities will not reduce the need for staffing in IAS.

In fact, because of IAS staffing reductions and the uncertainty involved with the external state audits, IAS's four-year cycle of auditing the trial courts has now regressed to a five/six year cycle. Resource constraints in IAS have also resulted in audit activities that have been delayed, deferred or declined including assisting court executive officers (CEO's) with high level reviews, data integrity review as continually requested by CEOs, and revenue distribution testing between SCO audits. Finally, the IAS is tasked with a new workload relating to the Judicial Council directive to implement internal audits of the AOC.


For all of these reasons, the IAS staffing levels will not be reduced because of the potential for audit functions being assumed by the state and IAS has in fact have demonstrated a need for additional resources.

 File Attachment

This directive is forwarded to the Judicial Council with options for consideration:

 File Attachment

Other:






 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	<input type="text" value="June 2013"/>
RESOURCES REQUIRED FOR IMPLEMENTATION	<input type="text"/>

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input type="text"/>  File Attachment
<input type="checkbox"/> TRAINING UPDATED OR	<input type="text"/>

DEVELOPED	 File Attachment
<input type="checkbox"/> SAVINGS	 File Attachment
<input type="checkbox"/> COST	 File Attachment
<input type="checkbox"/> EFFICIENCIES	 File Attachment
<input type="checkbox"/> SERVICE LEVEL IMPACT	 File Attachment
<input type="checkbox"/> OTHER	 File Attachment
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="6/13/2013"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="6/17/2013"/>

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/4/2012
PREPARED BY	Bob Fleshman
OFFICE NAME	Fiscal Services Office
JUDICIAL COUNCIL DIRECTIVE NUMBER	95
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	The need for a Strategic Policy, Communication, and Administration Unit should be reevaluated by the Chief Administrative Officer and, most likely, be eliminated.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>Functions performed by this unit have been consolidated in the Director's (Fiscal Services Office) Office, resulting in a direct line (this unit formerly reported to the Assistant Finance Director) for critical fiscal policy and communication issues to be addressed.</p>	
<input type="checkbox"/> File Attachment	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	
<input type="checkbox"/> File Attachment	
<input type="checkbox"/> Other:	
<input type="checkbox"/> File Attachment	
TIMELINE AND RESOURCES FOR IMPLEMENTATION	
IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	February 2012

RESOURCES REQUIRED FOR IMPLEMENTATION	N/A
ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)	
<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> SAVINGS	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> COST	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> EFFICIENCIES	<input type="text"/> <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>Although consolidated into the Fiscal Services Director's Office, the service level for this unit has been impacted because of a staffing reduction of 75% due to the ongoing hiring freeze and staff attrition. This has resulted in reduced customer response time and service levels.</p> <input type="button" value="File Attachment"/>
<input type="checkbox"/> OTHER	<input type="text"/> <input type="button" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	6/11/2013
PREPARED BY	Zlatko Theodorovic
OFFICE NAME	<u>Fiscal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	110
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve this reduction, the following areas should be considered, and appropriate actions taken: (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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>While assigned to the Fiscal Services Office, this recommendation relates to the Legal Services Office (LSO) and the following staffing information was provided by that office.</p> <p>The recommendation to reduce LSO staff has been accomplished as LSO staff is now 50.10 from 75 referenced in the SEC report, including total attorney staffing at 37 (exclusive of the Chief Counsel). Staffing in Transactions and Business Operations is down to 5 staff attorneys—while work relating to ongoing implementation of California Judicial Branch Contract Law (JBCL) continues to increase and while the Bureau of State Audits is conducting JBCL implementation audits.</p> <p>LSO's transactional attorneys have created a number of documents and templates for not only the AOC but for all of the Judicial Branch entities which need to comply with the Judicial Branch Contracting Manual. LSO continues to review legislative changes that may impact Part 2.5 of the Public Contract Code (i.e., the Judicial Branch Contracting Law) and to also review changes to the State Contracting Manual to determine whether the Judicial Branch Contracting Manual needs to be modified. These reviews, documents and templates have already improved and streamlined the contracting process for the AOC.</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 is an ongoing process.</p> <p>Additional organizational and staffing changes may occur in the Legal Services Office following the current review by Judicial Council liaisons and feedback received through the pending classification and compensation review.</p>	

Additional efforts to streamline and improve the AOC's contracting processes will be further reported on in Directives 93 and 141.

 File Attachment

This directive is forwarded to the Judicial Council with options for consideration:

 File Attachment

Other:

 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE

June 2013

RESOURCES REQUIRED FOR IMPLEMENTATION

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

PROCEDURES/ POLICIES UPDATED OR DEVELOPED

 File Attachment

TRAINING UPDATED OR DEVELOPED

 File Attachment

SAVINGS

 File Attachment

COST

 File Attachment

EFFICIENCIES

 File Attachment

<input type="checkbox"/> SERVICE LEVEL IMPACT	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; margin-top: 5px;">  File Attachment </div>
<input type="checkbox"/> OTHER	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; margin-top: 5px;">  File Attachment </div>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="6/13/2013"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="6/17/2013"/>

ACTIVITY STATUS FORM


JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/31/2013
PREPARED BY	Zlatko Theodorovic
OFFICE NAME	<u>Fiscal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	141
JUDICIAL COUNCIL DIRECTIVE	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.
SEC RECOMMENDATION	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.
JC DIRECTIVE TIMELINE	Completion by December 2013
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the <i>Status Report</i> provided to the Judicial Council)	
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.	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:	
<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</p>	

maintenance effort will be an ongoing process.

 File Attachment

This directive is pending:

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="11/19/2013"/>
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ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	8/5/2013
PREPARED BY	Diane Nunn
OFFICE NAME	Center for Families, Children & the Courts
JUDICIAL COUNCIL DIRECTIVE NUMBER	52.1
JUDICIAL COUNCIL DIRECTIVE	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.
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.
JC DIRECTIVE TIMELINE	Administrative Director of the Courts to provide an Interim Report to the council at the June 2013 Judicial Council meeting.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the Status Report provided to the Judicial Council)	
<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"> * CFCC's Rules and Forms Unit has been eliminated. * 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. * 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. <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>	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	

This directive has been completed, implemented, or closed:

Based on implementation of other directives related to grants and rule-making processes at AOCCFCC reports that this directive is closed, based on the following information:

Between March 31, 2011 and March 31, 2012, the number of authorized CFCC positions has been reduced from 100 positions to 72 positions. Within this period, CFCC also released 5 agency temporary employees.

As indicated in the June report:

*CFCC has eliminated its Rules and Forms Unit (including two positions dedicated to Rules and Forms) and the necessary work on rules and forms proposals has been decentralized with work distributed to staff across CFCC based on subject matter expertise.

*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.

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. However, to provide additional information about the external funding sources used in CFCC, the associated staffing from these funding sources, and the projects that are funded through these external sources, please see the attached July 30 report.



13 June Directive 52 1
Report.docx
Microsoft Office Word
Document
22.5 KB



13 July 30 Projects
Staffed with External
Funds.docx
Microsoft Office Word
Document
18.3 KB

This directive is pending:



File Attachment



File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:

CFCC Projects Staffed with External Funds

Comprehensive Drug Court Implementation (CDCI): This is an earmarked allocation from the legislature to the AOC general fund. It is for statewide assistance to drug courts serving all case types. Staff administer \$1.2 million in Substance Abuse Focus Grants to 48 courts and provide education and technical assistance to 450 collaborative justice courts in 56 jurisdictions.

Federal Health and Human Services Juvenile Court Improvement Program Allocations:

The Court Improvement Program – Basic: supports the management and operations for Dependency Representation, Administration, Funding and Technical Assistance (DRAFT) administration, Judicial Resources and Technical Assistance administration, Blue Ribbon Commission and Child Welfare Council travel, and Court Appointed Special Advocates site visits and compliance activities.

The Court Improvement Program – Data: supports data bases and automated reporting for DRAFT providers, all CASA programs, the JRTA reporting system and the new mandated reporting system for dependency timeliness measures.

The Court Improvement Program – Training: supports curriculum development, travel, and location costs for numerous trainings of judicial officers, court staff and court appointed counsel every year. It also supports staff to the California Dependency Online Guide (CALDOG).

Federal Health and Human Services Access to Visitation Allocation: Staff administer \$776,549 in funding to 11 courts, for services in 18 counties in the areas of supervised visitation and exchange services; education about protecting children during family disruption; and group counseling services for parents and children. The purpose of the federal Child and Visitation Grant Program is “remove barriers and increase opportunities for biological parents who are not living in the same household as their children to become actively involved in their children’s lives.”

CA Department of Child Support Services: AB1058 Child Support: Administer \$53 million in funding for Child Support Commissioners and Family Law Facilitators in all 58 courts; Annual Child Support Educational Conference; Judge’s Roundtable at the Family Law Institute; Stakeholders’ Roundtable; rules and forms projects; statutorily mandated periodic Child Support Guidelines Study.

CA Department of Social Services:

Judicial Resources and Technical Assistance (JRTA): pays direct costs for staff, travel, and materials to provide assistance to judges and court staff on federal and state

legal IV-E mandates. Annual 30 onsite visits as well as follow up technical assistance visits.

Permanency Project: supports curriculum development, travel and location costs for multi disciplinary trainings for judicial officers, court staff, and court appointed counsel, child welfare, and probation and CASA staff. It also reimburses CASA programs for direct costs training staff and volunteers.

Indian Child Welfare Act (ICWA) Implementation: These funds provide technical assistance, education and resources for courts to understand and comply with the Indian Child Welfare Act (ICWA) (25 U.S.C. §§ 1901 et seq.), which establishes minimum federal standards for state court child welfare proceedings and many other “child custody” proceedings involving Indian children. This legislation affects California dependency, delinquency, guardianship and some family proceedings involving Indian children.

CalEMA: Violence Against Women Act Education Project provides courts with information, equipment, technical assistance, educational materials and programs on the role of the courts in responding to cases involving domestic violence, sexual assault, stalking, teen dating violence, human trafficking and elder abuse. In addition to education, funds are provided to local courts to help them with local projects to address these legal issues.

Family Law Trust Fund: Implementation of Family Code 1850, including efforts to improve the effectiveness of family courts and their response to the diverse needs of court users. Projects include providing technical assistance to child custody mediation programs; mandatory education for administrators, mediators and child custody mediation counselors; uniform statistical reporting relating to marriage, separation, and divorce, including a custody disposition survey; funding for research and demonstration projects; compliance with domestic violence rules and code; support for self-represented litigants; development of rules and forms.

Mental Health Fund: Proposition 63 funds earmarked for improving outcomes for mentally ill court users in all case types: juveniles, families, and adult cases in family, juvenile, criminal, and probate courts. Examples of projects include support for the Mental Health Task Force rules and legislative proposals regarding competency and court ordered treatment; the mental health court evaluation; education programs for judges and court partners on mental health assessment and treatment for court users; briefing papers on evidence based practices in juvenile court, juvenile competency, human trafficking, and the elder abuse guide for judges; and assistance with questions regarding local funding options, realignment of services, Proposition 63, confidentiality, and information sharing.

Status of Implementation of Judicial Council Directive #52.1

Judicial Council Directive #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.

Corresponding 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 Rulemaking Processes could result in some reductions in these positions.

Directive #52.1 Assessment and Proposal

Judicial Council Directive 52.1 requires the Administrative Director of the Courts to report to the council on the results and status of AOC restructuring at the February 2013 council meeting.

Rules and Forms Unit: Restructuring and Operational Changes

The "Rules and Forms" unit was eliminated in CFCC's program restructuring and operational changes have eliminated CFCC's "Rules and Forms & Online Resources" Unit. Two positions were eliminated and remaining staff consolidated in a Juvenile Court Assistance unit. Staffing for mandated rules and forms items has been decentralized, with work distributed to staff across CFCC, based on subject-matter expertise.

CFCC follows the new guidance from the Judicial Council's Rules and Projects Committee (RUPRO) and only works with advisory committees and task forces to propose items that meet the criteria set forth by RUPRO and as approved in annual agenda. Specifically, criteria for any proposal for a new or revised form or rule must be: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

CFCC Workforce Reductions and Current Funding

Currently, CFCC's general fund allocation supports 14 positions. The remaining 58 positions are longstanding state and federal allocations for specified services to California Courts:

- AB131 reimbursement from Court Appointed Counsel Cost Recovery (funds approved annually by the Trial Court Budget Advisory Committee);
- California Comprehensive Drug Court Implementation Act, funding education, technical assistance and Substance Abuse Focus Grants (funded since 2000);
- California Equal Access Fund, supporting legal services and partnership grants (funded since 1999);
- Allocations from federal programs supporting Juvenile Court Improvement (funded since 1995) and Access to Visitation programs (funded since 1998) ;
- Funding from Proposition 63, the California Mental Health Services Act (funded since its inception in 2008);
- Family Law Trust Fund, created by AB233, supported by fees for certified copies of marriage certificates and dissolutions, to provide services to family courts (funded since 1998);
- California Department of Child Support Services, to support services to AB1058 child support commissioners and family law facilitators (funded since 1997);
- California Department of Social Services for Judicial Resources and Technical Assistance supporting compliance with Title IV-E requirements (funded since 1995);
- California Department of Social Services for training and technical assistance to support compliance with the Indian Child Welfare Act (funded since 2003);
- Federal Violence Against Women Act funding for judicial education in domestic violence, sexual assault, stalking, teen dating violence, human trafficking, and elder abuse (funded since 2001).

Table 1 below compares the number of reductions in CFCC positions between March 31, 2011 and March 31, 2013. Within that period, the number of CFCC authorized positions has been reduced from 100 to 72. In addition, five agency temp positions have been eliminated.

Reductions in positions funded by CFCC's general fund allocation are just slightly higher than reductions in CFCC positions funded by other sources. The overall reduction in CFCC positions for this period is 28%. The reduction in CFCC's positions funded by its general fund allocation is 7 (33%); the reduction in positions funded by other sources is 21 (27%).

Table 1:¹ Funding for CFCC Positions: 2011 and 2013 Comparison²

General Fund	Funding Established	Positions 3/31/11	Positions 3/31/13
CFCC Operating Unit	N/A	21	14
AB 131 Court Appointed Counsel Cost Recovery	2011	2	2 ³
Comprehensive Drug Court Implementation	2000	6	6
Equal Access Grant	1999	3	3
Federal Trust Fund			
Juvenile Court Improvement Appropriation	1995	20	16
Access to Visitation Fund	1998	2	1
Mental Health Services Fund	2008	7	6
Family Law Trust Fund	1998	17	9
General Fund Reimbursements			
CA Dept. of Child Support Services: AB1058 Child Support Allocation	1997	9	8
CA Dept. of Social Services: Judicial Resources and Technical Assistance	1995	4	2
CA Dept. of Social Services: Indian Child Welfare Act	2003	2	2
CalEMA: Violence Against Women Act (VAWA)	2001	3	3
CalEMA: VAWA Recovery Funds	2008	1	0
AOC General Fund			
Blue Ribbon Commission	2006	2	0
Judge in Residence	2006	1	0
TOTAL POSITIONS (Filled and Vacant)		100	72

¹ This table is based on data from the March 31, 2011 HR Position Status Report and The Administrative Office of the Courts Staffing Report as of March 31, 2013.

² Employees can charge project time to sources other than the CFCC Operating Unit when appropriate.

³ These two positions are reimbursed by Court Appointed Counsel Cost Recovery

ACTIVITY STATUS FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING

DATE	6/25/2013
PREPARED BY	Diane Nunn
OFFICE NAME	<u>Center for Families, Children & the Courts</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	53
JUDICIAL COUNCIL DIRECTIVE	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. This directive is coordinated with: JCD#53 is coordinated with JCR# 72.1
SEC RECOMMENDATION	7-4(d) 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: (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.
JC DIRECTIVE TIMELINE	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.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the <i>Status Report</i> provided to the Judicial Council)	
This directive has been completed.	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:	
<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 (attached).</p>	



13 June 25 JCD 53
coordination
protocol.docx
Microsoft Office Word
Document
15.5 KB

This directive is pending:

File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:

Research Communications and Coordination Protocol

Introduction

The Judicial and Court Operations Services Division employees staff in research classifications in three of its offices. The researchers in those offices work on multiple assignments in different program areas, including family law, juvenile law, self-help and access to justice, tribal programs, mental health, collaborative justice, criminal justice court services, judicial and staff workload modeling, resource allocation modeling, historical filings trends in the trial courts, use of subordinate judicial officers, the impact of trial court unification, and research projects mandated by new legislation.

Overall, the AOC's research staff has decreased by approximately 45% in recent years. In order to optimize the effectiveness of the new organizational structure—under which all researchers have now been grouped in the same division—and to maximize the efficient use of remaining staff, the following formal protocol for communications and coordination of research resources has been developed. The protocol was developed in lieu of consolidating all research staff within a single office within the division because of the unique nature of the work typically done by researchers in each office. That is, researchers in the Office of Court Research (a part of the Court Operations Special Services Office) typically engage in wide-scale, “project”-style research, such as recent work on judicial and staff workload models, as well as the resultant work on models for allocating fiscal resources to the trial courts. By comparison, researchers in the Center for Families, Children & the Courts and the Criminal Justice Court Services Office have subject matter expertise in particular case types or operations (e.g. family, juvenile, domestic violence, tribal, criminal justice, collaborative justice, civil representation pilots). This subject matter expertise increases efficiencies in our efforts to work both within the judicial branch and AOC and in the work with external partners. These researchers conduct research as subject matter experts in multi-disciplinary teams, serving trial courts in projects such as caseload management, outcome measurement, implementation of legislative mandates and assessment of their costs and benefits to trial courts at the local level.

Protocol








1. An email distribution list for all AOC researchers will be established to ensure that information of interest to all is shared easily, and that the various court groups that staff works with receive information that may be of interest to them across all research projects. In addition, AOC analysts and others may use the group to keep abreast of the division's research projects.
2. Managers and supervisors from each office will meet as needed—but at least every two months—to review current and proposed research projects, staffing and other resources; and to consider ways to provide additional assistance to the courts and meet needs for research at the AOC. Regular topics on the agenda will include:

- Review information requests from the trial and appellate courts to ensure prompt response;
- Review new requests for research assistance from the trial and appellate courts and AOC leadership; provide division director with options for responding to the request;
- Coordinate requests to the trial and appellate courts for information, including surveys, and minimize burdens on the courts;
- Assess current projects to identify places where efforts could be consolidated and the number of staff required for projects reduced;
- Make recommendations to the division director on changes needed in staff assignments;
- Develop educational resources and information sources for the trial and appellate courts to ensure they have adequate access to information derived from research projects and court statistics;
- Respond to Judicial Council advisory groups with research and information required on their annual agendas.



3. Staff will coordinate on grant proposals, budget change proposals, conference presentations, and other projects to prevent duplication of effort.


ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING



DATE	10/19/2012
PREPARED BY	
OFFICE NAME	<u>Center for Families, Children & the Courts</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	55
JUDICIAL COUNCIL DIRECTIVE	E&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.
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: 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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented: The Center for Families, Children & the Courts' centralized administration workforce has been downsized, eliminating Administrative Secretary, Staff Analyst, and Special Consultant functions.	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration: 	
<input type="checkbox"/> Other: 	
TIMELINE AND RESOURCES FOR IMPLEMENTATION	
IMPLEMENTATION	

DATE OR PROJECTED IMPLEMENTATION DATE	May-June 2012.
RESOURCES REQUIRED FOR IMPLEMENTATION	
ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)	
<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; width: 100%;">  File Attachment </div>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; width: 100%;">  File Attachment </div>
<input checked="" type="checkbox"/> SAVINGS	<p>Annual salary savings for the Administrative Secretary (\$56,392), Retired Annuitant: Staff Analyst (\$23,760), and Retired Annuitant: Special Consultant (\$36,043) positions total \$116,195 annually.</p> <div style="border: 1px solid black; padding: 2px; width: 100%;">  File Attachment </div>
<input type="checkbox"/> COST	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; width: 100%;">  File Attachment </div>
<input checked="" type="checkbox"/> EFFICIENCIES	<p>The Center for Families, Children & the Courts' operations have been downsized and refocused on budget administration and efficient delivery of funding and services to the courts. Centralized legal, analytic, and administrative services have been curtailed and critical tasks reassigned to specific programs.</p> <div style="border: 1px solid black; padding: 2px; width: 100%;">  File Attachment </div>
<input type="checkbox"/> SERVICE LEVEL IMPACT	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; width: 100%;">  File Attachment </div>
<input type="checkbox"/> OTHER	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; width: 100%;">  File Attachment </div>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: 10/5/2012
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: 10/19/2012

ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING

DATE	2/11/2013
PREPARED BY	Diane Nunn
OFFICE NAME	<u>Center for Families, Children & the Courts</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	56
JUDICIAL COUNCIL DIRECTIVE	E&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, & the Courts.
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: (including) (g) CFCC staff members produce various publications. They should be considered for reduction or elimination.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>In response to this directive, oversight has been increased and staff and other resources have been reduced. New publications are limited to those developed at Judicial Council direction or approval of the publication in an advisory group's annual agenda. Advisory group members review plans and drafts of publications. Several publications have been discontinued, including the Journal of the Center for Families, Children, and the Courts. To save costs of printing and distribution, all publications, resources and tools are available online only. Exceptions require approval of a written justification. Updates to publications have been deferred. Summaries and links to publications developed by other agencies are provided, where available. Legislatively mandated publications are produced through temporary reassignment of staff or collaboration with other offices.</p>	
<div style="border: 1px solid gray; padding: 5px; width: fit-content;">  <p>JCR#56 report 21113.docx Microsoft Office Word Document 20.5 KB</p> </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	
<div style="border: 1px solid gray; padding: 5px; width: fit-content;">  File Attachment </div>	

<input type="checkbox"/> Other:	
<input type="text"/>	
<input type="button" value="File Attachment"/>	
TIMELINE AND RESOURCES FOR IMPLEMENTATION	
IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	<input type="text" value="completed"/>
RESOURCES REQUIRED FOR IMPLEMENTATION	<input type="text"/>
ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)	
<input checked="" type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input type="text"/> <div style="border: 1px solid gray; padding: 5px; width: fit-content;">  <p>Judicial Council Directive #56 Publication Protocol.docx Microsoft Office Word Document 12.6 KB</p> </div>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input type="text"/> <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> SAVINGS	<p>CFCC workforce reduction of 2 Sr. Research Analysts result in salary and benefits savings of \$234,826, funded by the Family Law Trust Fund. These savings are also included in the activity report for recommendation 59. In addition there is a savings in Printing and distribution costs of \$102,000.</p> <input type="button" value="File Attachment"/>
<input type="checkbox"/> COST	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> EFFICIENCIES	<input type="text"/> <input type="button" value="File Attachment"/>
	<p>In the past, CFCC printed and distributed over 100 publications per year to assist courts and court users. With the loss of funding and workforce reductions, CFCC lacks the ability to publish more than 10 per year and cannot update publications that are still needed by the courts and court</p>

<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>users.</p> <p>With the elimination of two senior research analysts, CFCC is no longer conducting research, developing and producing publications on topics related to self-help programs, domestic violence, juvenile delinquency, and many areas of family law: including program evaluations, briefings and literature reviews on topics requested by Judicial Council committees and other judicial officers. Nearly all research publications are now funded by restricted grants.</p> <div style="border: 1px solid gray; padding: 2px; width: fit-content; margin-top: 10px;">  File Attachment </div>
<input type="checkbox"/> OTHER	<div style="border: 1px solid gray; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid gray; padding: 2px; width: fit-content; margin-top: 10px;">  File Attachment </div>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="2/7/2013"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="2/14/2013"/>

Judicial Council Directive #56 CFCC Publications

Directive 56. E&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, & the Courts.

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

(g) CFCC staff members produce various publications. They should be considered for reduction or elimination.

Summary

Publications and information resources produced by the Center for Families, Children & the Courts (CFCC) include mandated reports to the legislature, research briefings for judicial officers and court stakeholders, bench guides and other practice guidelines, and content designed for AOC and the California Dependency OnLine Guide (CalDOG) websites. CalDOG, which is used exclusively to access publications, has 2,000 visitors per month. The CFCC pages on the AOC website receive 1,300 visitors per month.

Consistent with the SEC recommendation and the Judicial Council directive, CFCC undertook an effort to reduce, to an absolute minimum, staff and funds used on print publications and to make information accessible through websites and other electronic means. CFCC has also created an information resource development protocol to insure that this change is institutionalized for future publications.

1. Workforce and costs reductions

By streamlining publication development, shortening the material and delivering most of the information through summaries, briefings, and tools on the internet, staff time spent on publications has been substantially reduced. By eliminating most printed publications, the costs of design, editing, and reproduction have also been substantially reduced. Two senior research positions have been eliminated, resulting in a savings of salary and benefits of \$234,826. The total amount of Improvement and Modernization Funds supporting CFCC operational costs for publications stood at \$122,000 in fiscal year 2010-2011, and at \$20,000 in fiscal year 2012-2013, a decrease of 84 percent.

2. Operational Changes

- With the elimination of two senior research analysts, CFCC is no longer conducting research, developing and producing publications on topics related to self-help programs, domestic violence, juvenile delinquency, and many areas of family law including:

program evaluations, briefing and literature reviews on topics requested by Judicial Council committees and other judicial officers. Nearly all research publications are now funded by restricted grants.

- New publications are limited to those developed at the Judicial Council's direction or its approval of the publication on an advisory group's annual agenda. Recent publications are focused on those that directly assist the courts and meet branch objectives. Advisory group members serve on teams that review the plans and drafting of publications.
- Discontinued publications include the Court Adoption and Permanency Resource Guide: A Handbook for California Courts Highlighting Adoption and Permanency Programs; Journal of the Center for Families, Children & the Courts; Improving Coordination of Cases Involving Children and Families, and Juvenile Best Practices Research Briefings.
- Publications, resources, and tools are available online only. CFCC's large conferences, including Beyond the Bench and the Family Law Education Programs, are now paperless. Judicial tools such as the popular guides to foster care eligibility law and research briefs developed to meet a specific need of the court are now available online only.
- Hard copies are made by exception only. An approved justification is required. Currently, the only exceptions are frequently requested by the courts in printed form. These include the popular Children's Activity Book, pocket guides for judges, and the Family Reunification Book. Print publications are now produced in a print-on-demand format and the number of copies is carefully monitored.
- Updates to popular publications have been deferred. These include Every Child, Every Hearing, Applying Collaborative Justice Principles and Practices, and Improving Coordination of Cases Involving Children and Families.
- Existing publications have been repurposed to focus on the immediate needs of judicial officers and other key stakeholders. Information resources are posted as a summary with links to publications developed by other agencies, where available.
- Legislatively mandated publications are produced as efficiently as possible through temporary reassignment of staff or collaboration with other offices. For example, the research and writing for Special Assessment of the Need for New Judgeships in Family and Juvenile Law was carried out in coordination with the judicial needs study and Judicial Council report led by the Office of Court Research, eliminating duplication of effort and greatly reducing staff costs.

Publication Planning and Production Exemption Form	
<i>You must submit this form for management approval before planning a publication: including research briefs, case summaries, bench guides, legislative reports and other documents.</i>	
Name:	
Proposed publication name	
Proposed publication purpose and description	
Audience	
Estimated staff time:	
Does this publication requires design/formatting?	
Does it require printed copies?	
<ul style="list-style-type: none"> • # printed copies 	
<ul style="list-style-type: none"> • Estimated cost of printing and distribution 	
<ul style="list-style-type: none"> • Funding source 	
Justification why online posting is not sufficient	
Approvals:	_____
	Supervisor/Date

	Manager/Date

	Director/Date








ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING

DATE	10/1/2012
PREPARED BY	
OFFICE NAME	Center for Families, Children & the Courts
JUDICIAL COUNCIL DIRECTIVE NUMBER	57
JUDICIAL COUNCIL DIRECTIVE	E&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.
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: The Judge-in-Residence position in this division should be eliminated.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented: <div style="border: 1px solid black; height: 15px; width: 100%; margin-top: 5px;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px; width: 100%;"> File Attachment </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration: <div style="border: 1px solid black; height: 15px; width: 100%; margin-top: 5px;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px; width: 100%;"> File Attachment </div>	
<input type="checkbox"/> Other: <div style="border: 1px solid black; height: 15px; width: 100%; margin-top: 5px;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px; width: 100%;"> File Attachment </div>	
TIMELINE AND RESOURCES FOR IMPLEMENTATION	
IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	

RESOURCES REQUIRED FOR IMPLEMENTATION	
ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)	
<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input type="text"/> <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> SAVINGS	\$Annual savings of 116,312. <input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> COST	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> EFFICIENCIES	<input type="text"/> <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	The Center for Families, Children & the Courts now relies on the volunteer services of a mentor judge who responds to court requests for on-site consultation, local assistance, and referral services. Access to presentations and publications by the volunteer mentor judge is available online. <input type="button" value="File Attachment"/>
<input type="checkbox"/> OTHER	<input type="text"/> <input type="button" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>

ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING



DATE	10/5/2012
PREPARED BY	
OFFICE NAME	Center for Families, Children & the Courts
JUDICIAL COUNCIL DIRECTIVE NUMBER	58
JUDICIAL COUNCIL DIRECTIVE	E&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.
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: Positions related to CCMS should be eliminated.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented: Center for Families, Children & the Courts' workforce reductions included four employees who had been redeployed to work on CCMS. The regular assignments of employees redeployed for work on CCMS were not back filled by other staff and the positions have now been eliminated.	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration: <input type="text"/>	
<input type="checkbox"/> Other: <input type="text"/>	
TIMELINE AND RESOURCES FOR IMPLEMENTATION	
IMPLEMENTATION DATE OR PROJECTED	October 2011-June 2012

IMPLEMENTATION DATE	
RESOURCES REQUIRED FOR IMPLEMENTATION	
ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)	
<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; width: 100%;">  File Attachment </div>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; width: 100%;">  File Attachment </div>
<input checked="" type="checkbox"/> SAVINGS	<div style="border: 1px solid black; padding: 2px;">Annual savings of \$401,338, due to elimination of Senior Researcher Analyst and Administrative Coordinator positions.</div> <div style="border: 1px solid black; padding: 2px; width: 100%;">  File Attachment </div>
<input type="checkbox"/> COST	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; width: 100%;">  File Attachment </div>
<input type="checkbox"/> EFFICIENCIES	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; width: 100%;">  File Attachment </div>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<div style="border: 1px solid black; padding: 2px;">This downsizing substantially reduces capacity to provide courts with technical assistance in the use of administrative data systems in family, juvenile, and collaborative justice courts to generate data for cost-benefit analysis, business decisions, program data requirements, and court applications for grant funding. Several projects have been suspended or substantially reduced in scope, including a cost-benefits analysis of mental health courts, an evaluation of DUI courts, generation of data from child support facilitator services, and case flow management analysis. These projects share the common goal of identifying court procedures that optimize the efficient use of court resources.</div> <div style="border: 1px solid black; padding: 2px; width: 100%;">  File Attachment </div>
<input type="checkbox"/> OTHER	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; width: 100%;">  File Attachment </div>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	

E&P REVIEW

Executive and Planning Review Date:

ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING

DATE	2/11/2013
PREPARED BY	Diane Nunn
OFFICE NAME	<u>Center for Families, Children & the Courts</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	59
JUDICIAL COUNCIL DIRECTIVE	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to propose an organizational plan for the Center for Families, Children, & the Courts that allows for reasonable servicing of the diverse programs mandated by statute and assigned to this division.
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: (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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	
<div style="border: 1px solid black; padding: 5px;">  <p>Rec 59 implementation Feb 11.docx Microsoft Office Word Document 16.9 KB</p> </div>	
<div style="border: 1px solid black; padding: 5px;">  <p>CFCC ORG PLAN 012913.doc Microsoft Office Word 97 - 2003 Document 102 KB</p> </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	


<input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> Other:
The Administrative Director of the Court is required to report to the Judicial Council at its February 2013 meeting.
<input type="button" value="File Attachment"/>

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	<input style="width: 100%;" type="text"/>
RESOURCES REQUIRED FOR IMPLEMENTATION	<input style="width: 100%;" type="text"/>

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input style="width: 100%;" type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input style="width: 100%;" type="text"/> <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> SAVINGS	<p>Since the conclusion of fiscal year 2011-2012, the workforce of the Center for Families, Children, and the Courts has been reduced by 29 people, a reduction of nearly 30 per cent. (CFCC had been reduced by 32 positions but two critical positions were filled by internal recruitments and one critical position remains unfilled.) The overall savings in salaries and benefits is \$3,128,194 and rent is \$491,100. Per funding source, the savings in salaries and benefits is: Admin-General Fund - \$785,101; Comprehensive Drug Court Implementation Act (CDCIA) - \$80,311; Family Law Trust Fund - \$528,107; State Justice Institute (SJI) Grant - \$99,053; Federal Court Improvement Grant (Juvenile) - \$1,292,695; State Department of Social Services (JRTA program) - \$184,432; State Department of Child Support Services - \$109,458; and, Mental Health Fund - \$49,037.</p> <input type="button" value="File Attachment"/>
<input type="checkbox"/> COST	<input style="width: 100%;" type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> EFFICIENCIES	<input style="width: 100%;" type="text"/>

	<input type="text"/>  File Attachment
<input type="checkbox"/> SERVICE LEVEL IMPACT	<input type="text"/> <input type="text"/>  File Attachment
<input type="checkbox"/> OTHER	<input type="text"/> <input type="text"/>  File Attachment
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="2/7/2013"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="2/14/2013"/>

Implementation of Judicial Council Directive #59

Judicial Council Directive #59:

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to propose an organizational plan for the Center for Families, Children, & the Courts that allows for reasonable servicing of the diverse programs mandated by statute and assigned to this division.

Corresponding 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:

(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.

Implementation of the Directive

1. Organizational restructuring

On August 31, 2012, the Judicial Council approved a new organizational structure for the Administrative Office of the Courts proposed by the interim Administrative Director of the Courts and incoming Administrative Director of the Courts. The new organizational structure reduced the AOC Executive Team to four positions (Administrative Director, Chief of Staff, Chief Operating Officer, and Chief Administrative Officer) and realigned and renamed existing divisions into offices housed under one of three newly created divisions (Judicial Council and Court Leadership Services Division, Judicial and Court Operations Services Division, and Judicial and Court Administrative Services Division). The Center Families, Children & the courts is now an office in the Judicial and Court Operations Division. The approved organizational structure became effective on October 1, 2012. As noted in the implementation report describing this restructuring, the new AOC structure realizes efficiencies through consistent oversight, improved communication, streamlined decision-making, and clear designation of authority, responsibility, and accountability.

2. Workforce reductions

Since the conclusion of fiscal year 2011-2012, the workforce of the Center for Families, Children, and the Courts has been reduced by 29 people, a reduction of nearly 30 per cent.¹ The overall savings in salaries and benefits is \$3,128,194 and rent in is \$491,100. Per funding source, the savings in salaries and benefits is: Admin-General Fund - \$785,101; Comprehensive Drug Court Implementation Act (CDCIA) - \$80,311; Family Law Trust Fund - \$528,107; State Justice Institute (SJI) Grant - \$99,053; Federal Court Improvement Grant (Juvenile) - \$1,292,695; State Department of Social Services (JRTA program) - \$184,432; State Department of Child Support Services - \$109,458; and, Mental Health Fund - \$49,037.

¹ CFCC had been reduced by 32 positions but two critical positions were filled by internal recruitments and one critical position remains unfilled.

3. Service supported by the new organizational plan for the Center for Families, Children & the Courts

The new organizational plan for the Center for Families, Children & the Courts refocuses on mandates and core services in 6 areas: Family, Juvenile, Collaborative Justice and Mental Health, Self-Help and Access to Justice, Family Violence, and Tribal/State Programs.

Each area provides centralized services available to all courts (such as the Judicial Branch Online Self-Help Center, the California Dependency Online Guide, and multidisciplinary educational resources for judicial officers and that meet mandatory training requirements for court staff) as well as direct services offered locally upon request of judicial officers and court administrators (such as legal services, resources to support compliance with rules and code as well as mutual recognition of orders issued by tribal and state courts, financial administration, technical assistance with court operations, cost-benefit analysis, and management reporting, and assistance responding to cases involving domestic violence).

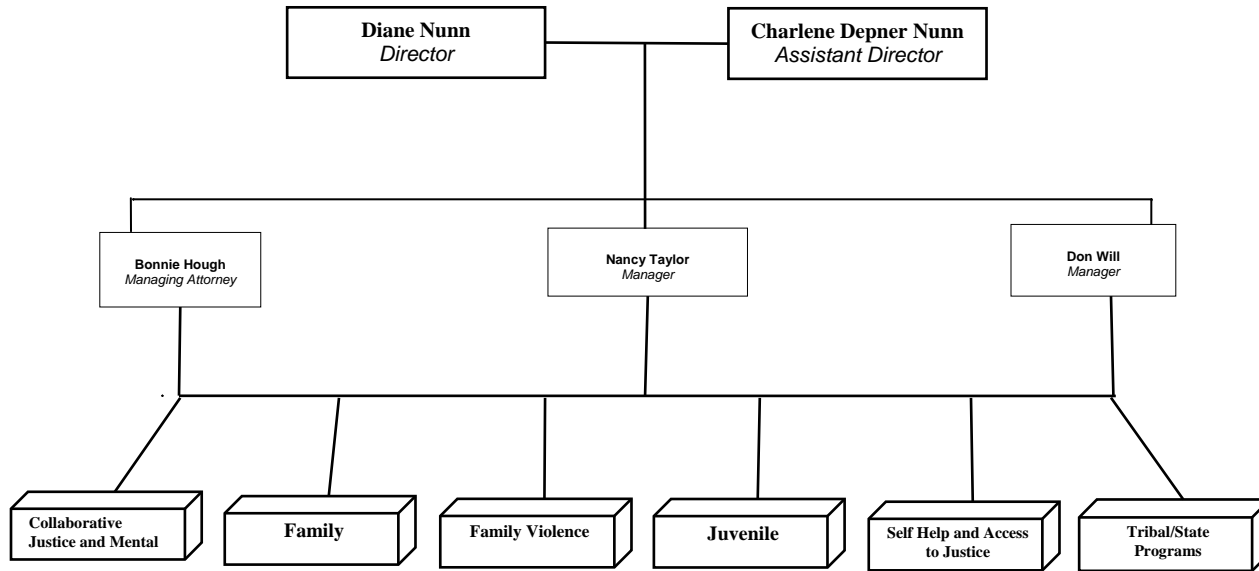
The center continues to administer funding and assistance to statewide programs that support child support commissioners and facilitators, services for self represented litigants, collaborative justice courts, and court appointed special advocates and court appointed counsel in dependency cases.



ADMINISTRATIVE OFFICE OF THE COURTS

JUDICIAL AND COURT OPERATIONS
SERVICES DIVISION

CENTER FOR FAMILIES, CHILDREN & THE COURTS



ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING

DATE	2/11/2013
PREPARED BY	Diane Nunn
OFFICE NAME	<u>Center for Families, Children & the Courts</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	60
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>To achieve greater efficiencies and greater oversight, AOC organizational restructuring approved by the Judicial Council in August 2012 placed self help and similar programs in the Judicial and Court Operations Services Division. The programs are Justice Corps, Family Law Facilitators, Self-Help Centers, Model Self Help Programs, Family Law Information Centers, Self Help Assistance and Technology, Equal Access legal services and partnership grants, Shriver Civil Representation Pilots, California Courts Online Self-Help Center content. The Legal Services Office provides subject matter consultation in small claims, landlord-tenant matters, and other case types involving high proportions of self represented parties. A formal protocol for coordination of self help resources within the Judicial and Court Operations Services Division has been developed in order to optimize the effectiveness of the new organizational structure and to maximize efficiencies following the workforce reduction of 4 positions formerly dedicated to self help services in CFCC.</p> <p>With the reductions in workforce, in addition to working on self-help programs, remaining staff must also cover assignments in family, family violence, juvenile, and court operations special services.</p>	



Implementation of rec
60.docx
Microsoft Office Word
Document
18.1 KB

This directive is forwarded to the Judicial Council with options for consideration:

File Attachment

Other:

File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

**IMPLEMENTATION
DATE OR
PROJECTED
IMPLEMENTATION
DATE**

**RESOURCES
REQUIRED FOR
IMPLEMENTATION**

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

**PROCEDURES/
POLICIES UPDATED
OR DEVELOPED**

File Attachment

**TRAINING
UPDATED OR
DEVELOPED**

File Attachment

SAVINGS

CFCC workforce reduction of 1 Sr. Attorney, 1 Sr. Court Services Analyst, and 2 Administrative Coordinators result in salary and benefits savings=\$463,912. Per funding source, the savings in salaries and benefits is: Admin-General Fund - \$309,476; and, Family Law Trust Fund - \$154,435. These savings are also included in the activity report for recommendation 59.

File Attachment

<input type="checkbox"/> COST	<input type="text" value="File Attachment"/>
<input type="checkbox"/> EFFICIENCIES	<input type="text" value="File Attachment"/>
<input type="checkbox"/> SERVICE LEVEL IMPACT	<input type="text" value="File Attachment"/>
<input type="checkbox"/> OTHER	<input type="text" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="2/7/2013"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="2/14/2013"/>

Implementation of Judicial Council Directive #60

Judicial Council Directive #60

E&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.

Corresponding SEC Recommendation

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.

Directive #60 Assessment and Proposal

Judicial Council Directive 60 requires the Administrative Director of the Courts is to return to the council with an assessment and proposal for maximizing and combining AOC's self-help resources with resources from similar subject programs. The AOC organizational structure adopted by council in August 2012 places all staff working on self-help and related programs in the same division. Additional consultation is provided by LSO staff. A formal protocol for resource coordination is proposed.

1. Organizational Restructuring

In order to realize greater efficiencies and effective oversight, AOC restructuring has placed resources for self-help and similar subject programs within the Judicial and Court Operations Division. On August 31, 2012, the Judicial Council approved a new organizational structure for the Administrative Office of the Courts, proposed by the interim Administrative Director of the Courts and incoming Administrative Director of the Courts. The new organizational structure reduced the AOC Executive Team to four positions (Administrative Director, Chief of Staff, Chief Operating Officer, and Chief Administrative Officer) and realigned and renamed existing divisions into offices housed under one of three newly created divisions (Judicial Council and Court Leadership Services Division, Judicial and Court Operations Services Division, and Judicial and Court Administrative Services Division). The approved organizational structure became effective on October 1, 2012.

2. Workforce Reductions

Workforce reductions in CFCC have eliminated four positions that worked on self-help and related programs. With these reductions in workforce, in addition to working on self-help programs, remaining staff must also cover assignments in family, family violence, juvenile, and court operations special services.

3. Coordination of Self-Help Resources

Division self help staff work on multiple assignments in different self-help and related programs, including: self-help centers, model self help services, family law information centers, equal access legal services and partnership grants, family law facilitators, the Sargent Shriver Civil Representation Pilot Project, Justice Corps, the self-help website, and self help technology and assistance. These same staff also fulfill specific responsibilities in family, family violence, juvenile, and court operations services.

Self help staff consult with Legal Services Office for subject matter expertise on small claims, and Shriver Sargent Shriver Civil Representation pilot projects in housing, probate, and alternative dispute resolution services.

4. Communications and Coordination Protocol

In order to optimize the effectiveness of the new organizational structure and to maximize the efficiency of remaining staff, the following formal protocol for communications and coordination of resources has been developed.

- 1) An email group has been established for this group to ensure that information of interest to all is shared easily, and that the various court groups that staff works with receive information that may be of interest to them across the spectrum of these services.
- 2) Staff will meet every two months to update each other on projects and to consider ways to provide additional assistance to the courts. Regular topics on the agenda will include:
 - a) General update on programs
 - b) Ideas for expansion of Justicecorps and other student service to self-help centers
 - c) Enhancing resources for courts who wish to use volunteers to supplement staff in self-help programs
 - d) Developing educational resources, conferences and training sessions for court staff to assist them in providing services
 - e) Technology projects that will assist self-help centers and self-represented litigants directly
 - f) Coordination of efforts to provide services to persons with limited English proficiency
 - g) Updates on program evaluation strategies including the evaluation mandated by the legislature for the Sargent Shriver Civil Counsel Act
 - h) Coordination with Judicial Council Advisory Committees and Task Forces on issues regarding self-represented litigants
- 3) Staff will coordinate on grant proposals, budget change proposals, and other efforts to increase resources for the branch to provide assistance to self-represented persons

ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING

DATE	6/6/2013
PREPARED BY	Diane Nunn
OFFICE NAME	<u>Center for Families, Children & the Courts</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	62
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>Program restructuring and operational changes in the Judicial Review and Technical Assistance project (JRТА) resulted in consolidation of the program with other juvenile court assistance projects. Two positions have been eliminated. The program has been renamed as Judicial Resources and Technical Assistance to emphasize that it is a service and resources program. The California Department of Social Services provides funding for the four FTEs for the JRТА project Two of the four FTEs are dedicated attorney positions, with the remaining JRТА work covered on a short term project basis by a variety of attorneys in CFCC.</p> <p>The Systems Review of the Judicial Resources and Technical Assistance project is attached. The review describes the work of the project, steps achieved in streamling the project (described in the "Efficiencies" section below) and procedures put in place to reduce the impact on the courts (described in the Cost Savings section below).</p>	
<div style="border: 1px solid gray; padding: 5px; display: flex; align-items: center;"> <p>JCD 62 JRТА Systems Review.docx Microsoft Office Word Document 36.6 KB</p> </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	

<input type="checkbox"/> File Attachment
<input type="checkbox"/> Other:
<input type="checkbox"/> File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION






IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	
RESOURCES REQUIRED FOR IMPLEMENTATION	

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <input type="checkbox"/> File Attachment
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<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <input type="checkbox"/> File Attachment
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<input checked="" type="checkbox"/> SAVINGS	<p>Chief Justice Malcolm M. Lucas launched the JRTA project when the 1995 U.S. Department of Health and Human Services' Office of the Inspector General's eligibility review found that 39 percent of the cases reviewed were not eligible for title IV-E funding. Consequently, California's programs faced a potential loss of \$51.7 million. The JRTA project assistance to courts was recognized as key in successful IV-E reviews, avoiding the loss of \$100 million for children in foster care.</p> <p>The JRTA System Review recommendations implemented to reduce program burdens on the court:</p> <ol style="list-style-type: none"> 1. Ensure that judicial officers, court staff, and stakeholders understand that JRTA liaisons conduct a courtesy file review and do not audit court files. 2. Give courts up to 9 months to schedule site visits. 3. Reduce the frequency of reviews for courts when prior reviews find no need for technical assistance. 4. Conduct interviews at the convenience of the judicial officer. 5. Offer the services of the liaison to pull and reshelve files. 6. Reduce the volume of material that judicial officers are asked to review; develop fact sheets, bench cards and other tools whenever possible. 7. Focus the file review on mandated state and federal eligibility determinations and any issues raised by the presiding juvenile court judge. 8. Provide county agencies with recommendations and training to improve the information provided to the court, thereby reducing hearing delays and unnecessary workload for courts. 9. Respond to court requests for caseload management consultation.
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	<p>10. Provide follow up technical assistance requested by the court whenever possible through email, conference call or web ex, and reduce follow up visits.</p> <p>This has resulted in staff reductions of a Sr. Attorney and Supervisor/Special Consultant.</p> <p> File Attachment</p>
<input type="checkbox"/> COST	<p> File Attachment</p>
<input checked="" type="checkbox"/> EFFICIENCIES	<p>In addition to restructuring and operational changes described above, the following recommendations from the System Review have been implemented to streamline the program:</p> <ol style="list-style-type: none"> 1. Replace in-person and telephone communications with less time-consuming communications, such as email, whenever possible. 2. Administrative staff are responsible for visit logistics and report and material production; and an education specialist develops tools and educational materials. 3. Pilot remote review of digitized case files. 4. Measure impact of JRTA services on court workload. <p> File Attachment</p>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>courts have wider options to select the services they need, some courts moved to a 3 year cycle, based on their needs.</p> <p> File Attachment</p>
<input type="checkbox"/> OTHER	<p> File Attachment</p>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: 6/13/2013
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: 6/17/2013

Judicial Resources and Technical Assistance (JRTA) Project Systems Review Report

Judicial Council Directive #62 calls for a systems review of the manner in which AOC staff review trial court records to streamline the Judicial Resources and Technical Assistance (JRTA) audits, if possible, and to lessen the impact on court resources. The review included interviews with judicial officers, probation officers, social workers and attorneys; program data; and an assessment of the written reports provided to the courts. Attachment 1 is a thumbnail summary of all findings of the review.

1. Project Description

The JRTA project responds directly to questions from judicial officers and juvenile court professionals related to dependency and delinquency law and case management. JRTA attorneys visit local courts to conduct courtesy reviews of court files, providing judges with an overview of the findings and orders necessary to maintain compliance with federal and state statute. Most problems found are related to the presentation of information to the court by dependency and delinquency professionals such as social workers, county counsel, probation, and attorneys for parents and children. After consultation with the bench, the JRTA attorney provides the appropriate county agencies with recommendations and training to improve the information provided to the court. In the course of the year, JRTA attorneys respond to court requests for additional targeted visits and special training sessions for juvenile court professionals in the countyⁱ.

2. JRTA Objectives

- a. Identify and educate juvenile court partners about problems related to notice and completeness, timeliness, and quality of reports to the court that lead to delayed hearings;
- b. Reduce length of time cases spend in system;
- c. Reduce judicial officer and clerk time spent managing incomplete and inadequate filings, case backlogs and courtroom delays;
- d. Reduce judicial officer and clerk time spent adapting courtroom procedure to new legislation and case law;
- e. Avoid federal penalties and denial of funds for children in foster care; and
- f. Improve outcomes for children in dependency including the length of time spent in foster care before reunification with families or adoption.

3. Juvenile Dependency Caseflow Management Issues Addressed by JRTA

Dependency caseflow management is a focal area of JRTA service to the courts. Providing judicial officers with the resources to manage dependency cases effectively reduces court costs, the ineffective use of judicial officer and clerk time, and the time children spend in foster care.

Juvenile dependency cases are among the most complex addressed by the court. In the Judicial Council's 2011 Judicial Workload Assessment ("Assessment")ⁱⁱ, juvenile dependency ranked second, behind asbestos, in adjusted minutes required per case (269 minutes). The workload of judicial officers in dependency is very high. A legislative report based on the 2011 Assessment, *Assessing the Need for New Judgeships in Family and Juvenile Law Assignments*, notes that current judicial resources meet only 65 percent of the assessed need in dependencyⁱⁱⁱ.

Courts face characteristic challenges in managing juvenile dependency caseloads: a complex statutory scheme which specifies numerous timelines, actions, findings and orders unique to each hearing; a variety of parties to the case with multiple cases within sibling groups; complex noticing requirements and frequently inexperienced attorneys representing the county child welfare agency, children, and parents.

Dependency cases require effective caseload management to avoid cases that are delayed and out of compliance with federal and state statutes, wasted judicial officer and clerk time dealing with notice problems, calendar backlogs, and requests for continuances; the court and county spending more dollars per case when cases stay in the system through unnecessary delays; children spending unneeded weeks and months in foster homes or group homes; and the loss of federal dollars to the child welfare system for foster children when cases are not in statutory compliance.

In 2008-2010 the AOC conducted a detailed study of dependency caseload in 2 pilot courts. The findings document the potential for delay and wasted court resources in the system: an extremely complex caseload, cases that averaged 1.2 years in length with 11 separate hearings per case, and one-half of cases out of compliance with statutory timelines^{iv}. Statewide there are 70,400 juvenile dependency cases^v, leading to considerable court costs statewide when hearings are routinely delayed or extended.

Judicial officers hearing dependency cases reported to the AOC that the most common reasons for case delays include late social worker reports (61 percent), lack of notice or late notice (44 percent), attorney not available (38 percent), and not enough time to hear the court case (19 percent)^{vi}. These are all problems that the JRTA project's resources, consultation with judicial officers and education of dependency system partners are designed to alleviate.

During the Assessment, judicial officers in juvenile court indicated their need for more time to spend on cases:

- Reviewing files and preparing for hearings;
- Conducting both short and long cause hearings;
- Preparing findings and orders;
- Ensuring that parties feel their concerns have been addressed;
- Conducting settlement conferences; and
- Encouraging all interested parties to participate in the proceedings^{vii}.

The goal of the JRTA project is to make some of this needed time available to judicial officers by improving the flow of information to the court.

4. Analysis of JRTA Impact on the Courts

Approximately 30 court visits are made each year by attorneys from the JRTA team. The ten largest courts in the state are visited every year, and smaller courts every other year. Each visit begins with a contact with the court executive or designee to discuss the timing of the visit. The court chooses which week the liaison will come to conduct the file review. This is followed by emails to the presiding court judge, juvenile presiding court judge and court executive describing the purpose of the visit. At this time judges may ask the liaison to expand the courtesy file review to include an optional topic, such as findings and orders regarding non-minor dependents.

In the initial contact the liaison will offer to pull and reshelve the files being reviewed. If this is not acceptable to the court the liaison will provide a list of 10 dependency and 10 delinquency files to review.

During the week of the court visit, the liaison requires a small work space. Liaisons bring their own computers and do not ask for photocopies of materials. If the judge permits, the liaison will observe court hearings to gain an understanding of the court's process. At the end of the week the liaison generally meets with the juvenile court presiding judge and other dependency judges. Judges generally want to review and discuss any cases where the findings and orders related to IVE eligibility do not comply with federal statutes.

After the review the liaison provides updates of any resource materials related to the review, and a written report on the findings of the review. Courts frequently request a follow up visit or technical assistance.

A JRTA site visit involves approximately 8 hours of work for a court or court site, including: participation of court executive (1 hour), participation of judges (2 hours), and assistance from clerks locating a work space for the liaison, pulling and reshelving 20 files (up to 4 hours).

An encouraging development is the possibility of JRTA staff conducting the file review remotely, for those courts with digitized juvenile dependency case files. This approach is being piloted.

Linkage of JRTA Deliverables to Outcomes for the Court

JRTA Activity	Outcome	Benefit to the Court	Measured by
<p>JRTA attorney conducts courtesy review of dependency case files, focusing on foster care eligibility findings and timeliness of cases</p>	<p>Identifies system problems leading to unnecessary case delays: late or incomplete social worker reports, problems with documentation of reasonable efforts, or inadequate notice. With judicial officers, creates education plan for county counsel, social workers, probation officers and parents and children’s attorneys</p>	<p>Reduced need for court to reschedule delayed hearings. Reduced need for court to accommodate multiple unnecessary appearances by incarcerated parents, children, CASA volunteers. Judicial officer receives complete information in case reports in advance of hearing, Timely hearings leading to a larger number of cases dismissed earlier in the process, and savings in judicial officer and court time</p>	<p>Analysis of hearing delays Cases meeting federal and state timeliness standards Length of stay for children in foster care</p>
<p>JRTA attorney meets with county counsel, social workers; and probation officers to discuss findings of file review and provide training on improving procedures</p>	<p>Provides system partners with training on notice provision, adequate documentation of recommended findings in reports to the court, timely provision of reports to the court</p>	<p>Reduced need for court to reschedule delayed hearings Reduced need for court to accommodate multiple unnecessary appearances by incarcerated parents, children, CASA volunteers Judicial officer receives complete information in case reports in advance of hearing Timely hearings cause a larger number of cases to be dismissed earlier in the process,</p>	<p>Analysis of hearing delays Cases meeting federal and state timeliness standards Length of stay for children in foster care</p>

		leading to savings in judicial officer and court time	
Analysis report on foster care eligibility judicial determinations	Identifies for the court the changes in federal and state statute that require modification to judicial findings and orders related to foster care eligibility	Reduced need for judicial officers to conduct research on changing requirements Can provide to court a range of suggestions for procedures include standardized minute orders adapted to small, medium and large courts Reduces denial of federal foster care funding to counties Eliminates penalties to state from federal audits	Multi year court file review results Periodic federal audit of judicial determinations
Distribute bench cards on key hearings to judicial officers and stakeholders	Judicial officer has succinct, updated and legally accurate summary of the key events and decisions required at each type of dependency hearing	Reduced need for judicial officers to conduct research on changing requirements Can provide to court a range of suggestions for procedures adapted to small, medium and large courts Reduces denial of federal foster care funding to counties Eliminates penalties to state from federal audits	Multi year court file review results Periodic federal audit of judicial determinations

5. Direct Costs of Project

JRTA is funded by an inter-agency agreement with the California Department of Social Services. The contracted work includes:

- Approximately 30 annual site visits to courts including courtesy file review, meetings with the court and stakeholders and education for stakeholders
- Written analysis of courtesy file reviews
- Approximately 20 annual follow up visits at the request of the court for consultation and education
- Telephone consultation with judicial officers and legal research
- Creating new bench cards and supporting materials
- Updating current bench cards and supporting materials

JRTA requires 4.0 full time equivalent attorneys. The interagency agreement provides \$842,000 per year for personnel and travel. Any overage, including supervision, rent and grants management costs, is covered by funding from the federal Court Improvement Program – Training.

6. Benefits to the Courts

In estimating benefits to the courts, staff reviewed foster care data from U.C. Berkeley and the results of an AOC study of dependency case flow in two pilot courts. Through file review, consultation, and training on hearing preparation and hearing timeliness, JRTA has been one of the major drivers in a statewide effort to reduce the time children spend in foster care. Between 2005 and 2010 the median time spent in care dropped from 457 days to 426 days, a reduction of one month. Courts and counties that focused on programs to reduce the time in care, including the JRTA project, demonstrated that reductions of 3 months are achievable.

We estimate that a reduction statewide of three months median time spent in foster care leads to a reduction in hearings of 120,000 statewide.

7. JRTA Systems Review Improvements

In response to the Judicial Council Directive #62, the JRTA project is implementing the following steps to reduce the impact of the project on the courts and improve the overall benefits of the project to the courts:

A. Lessening the Impact on Court Resources

- **Continue to give courts wide latitude in scheduling site visits.** (Implemented.) In a year that JRTA hopes to visit a court, the court generally has a window of about nine months in which to schedule the visit. Courts can also defer the visit to the following year if necessary.

- **Offer the services of the liaison to pull and reshelve files.** (Implemented.) Attorney liaisons are experienced in court processes, and many courts allow the liaison to pull and reshelve files. When the court prefers to pull the files, the liaison offers alternatives including taking a “snapshot” by using the unfiled cases heard that day or week.
- **Minimize communications with the judicial officers and court staff.** (Implemented.) JRTA staff now schedule visits through brief emails. Interviews are conducted at the convenience of the judicial officer, frequently in chambers after a calendar is heard.
- **Reduce the volume of material that judicial officers are asked to review.** (Implemented.) At the request of courts, JRTA has developed numerous fact sheets and tools to assist with judicial determinations related to reasonable efforts and title IV E eligibility. It is now the practice of liaisons to review this packet after the court visit, in light of the results of the file review and the interview with the presiding juvenile court judge, and send electronically only those materials immediately relevant to the court.
- **Focus the file review on mandated state and federal eligibility determinations and any issues raised by the presiding juvenile court judge.** (Implemented.) Restricting the scope of the file review saves the time of the judicial officer by ensuring that discussion of the findings, in person and in the report, will be limited to eligibility findings and any topics the judicial officer wanted raised in the review.
- **Reduce the frequency of reviews for courts when prior reviews find no need for technical assistance.** (Implemented.)
- **Provide follow up technical assistance requested by the court whenever possible through email, conference call or web ex, and reduce follow up visits.** (Implemented.)

B. Additional Recommendations

- **Ensure that judicial officers, court staff, and stakeholders understand that JRTA liaisons conduct a courtesy file review and do not audit court files.** (Implemented.) This explanation has been incorporated into all JRTA project communications. In addition, the project name has been changed to Judicial Resources and Technical Assistance.
- **Ensure that attorney roles and responsibilities on the JRTA project reflect their area of expertise.** (Implemented.) Attorney liaisons conduct the courtesy file review, analyze the findings and write the report, communicate with judicial officers, and design and provide any requested technical assistance. Tasks such as the logistics of the visit, report and materials production are carried out by administrative support staff, and the role of translating findings into statewide educational materials is carried out by an educational specialist. Communication with the California Department of Social Services and contract management is carried out by a manager.

C. Increase project focus on caseflow improvement

Develop tools and training curricula for county counsel, social workers, probation officers, and parents and children's attorneys that will lead to a greater focus on the flow of information to the court, preparation for court and timely hearings.

D. Collect court workload data to measure impact of JRTA on workload.

Pilot data suggests that outcomes of the JRTA project play a large part in reducing hearing delays and the workload for the courts. JRTA has begun to collect data on timeliness and will analyze this in conjunction with court case management data, in selected courts, to quantify the impact of the program on court workload.

Attachment 1
Judicial Resources and Technical Assistance (JRTA) Project
Systems Review Report – Summary

Project	The Judicial Resources and Technical Assistance (JRTA) project provides tools and assistance to juvenile court judges in managing complex juvenile dependency cases.
Impact	Provides judicial officers with the resources to effectively manage dependency cases, thereby reducing court costs, the ineffective use of judicial officer and clerk time, and the time children spend in foster care.
Outcomes	<ul style="list-style-type: none"> • Reduce unnecessary hearing delays • Reduce judicial officer and clerk time spent managing incomplete and inadequate filings, case backlogs and courtroom delays • Improve permanency for children and reduce time spent in foster care • Avoid federal penalties and denial of funds for children in foster care
Annual Deliverables	<ul style="list-style-type: none"> • Updated bench cards and guides to dependency hearings distributed to all juvenile court judges • Courtesy file review in 25-30 courts annually to assist the presiding judge and presiding juvenile judge assess dependency case management • Written analysis of the file review for the judge • Training and resources for social workers, probation officers, county counsel and others to ensure the quality and timeliness of the information they provide to the court • Document outcomes through on-going data collection
Cost/benefit	<ul style="list-style-type: none"> • Five full-time-equivalent attorney liaisons make site visits to all courts on a 2 year rotating cycle. Personnel and travel costs are paid for by the state Department of Social Services. • Estimate that JRTA can help the courts shorten total length of cases by up to 3 months and improve preparedness of court partners, which translates into approximately 120,000 unnecessary hearings annually avoided for the courts. • More than \$100 million in federal penalties avoided for the state since the beginning of JRTA
Recommendations for improvement	Enhance value of project by modifying tools to make caseflow management resources more easily available; streamline the file review process to lessen impact on the courts (SEC recommendation); conduct quantitative cost benefit study of program costs compared to savings achieved for the courts.

ⁱ The JRTA project was created by the Administrative Office of the Courts (AOC) in 1995 in response to an eligibility audit of foster care cases by the U.S. Department of Health and Human Services' Office of the Inspector General. Federal auditors determined that 39 percent of the cases reviewed were not eligible for title IV-E funding, and California's programs consequently faced a potential loss of \$51.7 million. Chief Justice Malcolm M. Lucas launched the JRTA project in a letter to the judiciary in 1995, stressing the importance of the state not losing funds and of the courts working collaboratively with social service agencies and probation departments on this effort. More than 10 years later, in June 2003, California passed the title IV-E foster-care eligibility review. The report cited the work of the JRTA project as a strength contributing to the state's compliance. The most recent federal eligibility review, in 2012, made a point of recognizing the success of the partnership between the judiciary and the JRTA project, and noted that California passed the review with no judicial determination errors.

ⁱⁱ Judicial Workload Assessment: 2012 Update of the Need for New Judgeships in the Superior Courts. Report to the Judicial Council, October 25, 2012

<http://www.courts.ca.gov/documents/jc-20121026-item2.pdf>

ⁱⁱⁱ Administrative Office of the Courts, December 2011. *Assessing the Need for New Judgeships in Family and Juvenile Law Assignments*. <http://www.courts.ca.gov/7466.htm>

^{iv} Administrative Office of the Courts, November 2010. County A Juvenile Dependency Court Performance Measures Pilot Project Final Report (unpublished).

^v Center for Social Services Research, University of California Berkeley. Caseload by Service Component Type, January 2013. Extracted May 24, 2013 from

http://cssr.berkeley.edu/ucb_childwelfare/CaseServiceComponents.aspx.

^{vi} Administrative Office of the Courts, November 2005. California Juvenile Dependency Court Improvement Program Reassessment. <http://www.courts.ca.gov/documents/CIPReassessmentRpt.pdf>

^{vii} *Assessing the Need for New Judgeships in Family and Juvenile Law Assignments*

ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING

DATE	10/19/2012
PREPARED BY	
OFFICE NAME	Center for Families, Children & the Courts
JUDICIAL COUNCIL DIRECTIVE NUMBER	63
JUDICIAL COUNCIL DIRECTIVE	With the exception of assigned judges, AOC staff must not investigate complaints from litigants about judicial officers.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented: <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> AOC staff are directed not to investigate complaints against bench officers. Complaints and concerns about specific judges, commissioners, or courts are referred to the appropriate entities, consistent with California Rules of Court. </div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px; width: fit-content;"> File Attachment </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration: <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px; width: fit-content;"> File Attachment </div>	
<input type="checkbox"/> Other: <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px; width: fit-content;"> File Attachment </div>	
TIMELINE AND RESOURCES FOR IMPLEMENTATION	
IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	Ongoing

RESOURCES REQUIRED FOR IMPLEMENTATION	
ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)	
<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> SAVINGS	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> COST	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> EFFICIENCIES	<input type="text"/> <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<input type="text" value="Potential increase in public inquiries to courts."/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> OTHER	<input type="text"/> <input type="button" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>

ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/11/2013
PREPARED BY	Chad Finke
OFFICE NAME	<u>Court Operations Special Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	21
JUDICIAL COUNCIL DIRECTIVE	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.
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 AOC programs that allow expected performance levels to be set and evaluated.
JC DIRECTIVE TIMELINE	Completion by December 2013.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the <i>Status Report</i> provided to the Judicial Council)	
<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>	
STATUS DETAIL	

(check applicable boxes and provide detail regarding status)

This directive has been completed, implemented, or closed:

The AOC has developed guidelines and a process for branchwide projects and other significant initiatives to ensure a full and comprehensive cost-benefit analysis that includes 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.

The proposed "Guidelines for the Administration of Branchwide Projects and Initiatives" include the "Request for Approval of Project Proposal" form. Please see attachments below.



Memo to Judge Jahr re
JC Directives Guidelines
& Processes.docx
Microsoft Office Word
Document
62.1 KB



Guidelines for the
Administration of
Branchwide Projects and
Initiatives.docx
Microsoft Office Word
Document
60.3 KB

This directive is pending:



File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
JUDICIAL AND COURT ADMINISTRATIVE SERVICES DIVISION
2850 Gateway Oaks Drive, Suite 300 • Sacramento, California 95833-4348
Telephone 916-263-1400 • Fax 916-643-8028 • TDD 415-865-4272

M E M O R A N D U M

Date

November 25, 2013

Action Requested

Consider Guidelines and Process
Recommendation

To

Hon. Steven Jahr
Administrative Director of the Courts

Deadline

At your convenience

From

Curt Soderlund
Chief Administrative Officer

Contact

Curt Soderlund
916-263-5512 phone
curt.soderlund@jud.ca.gov

Zlatko Theodorovic
Director, Fiscal Services Office

Subject

Judicial Council Directives 7-13, 21, 40, 91
and 145

This memorandum requests your review and approval of staff recommendations to establish guidelines and a process to address the various common aspects of Judicial Council Directives 7-13, 21, 40, 91 and 145 specific to future critical initiatives. This recommendation seeks to encompass a process that ensures a full and comprehensive cost-benefit analysis that includes:

- The input and collaboration of all stakeholders;
- Consultation with the Judicial Council and the Executive and Planning Committee, as necessary;
- A complete analysis of scope;
- The development of accurate cost estimates and the identification of funding in constant collaboration with the Fiscal Services Office;
- The application of cost and contract controls including monitoring;
- Full documentation of the decision-making processes; and
- Full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

Background

The Judicial Council approved various directives as recommended by the Strategic Evaluation Committee (SEC) pertaining to the way in which the Administrative Office of the Courts (AOC) undertakes significant projects and branchwide initiatives. The directives approved were derived from the SEC's observations that alleged a lack of uniform internal processes, insufficient collaboration, and inadequate analysis.

Projects brought before the Judicial Council for consideration should be evaluated on the basis of scope, resources, and political sensitivity. The inclusion of these components will assist the Judicial Council in their operational role of request review so that they may provide:

- Clear and complete definition of priorities;
- A balance between the requests and branch roles and responsibilities;
- Complete consultation; and
- Timely feedback and direction.

The AOC recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects and will continually seek refinement of existing processes.

Recommendation

We request the approval of the following policy regarding cost-benefit analyses:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes 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.

We further recommend that you approve use of the proposed *Guidelines for the Administration of Branchwide Projects and Initiatives* as the official AOC process.

Lastly, should you approve the above guidelines, we recommend that you direct staff of the Fiscal Services Office to publicize the new process.

APPROVAL

(Please check one)

I approve the recommendations above.

I approve _____


Hon. Steven Jahr, Administrative Director of the Courts

11/27/13
Date

November 25, 2013
Page 3

Attachment



GUIDELINES FOR THE ADMINISTRATION OF BRANCHWIDE PROJECTS AND INITIATIVES

Policy Statement:

Unless contrary direction is provided by the Judicial Council, the initiation of branchwide projects and other significant initiatives shall be proceeded by a full and comprehensive cost-benefit analysis that includes 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.

Overview:

The following guidelines have been established to assist with the preparation of formal project proposals. They seek to implement a comprehensive process of programmatic and fiscal analysis that ensures all costs and benefits are considered before a decision is made regarding whether to proceed with a proposal within the Judicial Branch.

Process:

1. Issue or Concept Identification:
 - Offices/divisions identify issue or concept (e.g., initiating new programs, expanding existing programs, creation of new requirements on branch entities, requesting federal or state grants, etc.)
 - Office Director holds preliminary discussions with Division Chief
 - Division Chief and Office Director present the issue to the Executive Office as an informal concept
 - Executive Office determines depth of analysis required and assigns the issue or concept to the appropriate for further evaluation.
 - Executive Office determines if consultation with Judicial Council or the Executive and Planning Committee is necessary based on factors such as funding needs, scope of effort, and policy issues.

2. Preparation of *Request for Approval of Project Proposal* (RAPP) Form
 - The RAPP, prepared in accordance with these guidelines, must be approved for every project prior to the encumbrance or expenditure of funds on the project, including use of staff resources.
 - The RAPP establishes the business case for investment of branch resources in the project by setting out the reasons for undertaking the project and analyzing its costs and benefits, absent contrary direction from the Judicial Council.

- The Fiscal Services Office will conduct training for staff involved in the completion of the RAPP form, with an emphasis on the Cost Considerations section, upon request.
 - Participation in the web-based training titled *Analytical Thinking for Analysts* available through the California Department of Human Resources is encouraged: <http://www.calhr.ca.gov/Training/Pages/index-analytical-thinking-for-analysts.aspx>
- Components of the RAPP Form
 - a. Requesting Office or Division
 - b. Date Prepared
 - c. Contact Information
 - d. Project Title
 - e. Summary
 - f. Summarized Estimated Costs
 - g. Proposal Review Routing
 - h. Associated JC Strategic Goal, if applicable
 - i. Project Scope
 - j. Stakeholders
 - k. Impact Analysis
 - l. Documentation of Decision-Making Process
 - m. Cost Considerations
 - n. Authorization to Proceed (Office Director or Designee)
3. The RAPP form should be forwarded to the appropriate Division Chief for review and approval only after all issues raised by internal review have been addressed.
 4. Briefing of Executive Office by Division Chief/Office Director
 - Consider routing to appropriate Judicial Council committee (such as the Executive and Planning Committee) or Judicial Council
 - Consider discussion with Chief Justice
 - Consider discussions with external stakeholders such as the courts or State Bar
 5. Executive Office Action
 - If issue or concept was identified within the AOC, approve, disapprove, or return to applicable office for further examination.
 - If issue or concept was identified by the Judicial Council, respond to the Judicial Council as directed with recommendation or act as directed by the Judicial Council.

Questions

Questions regarding these guidelines or the RAPP form can be directed to Bob Fleshman at (415) 865-7531 or bob.fleshman@jud.ca.gov.



REQUEST FOR APPROVAL OF PROJECT PROPOSAL

Rev. 10/10/13

Requesting Office or Division	
Date Prepared	
Contact Information	
Project Title	
Summary <i>(Please provide 3 to 4 sentences briefly describing your request.)</i>	
Summarized Estimated Costs <i>(Please differentiate between one-time and ongoing costs, if applicable.)</i>	
Proposal Review Routing <i>(Please select as applicable.)</i>	<input type="checkbox"/> Human Resources Office <input type="checkbox"/> Legal Services Office <input type="checkbox"/> Fiscal Services Office <input type="checkbox"/> Information Technology Services Office <input type="checkbox"/> Office of Governmental Affairs <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Executive Office
How does this proposal further the goals of the Strategic and Operational Plans for the Judicial Branch?	

Project Scope

Please provide your business case analysis of the scope and direction of your project, including timeline.

Stakeholders

Please list your project's stakeholders and what input they have provided for your project. Include any steps you took to inform and collaborate with your stakeholders about your project.

Impact Analysis

Please describe the anticipated effect on workload and resources on the AOC or stakeholders directly or indirectly if this project is approved. Consider staff time, additional funding, and other requirements involved in successfully administering and implementing this project. Include offsets where applicable.

Documentation of Decision-Making Process

Please provide a summary of items you used to determine the need for this undertaking. Provide attachments where applicable.

Cost Considerations

Cost estimates must be developed in collaboration with the Fiscal Services Office.

Budget Augmentation Required?										
	No									
	Yes		If YES, indicate fiscal year(s) and associated amount:							
			FY		FY		FY		FY	
			\$		\$		\$		\$	

PROJECT COSTS

1.	Fiscal Year					TOTAL
2.	One-Time Cost					\$
3.	Continuing Costs					\$
4.	TOTAL PROJECT BUDGET	\$	\$	\$	\$	\$

PROJECT FINANCIAL BENEFITS

5.	Cost Savings/Avoidances	\$	\$	\$	\$
6.	Revenue Increase	\$	\$	\$	\$

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted for consideration.



Name (Office Director or Designee)

11/27/13

Date

Notes/Comments

ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING

DATE	9/30/2012
PREPARED BY	Chad Finke
OFFICE NAME	<u>Court Operations Special Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	65
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>The underlying SEC recommendation recommends either reduction or elimination of the Promising and Effective Programs unit (PEP). The unit currently has a manager and seven staff members (three of whom are less than 1 FTE, for a total of 6.15 staff FTEs), which represents a reduction of three full-time staff members since the SEC began its process. In addition, two major functions have been eliminated from PEP. Specifically, one staff member left in connection with the AOC's Voluntary Separation Incentive Program (VSIP), and her position and its funding were eliminated. Further, two additional PEP staffers have been permanently reassigned to other units and their former functions eliminated. Specifically, the staff member who was formerly responsible for procedural fairness has been reassigned to the Court Interpreters Program and the staff member who was formerly the lead staff to the Kleps Award Committee has been reassigned to Trial Court Leadership Services (which is now under the Chief of Staff). See Activity Reporting and Proposal Form for recommendations 65.1 and 67 for additional details.</p>	
<div style="border: 1px solid black; padding: 2px; width: fit-content;"> File Attachment </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	
<div style="border: 1px solid black; padding: 2px; width: fit-content;"> File Attachment </div>	
<input type="checkbox"/> Other:	

 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE

N/A - already complete

RESOURCES REQUIRED FOR IMPLEMENTATION

none

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

PROCEDURES/ POLICIES UPDATED OR DEVELOPED

 File Attachment

TRAINING UPDATED OR DEVELOPED

 File Attachment

SAVINGS

Savings for the two staff members who were transferred to other units are already discussed in detail in the Activity Reporting and Proposal Forms for recommendations 65.1 and 67. In addition, the elimination of an additional position in PEP as a result of the former incumbent leaving as part of the VSIP resulted in annual salary and benefit savings of approximately \$98,000 (all General Fund).

 File Attachment

COST

 File Attachment

EFFICIENCIES

 File Attachment

SERVICE LEVEL IMPACT

The staff position that was eliminated as part of the VSIP was an Administrative Coordinator II. The elimination of that position has meant that the administrative/secretarial needs of the PEP unit must now be handled by other administrative staff in COSSO. As a result, all administrative tasks run slower than usual, which means a delay in, e.g., processing documents, preparing travel and expense claims, and the like.

 File Attachment

OTHER

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:

EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW








E&P REVIEW

Executive and Planning Review Date:

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	9/25/2012
PREPARED BY	Chad Finke
OFFICE NAME	<u>Court Operations Special Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	65.1
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following: To save resources, the Kleps Award Program should be suspended temporarily.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>In early May 2012, Hon. Ronald Robie, Chair of the Kleps Award Committee, decided to postpone the 2012-2013 Kleps Award Cycle. Additionally, the AOC has not requested that the Trial Court Budget Working Group recommend allocating any special funds to the Kleps Award Program in FY 12-13 (\$20,000 was allocated in FY 11-12). Lastly, the former lead staff to the Kleps Award Committee has been reassigned to other duties within the AOC, specifically as lead staff to the Trial Court Presiding Judges Advisory Committee. Thus, no staff resources are being devoted to the Kleps Award Program at this time.</p>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	
<input type="checkbox"/> Other:	


TIMELINE AND RESOURCES FOR IMPLEMENTATION	
IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	May 2012
RESOURCES REQUIRED FOR IMPLEMENTATION	None
ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)	
<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; width: 100%;">  File Attachment </div>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; width: 100%;">  File Attachment </div>
<input checked="" type="checkbox"/> SAVINGS	<p>Eliminating the function of lead staff to the Kleps Award Committee allowed for the abolishment of a funded position left vacant through the AOC's second Voluntary Separation Incentive Program. Salary and benefit savings were approximately \$120,000/year (all General Fund).</p> <div style="border: 1px solid gray; padding: 2px; width: 100%;">  File Attachment </div>
<input type="checkbox"/> COST	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; width: 100%;">  File Attachment </div>
<input type="checkbox"/> EFFICIENCIES	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; width: 100%;">  File Attachment </div>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>Some courts have expressed a concern that postponing or outright eliminating the Kleps Award Program will take away a valuable tool for the courts to share innovative ideas on how to run their operations more efficiently. We continue to look for opportunities to facilitate such sharing, simply outside the context of a formal awards program.</p> <div style="border: 1px solid gray; padding: 2px; width: 100%;">  File Attachment </div>
<input type="checkbox"/> OTHER	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; width: 100%;">  File Attachment </div>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: 10/5/2012

EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW

E&P REVIEW	Executive and Planning Review Date: <input data-bbox="938 226 1177 262" type="text" value="10/19/2012"/>
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ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING






DATE	12/17/2012
PREPARED BY	Chad Finke
OFFICE NAME	<u>Court Operations Special Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	66
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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: (b) The Justice Corps Program should be maintained, with AOC's involvement limited to procuring and distributing funding to the courts.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>Since the date of the original SEC recommendation, the Promising and Effective Programs unit has been significantly reduced in size. One Administrative Coordinator II left as part of the AOC's Voluntary Separation Incentive Program. A Senior Court Services Analyst was transferred to the Court Interpreters Program to account for staff attrition in that latter group. With the cessation of the Kleps Awards Program, a Court Services Analyst was transferred to the Trial Court Leadership Services Group, to serve as staff to the Trial Court Presiding Justices Advisory Committee. And recently, a Staff Analyst I--one of the staff who support the JusticeCorps Program--announced her departure as well.</p> <p>As to the JusticeCorp Program, at its October 17, 2012 meeting the Trial Court Budget Working Group recommended an allocation of \$277,000 in FY 2012-13 from State Trial Court Improvement and Modernization Fund (STCIMF) to maintain that program. This represents an \$800 reduction over the previous fiscal year. These funds are distributed in their entirety to designated trial courts to defray costs associated with running the program at the court level. The Judicial Council approved the STCIMF recommendation related to JusticeCorps at its October 26, 2012 Business Meeting. (See attached, Item H.)</p>	
<div style="border: 1px solid black; padding: 5px;">  <p>jc-20121026-minutes.pdf Adobe Acrobat Document 4.97 MB</p> </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	

 File Attachment
<input type="checkbox"/> Other:
<input type="text"/>
 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	<input type="text" value="October 26, 2012"/>
RESOURCES REQUIRED FOR IMPLEMENTATION	The only resources required are the staff time necessary to administer the JusticeCorps grant. Those staff currently are funded in part through the grant itself.

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input type="text"/>  File Attachment
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input type="text"/>  File Attachment
<input checked="" type="checkbox"/> SAVINGS	As noted above, a Staff Analyst I--one of the staff who support the JusticeCorps Program--recently left the AOC. The salary for her position, which was 0.60 FTE, was funded entirely through the JusticeCorps grant. The grant also funded 27% of the cost of her benefits. Thus, her departure resulted in General Fund savings to the agency in the amount of \$15,083, the cost of 63% of her benefits. In addition, her departure resulted in annual savings of \$41,203 from the JusticeCorps grant itself. With her departure and the decision not to fill that position, that amount will now be available in the grant for use by courts that participate in the program.  File Attachment
<input type="checkbox"/> COST	<input type="text"/>  File Attachment
<input type="checkbox"/> EFFICIENCIES	<input type="text"/>  File Attachment
	<input type="text"/>

<input type="checkbox"/> SERVICE LEVEL IMPACT	<input type="text" value="File Attachment"/>
<input type="checkbox"/> OTHER	<input type="text" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="2/7/2013"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="2/14/2013"/>

2. The council approved, with one abstention, moving forward on the 23 SB 1407 projects identified by the working group in accordance with the *Recommendations of Court Facilities Working Group on SB 1407 Projects*, attached.

The council also adopted the remainder of the working group recommendations:

3. The Los Angeles–Renovate Alfred J. McCourtney Juvenile Justice Center (Lancaster) project is to be forwarded to the council’s Trial Court Facility Modifications Working Group for consideration of funding.
4. AOC staff is directed to submit funding requests for the next phase of each SB 1407 project that is moving forward and requires FY 2013–2014 funding as presented in *Recommendations of Court Facilities Working Group on SB 1407 Projects* and to submit the annual update to the *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for FY 2013–2014 to the state Department of Finance in order to implement this recommendation.
5. Authority will be delegated to the director of the AOC’s Judicial Branch Capital Program Office to make technical changes to FY 2013–2014 funding requests submitted to the state Department of Finance necessary to implement the recommendations above, subject to the review and approval of the chair of the Court Facilities Working Group.
6. The Courthouse Cost Reduction Subcommittee of the Court Facilities Working Group shall 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.
7. Adopt the findings and recommendations of the Pegasus Audit Report, with two caveats: the timeline of the implementation of the report’s recommendations be extended by six months, until July 16, 2013, and the task of creating and maintaining policies be centralized, to ensure they are consistent and current throughout all parts of the AOC’s Judicial Branch Capital Program Office.

Item H Trial Court Special Funds: Allocations for Fiscal Year 2012–2013

The Trial Court Budget Working Group recommended a one-time allocation of \$71.923 million from the State Trial Court Improvement and Modernization Fund (STCIMF) for various programs in support of the trial courts, including \$6.769 million related to the financial component of Phoenix Financial and Human Resources Services costs previously charged to trial courts, a one-time allocation from the Trial Court Trust Fund (TCTF) of \$58.836 million to offset reductions to trial court operations funding, and any revenue from the new \$30 fee for court reporting services in civil proceedings lasting under one hour be allocated to courts in the

amount that each court collected. In addition, in order to fully distribute the recommended TCTF allocation, the working group recommended that the council direct staff to seek additional expenditure that is subject to the approval of the Department of Finance and Legislature. The working group also asked the Judicial Council to consider delegating the authority to transfer STCIMF allocations during the year from one program or project to another, subject to any restrictions or conditions provided by the council.

Council action

The Judicial Council voted to defer action on Trial Court Budget Working Group (TCBWG) recommendations 1–3 until the council business meeting on January 17, 2013, pending availability of more complete information on projected revenues and expenditures for the current fiscal year.

In addition, the Judicial Council:

4. Allocated \$65.154 million in one-time funding from the STCIMF—recommended for various programs in support of the trial courts—and deferred action on the recommended allocation of another \$6.769 million related to the financial component of Phoenix Financial and Human Resources Services costs previously charged to trial courts, until the council’s January meeting, when relevant financial information is expected to be available. The council also directed the AOC to request the council for augmentations to the \$4.5 million Litigation Management Program allocation if needed;
5. Delegated to the Administrative Director of the Courts the authority to transfer STCIMF allocations approved by the Judicial Council for 2012–2013 from one program or project to another, subject to guidelines provided by the Judicial Council. The council approved the guidelines in TCBWG recommendations 6, 7, and 8 (below) and the additional guideline that the Administrative Director of the Courts exercise the authority to transfer funds in consultation with the Chair of the council’s Executive and Planning Committee.

Pursuant to the approval of the delegation of authority to the Administrative Director of the Courts, the council approved the following guidelines:

6. Limited the authority to transfer STCIMF allocations approved for 2012–2013 by the council from one program or project to another to 20 percent of the allocation of the program/project from which it will be transferred;
7. Directed the Administrative Director of the Courts to report back to the council after the end of 2012–2013 on any transfers of STCIMF allocations made between programs/projects and the rationale for any transfers; and

8. Directed the AOC to develop internal guidelines for the administration of the new State Trial Court Improvement and Modernization Fund.

Item I Trial Court Trust Fund Allocations: 2 Percent Reserve

The Administrative Office of the Courts submitted to the Judicial Council for its consideration recommendations and options on two applications for supplemental funding related to unavoidable funding shortfalls received from the Superior Court of California, Counties of Kings and San Joaquin. \$27.8 million was set aside in the Trial Court Trust Fund for FY 2012–2013, of which by statute only up to 75 percent or \$20.9 million may be allocated by the Judicial Council by October 31, 2012. Two courts qualified for supplemental funding under the council-approved criterion of having projected a negative fund balance for the current fiscal year. The total amount requested by these two courts was \$4.5 million; the total amount contributed by the two courts to the 2 percent reserve was \$536,232.

Council action

1. For the supplemental funding request in the amount of \$2.29 million from the Superior Court of Kings County, the Judicial Council approved allocating a one-time supplemental funding distribution of \$94,000, the amount that the court contributed to the 2 percent reserve in FY 2012–2013, on two conditions:
 - a. The court must submit a written report on the use of the funding received and its fiscal situation as of June 30, 2013, to the Judicial Council by no later than August 1, 2013; and
 - b. The supplemental funding for urgent needs received by the court must be used for the purposes addressed in the court’s application, including keeping open a sufficient number of courtrooms, and providing other necessary services during FY 2012–2013 to meet the court’s obligation to adjudicate all matters, both civil and criminal, that come before the court.
2. For the supplemental funding request in the amount of \$2.21 million from the Superior Court of San Joaquin County, the Judicial Council voted, in a vote of 13 to 4, to defer the decision on allocating any one-time supplemental funding distribution until the court reports to the council on the use of the \$916,000 from the Trial Court Improvement Fund that the council approved as a five-year interest-free loan to the court on December 16, 2011, in response to the court’s emergency funding request.

In Memoriam

Chief Justice Cantil-Sakauye closed the meeting with a moment of silence to remember recently deceased judicial colleagues and honor their service to their courts and the cause of justice:

- Hon. John Alex (Ret.), Superior Court of California, County of Trinity
- Hon. Ronald Brown (Ret.), Superior Court of California, County of Mendocino
- Hon. Ollie Marie-Victoire (Ret.), Superior Court of California, County of San Francisco
- Hon. Donald McCartin (Ret.), Superior Court of California, County of Orange

ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING

DATE	9/25/2012
PREPARED BY	Chad Finke
OFFICE NAME	<u>Court Operations Special Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	67
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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: Since funding for the Procedural Fairness/Public Trust and Confidence program has ceased, it should be eliminated.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented: <div style="border: 1px solid black; padding: 5px;"> <p>Prior to October 2011 the AOC had a Senior Court Services Analyst (CSA) whose time was devoted primarily to addressing procedural fairness issues. However, there was not a separate "program," per se, e.g., there was no dedicated budget separately set aside for procedural fairness. In October 2011, that Senior CSA was transferred full time into the Court Interpreters Program to better utilize limited staff resources. While it may be possible for him to handle any new procedural fairness-based projects that may arise in the future, right now his time is devoted 100% to court interpreter issues.</p> </div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> File Attachment </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration: <div style="border: 1px solid black; height: 20px; width: 100%; margin-bottom: 5px;"></div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> File Attachment </div>	
<input type="checkbox"/> Other: <div style="border: 1px solid black; height: 20px; width: 100%; margin-bottom: 5px;"></div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> File Attachment </div>	

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	October 2011
RESOURCES REQUIRED FOR IMPLEMENTATION	None

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; width: 100%;"> File Attachment </div>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; width: 100%;"> File Attachment </div>
<input checked="" type="checkbox"/> SAVINGS	<p>A Senior Court Services Analyst in the Court Interpreters Program left the AOC in 2012 as part of the AOC's first Voluntary Separation Incentive Program. Because we had already moved the Senior CSA who formerly handled procedural fairness issues into the Court Interpreters Program in October 2011, he was able to pick up much of the work of the departing employee, which is what allowed the AOC to accept her request to participate in the program. Therefore, we were able to take advantage of the savings from her salary and benefits, which were approximately \$116,400/year (all General Fund).</p> <div style="border: 1px solid gray; padding: 2px; width: 100%;"> File Attachment </div>
<input type="checkbox"/> COST	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; width: 100%;"> File Attachment </div>
<input type="checkbox"/> EFFICIENCIES	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; width: 100%;"> File Attachment </div>
<input type="checkbox"/> SERVICE LEVEL IMPACT	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; width: 100%;"> File Attachment </div>
<input type="checkbox"/> OTHER	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; width: 100%;"> File Attachment </div>


ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW	Administrative Director of the Courts Review Date: 10/5/2012
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EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW

E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>
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ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING

DATE	3/27/2013
PREPARED BY	Chad Finke
OFFICE NAME	<u>Court Operations Special Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	68
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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: (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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented: As detailed in the attached memorandum, the Chief Justice has requested the Administrative Director of the Courts to direct that the AOC continue to provide the necessary staffing to support the Chief Justice's civics education plan for 2013 and beyond.	
<div style="border: 1px solid gray; padding: 5px; margin-bottom: 5px;">  <p>Memo to Judge Jahr re directive 68 (civics ed) - FINAL.docx Microsoft Office Word Document 106 KB</p> </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration: <div style="border: 1px solid gray; height: 20px; width: 100%; margin-bottom: 5px;"></div>	
<input type="checkbox"/> Other:	
<div style="border: 1px solid gray; height: 20px; width: 100%; margin-top: 5px;"></div>	

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TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE

March 21, 2013

RESOURCES REQUIRED FOR IMPLEMENTATION

One FTE Senior Court Services Analyst, with the possibility of additional analyst or administrative staff support as specific projects require.

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

PROCEDURES/ POLICIES UPDATED OR DEVELOPED

 File Attachment

TRAINING UPDATED OR DEVELOPED

 File Attachment

SAVINGS

 File Attachment

COST

The only AOC-related cost associated with the Chief Justice's civics education programs is the cost of salary and benefits for the single AOC staff member assigned to this program, approximately \$121,000 per year.

 File Attachment

EFFICIENCIES

 File Attachment

SERVICE LEVEL IMPACT

Initially there will be no impact on service level, as the staff member who has historically been responsible for civics education projects will continue to remain assigned to that duty. To the extent additional analyst or administrative staff support becomes necessary, efforts will be made to secure that additional assistance without affecting services levels to other AOC projects and services.

 File Attachment

OTHER

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW	Administrative Director of the Courts Review Date: 4/10/2013
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: 4/17/2013



SUPREME COURT OF CALIFORNIA

MEMORANDUM

Date: March 21, 2013

To: Hon. Steven Jahr
Administrative Director of the Courts

From: Hon. Tani Cantil-Sakauye
Chief Justice and Chair of the Judicial Council

Subject: Judicial Council Directive 68
Re: Follow up to the 2013 Civic Summit

This memo addresses Judicial Council Directive 68, under which the Administrative Director of the Courts was directed to report to the council at its April meeting regarding the following: “[T]he Judicial Council [will] consider whether to continue support for the Civics Education Program after the conclusion of the 2013 [Civic Learning California S]ummit.” The resounding success of that summit, which was held on February 28th, 2013, has solidified my commitment to build on the robust momentum created by this historic event. As such, I am requesting through this memorandum that you direct that the Administrative Office of the Courts (AOC) will continue to provide the necessary staffing to support the plan outlined below, and that you report as such to the Judicial Council in April 2013.

Chief Justice's Civics Education Plan for 2013 and Beyond

Your Constitution: Power of Democracy Steering Committee: Consolidate the Leadership Group on Civic Education and Public Outreach and the Civic Summit Steering Committee into one entity that will continue to oversee, develop and implement the initiatives below, as well as other strategies for harnessing the momentum created by the Civic Learning California Summit. Attached please find a charge and roster for the group.

- a. **Civic Learning Award Program:** Continue co-sponsoring the Civic Learning Award Program with State Superintendent of Public Instruction Tom Torlakson, which recognizes California public high schools for outstanding work in civic education. This initiative supports Commission for Impartial Courts (CIC) Final Report Recommendation 43, (g): Recognition programs that bring attention to teachers, judges, and court administrators who advance civics education should be promoted.
- b. **K-12 Civic Learning Task Force:** Collaborate with State Superintendent of Public Instruction Tom Torlakson to establish a K-12 Civic Learning Task Force which will make recommendations regarding civic learning in California public schools. The Task Force will be privately funded. This initiative supports CIC Final Report Recommendation 43, (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 and (b) Teacher training programs, curriculum development, and education programs on civics should all be expanded to include the courts

Background

In my role as head of the judicial branch of California, I am dedicated to educating the public, and students in particular, about the power of our democracy, so that the branch may continue to thrive and flourish for future generations. I endorse CIC Final Report recommendations 37 (a) and (b) and 43 (a), (b), (c), and (g), which states in part:

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.

For more information on the Commission's recommendations, please see the attached.

In 2011 I appointed Administrative Presiding Justice Judith McConnell of the California Court of Appeal, Fourth Appellate District, as Chair of a Civic Summit Steering Committee to plan and conduct a Civic Education Summit as an extension of her work chairing the Leadership Group on Civic Education and Public Outreach, an implementation committee for the CIC's civics education-related recommendations. The result of these efforts, the Civic Learning California Summit: Making Democracy Work, was held to great acclaim on February 28, 2013. Notably, it featured as its keynote speaker United States Supreme Court Justice Sandra Day O'Connor (Ret.), a national champion for civics education.

More than 200 attendees representing education, labor, business and community leaders, law school deans, and elected officials filled the Secretary of State Auditorium to capacity. Speakers included Secretary of State Debra Bowen; State Superintendent of Public Instruction Tom Torlakson; Judge Stacy Boulware Eurie; Thomas Saenz, President and General Counsel of the Mexican American Legal Defense and Educational Fund (MALDEF); Yvonne Walker, President of Service Employees International Union Local 1000, (SEIU); and Allan Zaremberg, President and Chief Executive Officer of the California Chamber of Commerce. Senate President pro Tem Darrell Steinberg introduced Justice O'Connor, and the State Bar of California conducted a call to action during which several legislators announced civics education-related legislation.

Post-Summit Findings and Evaluation

Following the summit, the Civic Summit Steering Committee learned that Justice O'Connor is willing to partner with the committee to move civics learning forward in California. We also found that a wide spectrum of other California leaders share this common purpose. And while these and other national groups such as the Conference of

Chief Justices have established civics education as a key theme, respected state and national reports indicate that there is a persistent civics learning crisis.


The committee also discovered that no other group is effectively working to make civics education a priority in California. Committee members therefore concluded that the summit would necessarily not be the end of our efforts, but rather the launch of a long-term, incremental effort, and that given the success of the Summit, that effort would benefit greatly from their continued leadership. Finally, the committee learned that foundations and other organizations are willing to provide funding and in-kind donations to support these civics education efforts.

These efforts cannot, however, continue without an appropriate level of staffing. AOC staff were instrumental in helping the committee bring the summit to fruition, and it is my strong desire to have those staff continue to support the committee's ongoing work. I am aware of the increased workload and reduced staff levels at the AOC, and this request is not intended to create additional burden. It is my hope that the efforts I have outlined above can continue to be supported by 1-2 full-time staff members.

Thank you for your attention to this request, and for your support of my commitment to improving civics education in our state.

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	1/25/2013
PREPARED BY	Chad Finke
OFFICE NAME	<u>Court Operations Special Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	69
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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. See recommendation 145 for Fund Development Group recommendation.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>On January 25, 2013, the Administrative Director signed a memorandum approving a staff recommendation to maintain the current level of staff support--1.0 FTE--for the Jury Improvement Program. A copy of that memorandum is attached.</p>	
<div style="border: 1px solid gray; padding: 5px;">  <p>Memo closing directive 69.pdf Adobe Acrobat Document 237 KB</p> </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	
<div style="border: 1px solid gray; height: 20px; width: 100%;"></div>	
<input type="checkbox"/> File Attachment	
<input type="checkbox"/> Other:	
<div style="border: 1px solid gray; height: 20px; width: 100%;"></div>	

 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE

1/25/2013

RESOURCES REQUIRED FOR IMPLEMENTATION

No new or additional resources are required for implementation. Historically, 1.0 FTE--a Senior Court Services Analyst--has been dedicated to the Jury Improvement Program, and the Administrative Director has approved continuing to support the program at that same level.

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

PROCEDURES/ POLICIES UPDATED OR DEVELOPED

 File Attachment

TRAINING UPDATED OR DEVELOPED

 File Attachment

SAVINGS

 File Attachment

COST

 File Attachment

EFFICIENCIES

 File Attachment

SERVICE LEVEL IMPACT

Staff support for the Jury Improvement Program will remain at the same historic level that it has been at, as discussed in full in the attached memorandum.

 File Attachment

OTHER

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date: 2/7/2013

EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW

E&P REVIEW

Executive and Planning Review Date: 2/14/2013



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

MEMORANDUM

Date

January 24, 2013

Action Requested

Please approve "completed" status for directive 69


To

Hon. Steven Jahr, Administrative Director of the Courts

Deadline

At your convenience

From


Curtis L. Child, Chief Operating Officer

Contact

Chad Finke, Director
Court Operations Special Services Office
415-865-8925 phone
chad.finke@jud.ca.gov

Chad Finke, Director, Court Operations
Special Services Office

Subject

Judicial Council Directive 69 Re Jury
Improvement Program

Introduction

The purpose of this memorandum is to request that you (a) approve maintaining the current level of staff support for the Jury Improvement Program, and (b) direct staff, during the next reporting cycle, to submit a "completed" status for directive number 69 of the directives given by the Judicial Council at its meeting of August 31, 2012, regarding restructuring of the Administrative Office of the Courts (AOC). That directive arose from a recommendation by the council's Executive and Planning Committee (E&P) which read, in its entirety, as follows:

E&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.

Background and History of the Jury Improvement Program

By way of background, the Judicial Council created the Jury Improvement Program (JIP) in 1995 to undertake improvements to all aspects of the jury system, including efficient juror utilization, care and treatment of jurors, citizen expectations about jury service, juror comprehension and education, and trial efficiency. Along with working directly with the courts to promote improvements in the administration and management of jurors, one continuing hallmark of the program is the staff support provided to a number of advisory groups charged by the council with providing policy recommendations for improving the state's jury system. The JIP grew from the work of the Blue Ribbon Commission on Jury System Improvement, created by the Chief Justice of California and the Judicial Council, with the State Bar of California and the California Judges Association as supporting sponsors. The commission, as directed, undertook a thorough and comprehensive review of all aspects of the jury system. The council's subsequent Task Force on Jury System Improvements (1998–2002) oversaw implementation of the commission's 60 recommendations. With the sunset of the Task Force's ongoing activities, its members urged that implementation efforts continue for certain recommendations that had not been successful, in particular rule-related proposals. This in turn led to the creation of the Steering Committee for Jury Rule Proposals, a committee of judicial officers formed in 2005 to oversee the comment and approval process for a number of jury-related rules of court adopted and approved by the Judicial Council in 2006.

Seeing a continued need to review jury management policies, the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) formed a Joint Working Group on Jury Administration in 2007, which was staffed by JIP staff. Guided by the strategic and operational goals of the judicial branch, as well as the recommendations of the commission and task force, the working group was charged with developing recommendations and innovative strategies for TCPJAC and CEAC on issues including improving juror utilization and identifying effective juror sanction procedures. This resulted in the distribution of *Failure to Appear Toolkit: Increasing Jury Service Participation* to assist trial courts and a study with the National Center for State Courts *Juror Utilization in the Courts*, which contains a number of tools and recommendations related to summoning jurors.

More recently, the TCPJAC has formed a Jury Working Group drawing on JIP staff expertise to reexamine and make recommendations to reduce peremptory challenges and jury sizes in certain cases, with an eye toward legislative change.

Current Staffing Level and Work of the Jury Improvement Program

The JIP, which is a part of the Promising and Effective Programs unit in the Court Operations Special Services Office, is currently and has historically been staffed the majority of the time by

a single Senior Court Services Analyst, whose time generally is dedicated 100% to providing jury-related services,¹ including the following:

- Approximately 30 percent of the staffer's time is spent serving as the subject matter lead on Jury System Improvement issues and as a statewide point of contact for all 58 trial courts on jury issues; responding to internal and external requests for jury-related data and information—from Judicial Council, AOC, trial courts, and public. evaluation of jury-related court rules and practices, as well as newly enacted legislation pertaining to jury issues; developing, distributing, and promoting tools and resources relating to jury service for use by the trial courts; and acting as liaison to courts' Jury Education and Management (JEM) Forum of jury managers statewide.
- Approximately 20 percent is spent providing policy and fiscal analysis concerning recommendations regarding jury system improvement; conducting performance analysis to help determine program goals and next steps for jury improvement projects; maintaining annual, statewide database on key jury performance indicators; and preparing the annual Jury Data Report, which standardizes, collects, and analyzes fundamental measures of jury operations in the trial courts for transmission to the Legislature, the council, court leaders, and the public;
- Approximately 15 percent is spent collaborating with other offices within the AOC, including with Information/Technology Services to improve electronic jury management systems and jury websites in the trial courts; the Legal Services Office to assist courts with interpretation of court rules related to jury service; and the Fiscal Services Office concerning forecasting jury funding needs.
- Approximately 10 percent is spent providing staff support to jury-related advisory bodies, including the current Jury Working Group of the Trial Court Presiding Judges Advisory Committee, by performing ad-hoc research and consultation.
- Approximately 10 percent is spent working collaboratively with staff in the Office of Court Research to evaluate and report on Expedited Jury Trials, as directed by the California Legislature in AB 2284 (Stats. 2010, ch. 674).
- Approximately 10% is spent on ongoing development and maintenance of the jury web site.

¹ On occasion, given the incumbent's expertise in research and analytical methodologies, some percentage of this staffer's time may be dedicated to special projects as required and directed. For example, given the importance of the work and its extreme time-sensitivity, she currently has been authorized to spend up to 40% of her time providing staff support to the Trial Court Funding Working Group.

- Approximately 5 percent is spent supporting the trial courts during the annual Juror Appreciation Week.

The above tasks comprise the scope of work of 1.0 FTE, i.e., they do not require additional staff support to complete. It should be noted, however, that the nature of some of the above work is cyclical, hence the use of approximately percentages. For example, the annual Jury Data Report, the support for Juror Appreciation Week, and the work related to reporting on Expedited Jury Trials all require greater concentrations of effort at certain times of year. The other duties are on-going and can be scaled back and balanced as the cyclical duties require, again obviating the need at this time for additional staff support.

Potential Future Projects for Jury Improvement Program Staff

Subject to resource availability—including staff time and additional funding—there are additional jury-related projects that the JIP could undertake, including:

- **Dissemination of best practices re juror utilization.** In 2009, the Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) Joint Working Group on Jury Administration (JWGJA) and the AOC commenced a statewide study of juror utilization in the courts. The results of that study could be disseminated to courts statewide in the form of best practices. Online trainings could be used as the mechanism to share the information learned as well as the tools developed.
- **Development of an online juror orientation program.** The Superior Court of Los Angeles County utilizes a Kleps Award-winning online juror orientation program, which offers individuals called to jury service daily an opportunity to complete jury orientation at their convenience and report later on their first day of service. Staff could work with trial court leaders to assess the feasibility of other courts using a similar system.
- **Preparation of jury orientation videos (including possibly updating the juror orientation film, *Ideals Made Real*).** In 2000/2001 the AOC developed a film called *Ideals Made Real*, which was designed to orient jurors appearing in person at a courthouse for jury service. That film could be updated and expanded to include information about the judicial branch, jury service, and how jury service contributes to the work of the judicial branch. Doing so would:
 - Provide an educational resource tool for the courts, jury managers and local public information officers to educate jurors;
 - Provide an educational resource for the courts and local public information officers to conduct outreach into their communities to build support for the local courts, promote

a positive message about jury service and the work of the bench and the bar, and improve juror yield; and

- Provide an educational resource for the Administrative Office of the Courts to, among other things, build support for and promote the work of the trial courts, and advocate for the judicial branch as the third and co-equal branch of government.
- **Updating of jury deliberation pamphlet.** The pamphlet on jury deliberations is an educational pamphlet provided to jurors for purposes of jury deliberations. As resources allow, it should be updated to reflect current law and changes to the judicial branch leadership.

Alternatives to Recommended Action

As noted, this memorandum recommends that you direct that staffing for the JIP be maintained at the current level—one full-time Senior Court Services Analyst—and that, during the next reporting period, staff be directed to report a status of “complete” for Judicial Council directive number 69.

Alternatives for your consideration include reducing or increasing the number of staff dedicated to the JIP. Reduction would presumably entail reassigning some or all of the current JIP staffer’s time to other, more critical projects. In light of the fact that the council specifically acknowledged “the high value of the [Jury Improvement] project to the judicial branch” and the public, however, we do not recommend any reduction in the current level of staffing for the JIP. If some level of reduction is required in light of other critical AOC projects, we recommend that at least 50% of the current JIP staffer’s time remain dedicated to jury-related projects of benefit to the trial courts and the public.

Alternatively, you could direct that additional staff members be reassigned from their current duties to support the JIP. We have not recommended this option in light of current staffing shortages affecting all areas of the AOC, and because the current level of staffing historically has been sufficient to meet the critical needs of the courts. It also bears noting that as to the “potential future projects” identified above, the critical impediment to proceeding with those projects is a lack of funding; additional staff resources alone will not necessarily facilitate going forward with those projects.

APPROVAL

(Please check one)

I approve the recommendation to maintain the current level of staff support for the Jury Improvement Program and direct that, during the next reporting cycle, staff submit a "completed" status for directive number 69 of the directives given by the Judicial Council at its meeting of August 31, 2012.

I approve _____





Hon. Steven Jahr, Administrative Director of the Courts

1/25/13

Date

ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING

DATE	3/29/2013
PREPARED BY	Chad Finke
OFFICE NAME	<u>Court Operations Special Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	70
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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: (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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
Please see the attached memorandum.	
<div style="border: 1px solid gray; padding: 5px; margin-bottom: 10px;">  <p>JC directive 70 (court interpreters)-March 28 final-FINAL.docx Microsoft Office Word Document 71.1 KB</p> </div> <div style="border: 1px solid gray; padding: 5px;">  <p>CIP functional org chart.pptx Microsoft Office PowerPoint Presentation 69.3 KB</p> </div>	

This directive is forwarded to the Judicial Council with options for consideration:

 File Attachment

Other:

 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE

Implementation has been ongoing.

RESOURCES REQUIRED FOR IMPLEMENTATION

No additional resources are required for implementation.

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

PROCEDURES/ POLICIES UPDATED OR DEVELOPED

 File Attachment

TRAINING UPDATED OR DEVELOPED

 File Attachment

SAVINGS

Since the inception of the SEC's review of the AOC, four (4) staff positions that were previously dedicated to the Court Interpreters Program have been vacated and left unfilled, with an additional vacancy anticipated beginning in early April 2013. Two of the vacant positions were permanently abolished and their funding swept. (Where needed, staff from other units within the Court Operations Special Services Offices have been assigned work within the CIP to ensure that the needs of the courts and the public are being met.)




The General Fund savings from the salaries and benefits of the five positions referred to above is approximately \$582,000 per year.

 File Attachment

COST

 File Attachment

As discussed in the attached memorandum, the designation of the Court Interpreters Program as the central point of communications and

<input checked="" type="checkbox"/> EFFICIENCIES	<p>coordination for interpreter-related issues has increased efficiency in the handling of those issues.</p> <p> File Attachment</p>
<input type="checkbox"/> SERVICE LEVEL IMPACT	<p> File Attachment</p>
<input type="checkbox"/> OTHER	<p> File Attachment</p>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="4/10/2013"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="4/17/2013"/>



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

JUDICIAL AND COURT OPERATIONS SERVICES DIVISION

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

Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date	Action Requested
March 28, 2013	Please Review
To	Deadline
Steven Jahr Administrative Director of the Courts	N/A
From	Contact
Curtis L. Child, AOC Chief Operating Officer Chad Finke, Director Court Operations Special Services Office	Chad Finke 415-865-8925 phone chad.finke@jud.ca.gov
Subject	
Implementation of Judicial Council Directive 70	

This memorandum reports on the implementation of Judicial Council directive 70, which reads:

E&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.

The Roles of the Courts, Judicial Council, and AOC vis-à-vis Court Interpreters

The provision of qualified court interpreters to enhance the public's access to the courts is ultimately the responsibility of the superior courts, the Judicial Council, and the AOC. The roles of each of these entities are discussed below.

The Superior Courts

The superior courts are responsible for overseeing all aspects of the use of interpreters in the courts, including the selection, hiring, assignment, evaluation, compensation, and, if necessary, discipline and firing of court interpreters. Labor matters are handled uniquely by the courts in the four established bargaining regions for court interpreters; the AOC's Labor and Employee Relations group in the AOC's Human Resources Services Office may provide assistance, but negotiations and handling of grievances are the responsibility of each court.

The Judicial Council

The role of the Judicial Council in ensuring that the California courts have access to qualified interpreters was codified in January 1993 when the Legislature required the council to certify and register court interpreters and adopt standards and requirements for interpreter education. (Sen. Bill 1304; Stats. 1992, ch. 770.) Among other things, the statute requires the council to:

- Designate the languages for which certification programs shall be established;
- Approve entities to certify Spanish-language interpreters and interpreters for as many other languages as the council designates;
- Adopt standards and requirements for interpreter proficiency, continuing education, certification renewal, and discipline;
- Adopt standards of professional conduct for court interpreters;
- Adopt programs for interpreter recruiting, training, and continuing education and evaluation to ensure that an adequate number of interpreters are available and that they interpret competently; and
- Conduct a study of language and interpreter use and need in court proceedings, and report to the Governor and the Legislature every five years.

(Gov. Code, § 68562.)

The Judicial Council created the Court Interpreters Advisory Panel (CIAP) in 1993 to assist the council in implementing this legislation. The panel's membership is established by Government Code section 68560 et seq. and represents a diversity of languages, courts, geographic regions, and interests. Members must include a majority of court interpreters and may also include judges, court administrators, members of the bar, and other interested parties.

The AOC's Court Interpreters Program

The AOC's Court Interpreters Program (CIP), which is a unit within the Court Operations Special Services Office, staffs CIAP and assists in providing the courts with access to qualified certified and registered interpreters. CIP is not directly responsible for the provision of interpreter services to the courts or the public; its principal responsibility is to build a pipeline of qualified court interpreters for the courts by facilitating the recruitment of interpreters and managing the interpreter certification examination processes.

In support of these efforts, CIP staff are involved in the following activities, under the direction of CIAP:

- Court interpreter outreach and recruitment efforts (e.g., ongoing presentations at professional conferences, development of orientation programs, and production of informational materials)
- Test administration, development, and maintenance
- Organization of interpreter candidate test preparation workshops
- Development of language-specific workshops when a language is newly designated for certification
- Development of an online course curriculum for bilingual specialists
- Management of the American Sign Language (ASL) Video Remote Interpreting pilot, provision of direct support to courts and internal stakeholders regarding ASL issues, and analysis of local courts' use of ASL to assist with identification of pilot participants
- Creation of a curriculum on Deaf Intermediary Interpreting issues
- Organization of the annual meeting for statewide court interpreter education providers
- Organization of regional ethics and orientation workshops
- Coordination, with the trial courts, of the collection of court interpreter data for each statutorily mandated five-year language use and interpreter need study

In our view, CIP has provided and continues to provide these interpreter-related services to the courts with a high degree of quality and efficiency.

Efforts to Enhance Efficiencies Within the CIP

In accordance with the intent behind directive 70, CIP staff have been working for the past few years to identify internal efficiencies—through, for example, the integration of technology and the identification of best practices—that will benefit both the courts and the public. These efficiencies include:

- Moving from the use of AOC-specific tests and the reliance on a state test administrator to adoption of the National Center for State Courts' national language exams. This change to a national entity not only has increased the number of interpreters through reciprocity with those who meet California's high standards, but also has eliminated the need to expend funds on test development and maintenance.
- Implementing a market-rate cost system whereby the test candidate covers the entire cost of taking the exams; these costs were previously paid by the judicial branch.

- Piloting and replicating the use of remote video technology with American Sign Language (ASL) interpreting sessions, which has resulted in cost savings for participating courts and the provision of enhanced access to the limited pool (35 for the entire state) of available ASL interpreters.
- Making available online mandatory orientation videos for newly registered and certified interpreters, which reduces training costs as well as travel expenses for the interpreters.

Notably, CIP has been performing its work with a staff that has been reduced significantly since the time the Strategic Evaluation Committee began its evaluation process. Additionally, CIP has begun serving as the AOC's central communications and coordination hub for all agencywide interpreter-related matters, as illustrated on the attached functional organizational chart for the CIP. This role is critical, because issues pertaining to court interpreters span multiple offices, including, among others, the Fiscal Services Office (administration of Program 45.45¹ and reimbursement of courts for interpreter-related expenses); the Center for Families, Children & the Courts (administration of grant funds to provide court interpreters in certain cases involving domestic violence); and the Human Resources Services Office (labor negotiation services on behalf of courts).

In its role as the AOC's communications clearinghouse for interpreter issues, CIP will be copied on most communications and present at meetings involving interpreter issues.² CIP will also be responsible for reviewing and analyzing those issues to ensure that all affected offices are included as appropriate in their resolution. In effect, CIP will serve as the "project manager" for interpreter issues, which will ensure that all concerned staff and managers are kept apprised of matters that affect their respective areas of responsibility.

This model has already been put into place, and has demonstrated its potential for improving efficiencies within the AOC. Specifically, the CIP is currently serving as the project lead on an AOC-wide effort to improve the administration of Program 45.45 funds and provide enhanced guidance to the superior courts as to what interpreter expenses will be reimbursed. As a first step, CIP staff convened a meeting of staff from multiple offices to develop a consistent and agreed-upon scope of the project. Once all affected offices agreed on the issues to be resolved, CIP developed a project plan for arriving at the ultimate goal, i.e., clearer, more consistent guidelines for courts vis-à-vis what expenses are reimbursable and the reimbursement process. CIP then set in motion the first phase of the project plan, which was working with the Legal Services Office to secure a legal opinion on permissible court expenditures on interpreter expenses. Once the legal parameters have been established, CIP will work with the Fiscal Services Office on a

¹ The annual California Budget Act contains an appropriation for the judicial branch. Within that appropriation, a specific appropriation commonly referred to by the shorthand Program 45.45 exists for court interpreter expenses.

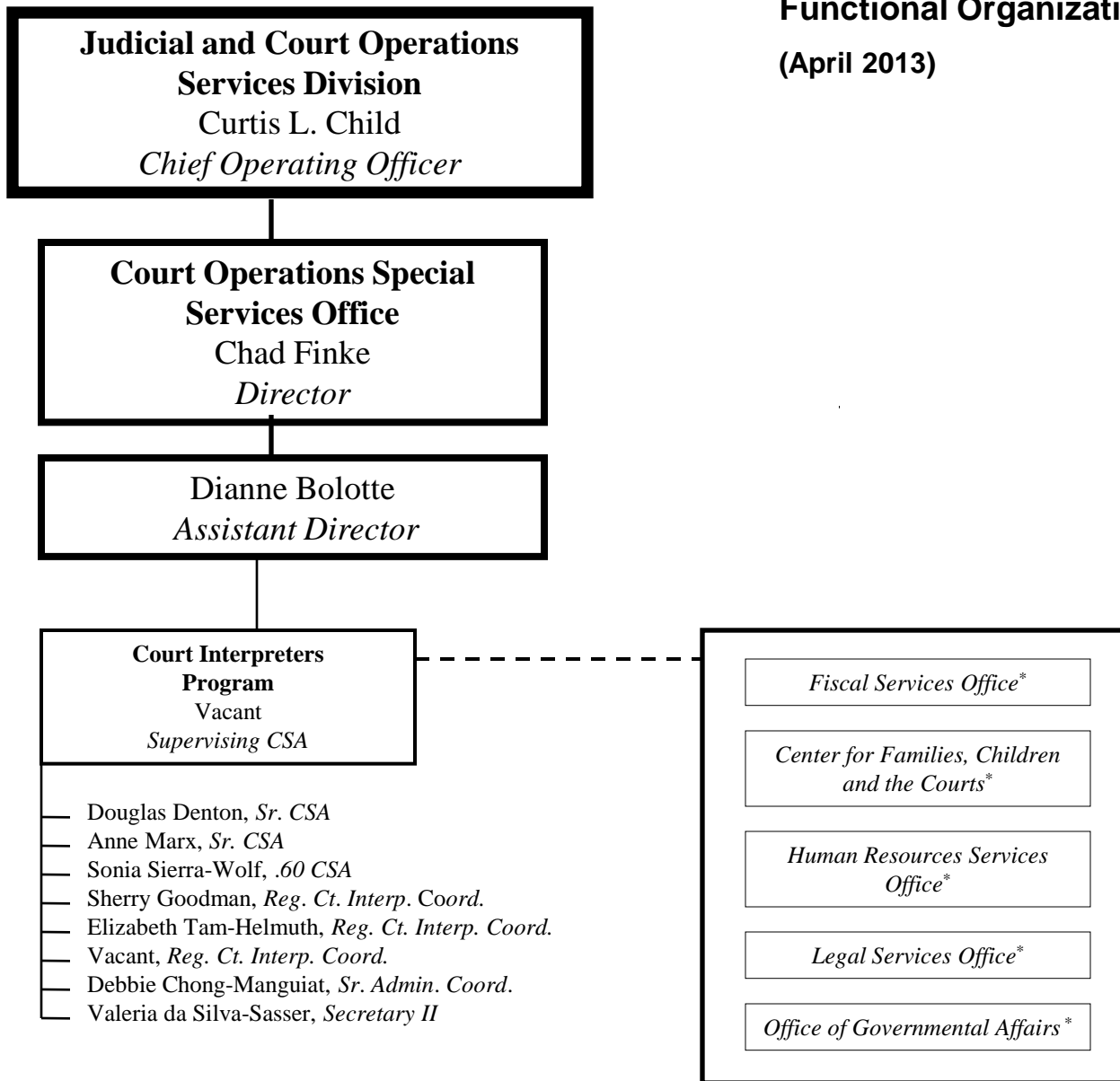
² CIP will not necessarily be included, however, in all interpreter-related issues. For example, it is not anticipated that CIP would be included in discussions about employment actions involving individual interpreters or other privileged and/or confidential matters.

financial analysis of what interpreter services can be reimbursed within those parameters, in light of the projected Program 45.45 budget. CIP will then lead the effort to inform branch leadership of both the legal and the fiscal analyses so that leadership can make a policy decision as to which expenses should be reimbursed. Finally, CIP will communicate the policy decision to the superior courts in a clear, user-friendly manner and will work with Fiscal Services on improvements to the reimbursement process itself.

The above is only the first example of the types of projects that CIP will coordinate in its new role. With the increasing focus on court interpreters as part of the broader language access issue, it is expected that there will be many other such issues projects in the near future.

CLC/CF/sh
Attachment

**Court Interpreters Program
Functional Organizational Chart
(April 2013)**



- Douglas Denton, *Sr. CSA*
- Anne Marx, *Sr. CSA*
- Sonia Sierra-Wolf, *.60 CSA*
- Sherry Goodman, *Reg. Ct. Interp. Coord.*
- Elizabeth Tam-Helmuth, *Reg. Ct. Interp. Coord.*
- Vacant, *Reg. Ct. Interp. Coord.*
- Debbie Chong-Manguiat, *Sr. Admin. Coord.*
- Valeria da Silva-Sasser, *Secretary II*

*Each of the offices identified has some responsibility for interpreter-related issues. The Court Interpreter Program serves as the central point of communication and coordination for these issues.

ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING

DATE	9/30/2012
PREPARED BY	Chad Finke
OFFICE NAME	<u>Court Operations Special Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	71
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	The Judicial Administration Library should be consolidated with the Supreme Court Library.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>Two of the three regular staff members in the Judicial Administration Library (JAL) were laid off as part of AOC-wide staff reductions, and we ceased using agency temps to support the JAL. One staff member was retained to ensure that archiving, cataloging, and searching of Judicial Council materials is able to continue. In addition, the remaining staff member will continue to archive and, where necessary, research materials relating to the history of the California Rules of Court, a function not available from any other agency or entity in California. However, the remaining staff member has been reclassified as a Court Services Analyst, and is no longer a part of the "Judicial Administration Librarian" classification series.</p> <p>In addition, we are currently working with the California Judicial Center Library (CJCL) to transfer a part of the collection from the former JAL to the CJCL. Any materials that are not transferred to the CJCL will be offered to AOC offices/divisions for their use. Anything remaining will be disposed of and the current JAL space will be repurposed.</p>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	
<input type="checkbox"/> Other:	
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 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE

ongoing

RESOURCES REQUIRED FOR IMPLEMENTATION

None beyond current staff's time to eliminate the former library collection and the time required to convert the former JAL space into useable cubicle space.

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

PROCEDURES/ POLICIES UPDATED OR DEVELOPED

 File Attachment

TRAINING UPDATED OR DEVELOPED

 File Attachment

SAVINGS

Salary and benefit savings from the two former JAL employees who were laid off as part of AOC staff reductions is approximately \$215,000/year (all General Fund). We will also realize significant General Fund savings from eliminating the former library collection, e.g., we will no longer be expending funds on keeping practice guides, statutes, and the like current. At this time, we do not have an estimate of the savings that will result from the elimination of the collection, however.

 File Attachment

COST

 File Attachment



EFFICIENCIES

By eliminating the JAL and its collection, we will free up several offices for use by other AOC offices/divisions. In addition, we estimate being able to place 11 cubicles in the space formerly occupied by the JAL. Taken together, these contributed significantly to the AOC's efforts to shrink its "footprint" and realize rent savings.

 File Attachment

SERVICE LEVEL IMPACT

In addition to maintaining the collection, the JAL used to perform numerous other functions that now will either be eliminated or will need to be absorbed by other offices/divisions or entities. For example, the JAL used to be the AOC's single point-of-contact with both Westlaw and Lexis/Nexis for book ordering, obtaining online research passwords, and the like. The individual offices/divisions will now be required to handle those tasks. Also, the JAL used to assist AOC divisions, as well as courts, with research questions, including legislative histories, Rule of Court histories, and general research

	<p>on Judicial Council and AOC historical actions. With staff reduced to a single person, the ability to assist in these research efforts will be severely reduced.</p> <p> File Attachment</p>
<input type="checkbox"/> OTHER	<p> File Attachment</p>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>

ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	6/25/2013
PREPARED BY	Chad Finke
OFFICE NAME	<u>Court Operations Special Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	72.1
JUDICIAL COUNCIL DIRECTIVE	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
SEC RECOMMENDATION	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. (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.
JC DIRECTIVE TIMELINE	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.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the <i>Status Report</i> provided to the Judicial Council)	
This directive has been completed.	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:	
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 (attached).	



Research protocol.docx
Microsoft Office Word
Document
15.5 KB

This directive is pending:

File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:

Research Communications and Coordination Protocol

Introduction

The Judicial and Court Operations Services Division employees staff in research classifications in three of its offices. The researchers in those offices work on multiple assignments in different program areas, including family law, juvenile law, self-help and access to justice, tribal programs, mental health, collaborative justice, criminal justice court services, judicial and staff workload modeling, resource allocation modeling, historical filings trends in the trial courts, use of subordinate judicial officers, the impact of trial court unification, and research projects mandated by new legislation.

Overall, the AOC's research staff has decreased by approximately 45% in recent years. In order to optimize the effectiveness of the new organizational structure—under which all researchers have now been grouped in the same division—and to maximize the efficient use of remaining staff, the following formal protocol for communications and coordination of research resources has been developed. The protocol was developed in lieu of consolidating all research staff within a single office within the division because of the unique nature of the work typically done by researchers in each office. That is, researchers in the Office of Court Research (a part of the Court Operations Special Services Office) typically engage in wide-scale, “project”-style research, such as recent work on judicial and staff workload models, as well as the resultant work on models for allocating fiscal resources to the trial courts. By comparison, researchers in the Center for Families, Children & the Courts and the Criminal Justice Court Services Office have subject matter expertise in particular case types or operations (e.g. family, juvenile, domestic violence, tribal, criminal justice, collaborative justice, civil representation pilots). This subject matter expertise increases efficiencies in our efforts to work both within the judicial branch and AOC and in the work with external partners. These researchers conduct research as subject matter experts in multi-disciplinary teams, serving trial courts in projects such as caseload management, outcome measurement, implementation of legislative mandates and assessment of their costs and benefits to trial courts at the local level.

Protocol

1. An email distribution list for all AOC researchers will be established to ensure that information of interest to all is shared easily, and that the various court groups that staff works with receive information that may be of interest to them across all research projects. In addition, AOC analysts and others may use the group to keep abreast of the division's research projects.
2. Managers and supervisors from each office will meet as needed—but at least every two months—to review current and proposed research projects, staffing and other resources; and to consider ways to provide additional assistance to the courts and meet needs for research at the AOC. Regular topics on the agenda will include:

- Review information requests from the trial and appellate courts to ensure prompt response;
- Review new requests for research assistance from the trial and appellate courts and AOC leadership; provide division director with options for responding to the request;
- Coordinate requests to the trial and appellate courts for information, including surveys, and minimize burdens on the courts;
- Assess current projects to identify places where efforts could be consolidated and the number of staff required for projects reduced;
- Make recommendations to the division director on changes needed in staff assignments;
- Develop educational resources and information sources for the trial and appellate courts to ensure they have adequate access to information derived from research projects and court statistics;
- Respond to Judicial Council advisory groups with research and information required on their annual agendas.

3. Staff will coordinate on grant proposals, budget change proposals, conference presentations, and other projects to prevent duplication of effort.

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	2/7/2013
PREPARED BY	Chad Finke
OFFICE NAME	<u>Court Operations Special Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	72.2
JUDICIAL COUNCIL DIRECTIVE	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.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>In terms of size/personnel, the former Administration and Planning Unit now comprises only the Assistant Director and a single Court Services Analyst (CSA). In addition to assisting with overall management of the office, the Assistant Director currently is also providing direct supervision over the Court Interpreters Program in the wake of the departure of the former Supervising Analyst of that group. The Assistant Director and the single CSA are also responsible for administering and coordinating responses to requests for judicial administrative records under rule 10.500 on behalf of the Judicial Council, the AOC, and the appellate courts.</p> <p>With respect to the specific planning function, it is handled primarily by a single staff person, the Assistant Director of the Court Operations Special Services Office (COSSO), with assistance as needed from the Manager of the Promising and Effective Programs unit, which is also a part of COSSO. Because judicial branch planning is cyclical in nature, during the majority of each cycle those staffers are fully engaged in other functions within COSSO that are not related to planning. As such, reassigning them permanently to the Judicial Council and Court Leadership Services Division would require finding other tasks to occupy their time during the large part of the cycle not devoted to planning, and would also require backfilling their respective positions within COSSO.</p> <p>In light of the above, COSSO will continue to have lead staff responsibilities with respect to the development of a judicial branch strategic plan. However, those efforts will be conducted in close partnership with staff from the Judicial Council and Court Leadership Services Division. At the direction of the Chief of Staff, COSSO staff recently submitted a proposed planning timeline with an anticipated start date of April 2013. To ensure that the strategic plan is developed consistent with the branch's FY 2013-14 budget, that start date has since been tentatively pushed back to August 2013. Once the Executive and Planning Committee approves the timeline, staff from COSSO and the Judicial Council and Court Leadership Services Division will partner as direction to implement the planning process.</p>	

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TIMELINE AND RESOURCES FOR IMPLEMENTATION	
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RESOURCES REQUIRED FOR IMPLEMENTATION	<div style="border: 1px solid black; height: 20px;"></div>

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)	
<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <input type="button" value="File Attachment"/>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> SAVINGS	<p>Staff reductions in the Administration and Planning unit resulted in salary savings of approximately \$158,000.</p> <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> COST	<p>Staff has not yet conducted a detailed cost estimate for the 2013 planning process. However, the direction from the Executive and Planning Committee has been for staff to propose as cost-effective process as possible that will still ensure wide-scale stakeholder participation.</p> <input type="button" value="File Attachment"/>
<input type="checkbox"/> EFFICIENCIES	<div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <input type="button" value="File Attachment"/>

<input type="checkbox"/> SERVICE LEVEL IMPACT	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; width: fit-content; margin-top: 5px;">  File Attachment </div>
<input type="checkbox"/> OTHER	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; width: fit-content; margin-top: 5px;">  File Attachment </div>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: 2/7/2013 <input style="width: 50px;" type="text"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: 2/14/2013 <input style="width: 50px;" type="text"/>

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	3/27/2013
PREPARED BY	Chad Finke
OFFICE NAME	<u>Court Operations Special Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	74
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input type="checkbox"/> This directive has been completed and implemented: <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>	
<input checked="" type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration: <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> As detailed in the attached memorandum, the Administrative Presiding Justices of the Courts of Appeal request that the Judicial Council reconsider and rescind directive 74. </div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">  <p>Memo from APJs to JC re directive 74 (appellate education consolidation) - FINAL.docx Microsoft Office Word Document 93.3 KB</p> </div>	
<input type="checkbox"/> Other: <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>	
TIMELINE AND RESOURCES FOR IMPLEMENTATION	

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	Because the option proposed by the Administrative Presiding Justices proposes maintaining the status quo, it could be implemented at any time. As discussed in the attached memorandum, implementing the directive as written would require time to (a) move appellate court educational funds from the Court Operations Special Services Office (COSSO) to CJER, and (b) train CJER staff in the appropriate administration of those funds.
RESOURCES REQUIRED FOR IMPLEMENTATION	Fiscal Services Office staff time would be required to move the affected appellate court funds into the CJER budget. In addition, staff time for COSSO, the Courts of Appeal and Supreme Court, and CJER would be required in order to ensure that CJER staff understand the administration of those funds and to develop a fund administration coordination protocol as between COSSO and CJER.
ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)	
<input checked="" type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	The option proposed by the Administrative Presiding Justices would not require the development or updating of any procedures or policies. <input type="text" value="File Attachment"/>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input type="text" value="File Attachment"/>
<input type="checkbox"/> SAVINGS	<input type="text" value="File Attachment"/>
<input checked="" type="checkbox"/> COST	The option proposed by the Administrative Presiding Justices would not entail any additional costs, either in money or in staff resources. <input type="text" value="File Attachment"/>
<input checked="" type="checkbox"/> EFFICIENCIES	As detailed in the attached memorandum, the Administrative Presiding Justices believe that the option proposed in the attached memorandum is significantly more efficient than would be implementing directive 74 as currently written. <input type="text" value="File Attachment"/>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	The option proposed by the Administrative Presiding Justices would not impact service levels to either the appellate or the trial courts. <input type="text" value="File Attachment"/>
<input type="checkbox"/> OTHER	<input type="text" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="4/10/2013"/>

EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW

E&P REVIEW

Executive and Planning Review Date: 4/17/2013



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

MEMORANDUM

Date	Action Requested
March 18, 2013	Modify Directive 74 from August 31, 2012
To	Deadline
Members of the Judicial Council	At your convenience
From	Contact
Administrative Presiding Justices of the California Courts of Appeal	Chad Finke, Director Court Operations Special Services Office 415-865-8925 phone chad.finke@jud.ca.gov
Subject	
Judicial Council Directive Re Possible Consolidation of AOC Services Pertaining to Appellate Court Continuing Education	

The purpose of this memorandum is to request that the Judicial Council reconsider and rescind its directive 74 regarding restructuring of the Administrative Office of the Courts (AOC), which was presented by the Executive and Planning Committee (E&P) and approved by the council at its meeting of August 31, 2012. Directive 74 concerns the AOC's provision of continuing education services to the appellate courts, and reads:

E&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 should be consolidated with the Education Division/CJER.

Directive 74 arises from an earlier recommendation, number 7-15, of the Strategic Evaluation Committee (SEC), which reads:

Some COSSO [Court Operations Special Services Office] 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.

While the Administrative Presiding Justices of the California Courts of Appeal understand and support the goal of consolidating functions within the AOC where doing so will lead to greater efficiencies, the recommended consolidation regarding appellate court continuing education will not do so. As described below, the current division of functions between the Office of Appellate Court Services (OACS)¹ and the Center for Judiciary Education and Research (CJER) ensures that funds dedicated to various operational needs of the appellate courts (including continuing education) are managed by a single office, OACS. Rather than improving efficiency, moving the administration of appellate court funds dedicated to continuing education expenses out of OACS is likely instead to lead to inefficiencies in the overall management of the appellate courts' budgets and inconsistencies in how appellate court funds are spent. The Administrative Presiding Justices believe that once the council has been fully briefed on the current status quo and its historic development, it will understand that the current bifurcation of duties as between OACS and CJER is both logical and efficient.

Current status of AOC services re appellate court continuing education

Currently, both CJER and OACS play a role in ensuring that appellate court justices and staff receive the continuing education required under the California Rules of Court.

CJER. CJER staff, working with the CJER Governing Committee's Appellate Practice Curriculum Committee and its Trial and Appellate Court Operations Curriculum Committee, develops general curricula for appellate justices, appellate research attorneys, and appellate court staff. These two curriculum committees are responsible for making recommendations to the CJER Governing Committee about programs and education products for appellate justices, attorneys, and staff during a two year period. These recommendations are reviewed and approved by the Governing Committee. Once approved, CJER recruits faculty and delivers that education through many different venues, such as statewide programs, videoconferences, and webinars for appellate justices and research attorneys, as well as videoconferences and broadcasts for appellate court staff.² CJER develops and delivers this education in much the same manner as it does for CJER's many trial court audiences. Unlike those other audiences, however, CJER does not directly pay for the costs associated with these programs and products. Instead, OACS pays using funds specially set aside in its budget for that purpose, as discussed below.

OACS. OACS's role in appellate court continuing education is primarily fiscal in nature. Specifically, OACS manages approximately \$200,000 in funds which specifically set aside for use not only to fund statewide conferences for justices, appellate attorneys, and court staff in

¹ Please note that at the time the council issued Directive 74, the Court Operations Special Services Office (COSSO) contained an Appellate Court Services Unit (ACS), which was responsible for the functions now handled by OACS.

² As discussed below, CJER currently is not responsible for the curricula for statewide conferences for appellate court managers and staff, in years when those conferences are held.

years in which they occur, but also to reimburse appellate court justices and staff for attendance at other educational programs, i.e., programs not sponsored by the AOC. In addition to its overall fiscal administration role, OACS also develops curricula for, and provides staff support to, statewide conferences for appellate court managers, administrators, and staff, in years in which those programs are approved by the Administrative Presiding Justices. Development of those curricula used to be performed by CJER staff, similar to how the conferences for appellate justices and attorneys are currently handled. Due to staff limitations, however, CJER was unable to continue developing the curricula for the appellate managers and staff conferences; OACS's predecessor division took over those responsibilities in approximately 2005.

Historical development of the respective roles of CJER and OACS with respect to appellate court education³

Before trial court funding, one of the AOC's original primary functions was to serve as administrative support for the California Supreme Court and Courts of Appeal. This included providing core infrastructural support in the areas of human resources, finance, and information technology, for example. At that time, education and training for the appellate courts were also provided through the AOC's Human Resources and Information Services divisions. With trial court funding and the expansion in the AOC's role in supporting the superior courts, new funding sources were created for trial court support, including funding for trial court judicial and administrative education. The funding structure for appellate education was not merged into these other funding sources, however. Rather, appellate education continued to be funded with AOC General Fund monies or monies obtained either through approved Budget Change Proposals and/or re-direction of funds from the Courts of Appeal. Indeed, OACS or its predecessors have been responsible for managing redirected appellate court funds (and other funding) for those purposes for at least twenty years, i.e., since at least the early 1990s.⁴

Fortunately, as the AOC's education-related staffing increased, CJER was able to absorb the responsibility for developing and delivering more and enhanced education to appellate justices and attorneys, provided that these educational efforts continued to be funded from the existing funding sources managed by OACS and its predecessors. What has developed over time as a result is a collaborative relationship in which CJER has been primarily responsible for content development and delivery, while OACS remains responsible primarily for funding and budget management.

³ For ease of reading we have referred to each group by its current name. However, for purposes of historical discussion, both "CJER" and "OACS" should also be read as referring to the various predecessor offices/divisions/units of those two offices.

⁴ Readily available records go back only to 1993, at which time it was already established that OACS's predecessor was responsible for administering funds to cover the cost of appellate court continuing education.

The current status quo is efficient and preferable to the Courts of Appeal and Supreme Court

The SEC recommendation on which E&P's later recommendation and the council's ultimate directive were premised appears to presuppose that the current status quo is somehow inefficient, and that moving the fiscal management aspect of appellate court continuing education to CJER will improve efficiencies. The Administrative Presiding Justices of the Courts of Appeal do not agree.

Since the early 1990s, OACS and its predecessors have been responsible for monitoring and administering a significant amount of funds earmarked not only for appellate court continuing education, but for numerous appellate court-related services. Examples include both in- and out-of-state travel for appellate justices and staff; meetings of both the Administrative Presiding Justices Advisory Committee and the California Appellate Court Clerks Association; meetings and expenses of the Appellate Indigent Defense Oversight Advisory Committee (AIDOAC); and others. Further, in addition to the annual amount that OACS currently manages on behalf of the appellate courts for education- and travel-related expenses, the office also manages a substantial amount of appellate court funds—again, for the direct benefit of the appellate courts—that are earmarked for annual technology-related expenses. These include network server refreshes, maintenance renewals, and hosting the Appellate Court Case Management System (ACCMS). Staff in OACS are very familiar with the operations and, more importantly, the budgets of the six Courts of Appeal and the Supreme Court. Further, each fiscal year staff in OACS work directly with the courts and the AOC's Fiscal Services Office to identify possible year-end usages for any surplus in the court funds managed by OACS.

On the other hand, CJER staff have no current responsibility for managing appellate court funds, nor do they have staff with the requisite knowledge about the appellate courts' budgets that would allow for such management. Changing the status quo would, therefore, represent a significant change, in that it would require a new group of AOC staff members to learn the nuances of the appellate courts' budgets. These staff would also have to coordinate carefully with OACS staff to ensure accurate fiscal reporting to appellate court leadership. And mechanically, staff from the Fiscal Services Office would be required in advance to separate out an appropriate level of funds from the monies currently managed by OACS to allow CJER to pay for appellate educational events. In the event that all such funds were not utilized in a particular fiscal year—or if additional funds were needed—a mechanism and process would need to be developed for transferring those funds between CJER and OACS. All of the above would, in the view of the Administrative Presiding Justices, increase inefficiency and lead to greater uncertainty as to appellate court budgeting, which is contrary to the spirit of the SEC recommendation and the Judicial Council directive that followed.








Conclusion

The recent creation of OACS has, in and of itself, greatly improved the efficiency of interactions between that office and CJER. In connection with OACS's formation, CJER has identified two staff members to serve as the principal points of contact and OACS liaisons on appellate education-related issues. This will ensure that both offices—that is, the content-delivery team and the fiscal management team—are both well apprised as to what the other is working on vis-à-vis appellate education. The fact that OACS is also responsible for providing lead staff duties to the Administrative Presiding Justices and Clerk/Administrators will also ensure that education-related decisions from appellate court leadership and internal issues of concern to appellate court leadership are communicated back and forth in a timely and efficient manner.

Based on the above, the Administrative Presiding Justices of the six districts of the California Court of Appeal respectfully request that the Judicial Council reconsider and rescind directive 74.



ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING

DATE	9/30/2012
PREPARED BY	Chad Finke
OFFICE NAME	<u>Court Operations Special Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	75
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	<p>Modifications to the Assigned Judges Program should be considered, including the following:</p> <p>The Assigned Judges Program and Assigned Judges Program Regional Assignments units should be merged, resulting in the elimination of a unit supervisor position.</p>
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented: <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>As part of the AOC's Voluntary Separation Incentive Program (VSIP), both a Senior Court Services Analyst and a Senior Administrative Coordinator assigned to the Assigned Judges Program left the AOC. In addition, the former Supervising Court Services Analyst for the Assigned Judges Program also recently retired, leaving the Assigned Judges Program severely understaffed. In an effort to keep service levels at an acceptable level with a reduced staff, the Assigned Judges Program and the Regional Assignments Unit were merged into a single, unified Assigned Judges Program.</p> </div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px; width: fit-content;"> File Attachment </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration: <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px; width: fit-content;"> File Attachment </div>	
<input type="checkbox"/> Other: <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px; width: fit-content;"> File Attachment </div>	

TIMELINE AND RESOURCES FOR IMPLEMENTATION	
IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	June 1, 2012
RESOURCES REQUIRED FOR IMPLEMENTATION	None
ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)	
<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; width: 100%;">  File Attachment </div>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; width: 100%;">  File Attachment </div>
<input type="checkbox"/> SAVINGS	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; width: 100%;">  File Attachment </div>
<input type="checkbox"/> COST	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; width: 100%;">  File Attachment </div>
<input type="checkbox"/> EFFICIENCIES	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; width: 100%;">  File Attachment </div>
<input type="checkbox"/> SERVICE LEVEL IMPACT	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; width: 100%;">  File Attachment </div>
<input type="checkbox"/> OTHER	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div> <div style="border: 1px solid gray; padding: 2px; width: 100%;">  File Attachment </div>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: 10/5/2012
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: 10/19/2012

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/15/2012
PREPARED BY	Chad Finke
OFFICE NAME	<u>Court Operations Special Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	76
JUDICIAL COUNCIL DIRECTIVE	E&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).
SEC RECOMMENDATION	<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>
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented: <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> SEC recommendations 7-17(b), (c), and (d), all of which recommend substantive programmatic changes to the Assigned Judges Program (AJP), were referred to the Chief Justice, and AJP staff has briefed the Chief on the underlying issues. At the Chief's direction, staff will implement any programmatic changes that the Chief chooses to make. </div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px; width: fit-content;">  File Attachment </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration: <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px; width: fit-content;">  File Attachment </div>	
<input type="checkbox"/> Other: <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>	

 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE

June 1, 2012

RESOURCES REQUIRED FOR IMPLEMENTATION

None

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

PROCEDURES/ POLICIES UPDATED OR DEVELOPED

 File Attachment

TRAINING UPDATED OR DEVELOPED

 File Attachment

SAVINGS

 File Attachment

COST

 File Attachment

EFFICIENCIES

 File Attachment

SERVICE LEVEL IMPACT

 File Attachment

OTHER

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date: 10/5/2012

EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW

E&P REVIEW	Executive and Planning Review Date: <input data-bbox="938 226 1177 262" type="text" value="10/19/2012"/>
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ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	7/30/2013
PREPARED BY	Chad Finke
OFFICE NAME	<u>Court Operations Special Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	145
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	<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: (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, 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>
JC DIRECTIVE TIMELINE	ADOC to recommend to the council a process and policies for pursuing appropriate grants by June 2013.
<p>STATUS SYNOPSIS (provide brief synopsis of status that will be included in the <i>Status Report</i> provided to the Judicial Council)</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."

STATUS DETAIL
(check applicable boxes and provide detail regarding status)

This directive has been completed, implemented, or closed:

As detailed in the attached memorandum, the Administrative Director of the Courts has approved a staff recommendation regarding a new process and policy for pursuing competitive grants. Upon approval by the council, staff will take steps to publicize the new policy and process internally and assist in its implementation across the AOC.



Memo to Judge Jahr re
JC directive 145 FINAL 7-
30-13.docx
Microsoft Office Word
Document
101 KB

This directive is pending:



File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review 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

MEMORANDUM

Date

July 30, 2013

Action Requested

Consider policy and process recommendation addressing directive 145

To

Hon. Steven Jahr, Administrative Director of the Courts

Deadline

At your convenience

From

Curtis L. Child, Chief Operating Officer

Contact

Chad Finke, Director
Court Operations Special Services Office
415-865-8925 phone
chad.finke@jud.ca.gov

Chad Finke, Director, Court Operations
Special Services Office

Subject

Judicial Council Directive 145 re Grant Seeking

Introduction

The purpose of this memorandum is to request and your review and approval of staff recommendations for a policy and procedure to partially implement Judicial Council Directive 145, which reads as follows:

E&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.

This memorandum and the recommendations in it go to the portion of Directive 145 that addresses the process and policy for pursuing competitive grants generally. Directive 145 also contains, however, a recommendation as to the detailed impact analysis that should be performed in connection with that process. With respect to the impact analysis, the AOC's Fiscal Services Office is leading a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the entire AOC, which will affect Directives 7-13, 21, 40, 91, and 145, and which we understand will be provided at a later date. When that new cost-benefit analysis has been approved, it will be integrated into the competitive grant-seeking process detailed in this memorandum.

Background

Each year, the Administrative Office of the Courts (AOC) administers approximately \$65 million dollars in outside funding. This funding comprises allocations designated for the AOC by state and federal legislation, as well as grants that the AOC applies for and is awarded through a competitive process. Currently, of the \$65 million, approximately \$3 million represents competitive grant awards that fund branchwide projects such as self-help services, Limited English Proficient (LEP) litigant services training, the California Protective Order Registry, criminal disposition studies, and offender re-entry.

In 2000, AOC staff in the then-Executive Office Programs Division (now the Court Operations Special Services Office) created a worksheet tool for grant applicants designed to guide them through the many considerations involved in pursuing competitive grant opportunities. In addressing Directive 145, staff re-circulated the worksheet tool to users throughout the AOC to solicit their review and input on how it could be made more efficient and the information in it enhanced. Staff subsequently revised the worksheet materials accordingly, and a copy of the AOC Competitive Grant Application Worksheet is attached to this memorandum for your information.

As you will see, the proposed AOC Competitive Grant Application Worksheet is a four-page tool that highlights key information to assist potential grant seekers in making an informed decision about whether to pursue a grant proposal. The information it asks for includes the following:

- Identification of the funder, public or private;
- Restrictions that the funder may impose regarding both direct and indirect/overhead costs;
- Deliverables and timelines related to the proposed project;
- Whether the project furthers the strategic goals of the judicial branch;
- Whether the project involves court partners, directly or indirectly, and to what degree;
- Required matching funds and their sources;
- Any potential personnel and resource implications, both at the court and AOC levels; and

- A section for input from office staff as appropriate from throughout the agency and final sign off from the Administrative Director or designee.

Recommendations

We request that you approve use of the proposed AOC Competitive Grant Application Worksheet as the official and mandated AOC process for obtaining approval for applying for competitive grants.

We also recommend that you approved the following associated policy, to be formally adopted and codified in the AOC's "Internal Policies and Procedures":

Policy 1.5 (Seeking Competitive Grants)

All competitive grant seeking for new public or private funding shall undergo a decision-making process that weighs costs and benefits to the courts and the AOC. Staff seeking a competitive grant shall first complete an AOC Competitive Grant Application Worksheet, with the support of AOC fund development staff and other appropriate subject matter experts. The AOC Competitive Grant Application Worksheet highlights issues to be aware of when considering new funding and identifies any impacts to local courts and the AOC. It also serves as a guide for AOC staff to gain necessary approval to submit a proposal. No competitive grant application may proceed unless the AOC Competitive Grant Application Worksheet has been approved by the Administrative Director of the Courts, one of the Division Chiefs, or their designee.

Lastly, if you approve the above recommendations, we recommend that you direct staff in the Court Operations Special Services Office to take steps to publicize the new process and policy, and to facilitate a series of sessions with AOC leadership and select staff to familiarize them with the policy and process and answer any questions they may have.

APPROVAL


(Please check one)

I approve the recommendations above.

I approve _____



Hon. Steven Jahr, Administrative Director of the Courts



Date

Attachment

AOC Competitive Grant Application Worksheet

Use this worksheet when applying for new competitive grant funding from government or private funders. The worksheet highlights issues to be aware of when considering a funding opportunity and identifies any possible impacts to the AOC and/or local courts. It also serves as a guide for AOC staff to gain necessary approvals to submit a proposal.

Section 1 – General Information About Opportunity

An overview of the funding opportunity prepared by AOC Fund Development staff in the Court Operations and Special Services Office.

Funder Name:

Grant Award Range:

Duration of Funding:

Eligible Applicants:

Application due date (for submission on line, or by mail?):

Brief description of funding objectives/funder priorities under this opportunity:

Does the proposal's focus further the goals and policies of the Strategic and Operational Plans for the Judicial Branch? If so describe:

Has the AOC ever received funding from this source before? If so, please describe:

Does the funder allow applicants to request indirect or administrative costs? If so, how?

Are there any restrictions on/additional issues imposed by funder that would prohibit the AOC from applying?

- Assurances/certifications need to be completed
- Unique/additional reporting requirements
- Unique/additional provisions
- Specific financial restrictions
- Match requirements
- Supplantation issues

Other relevant funder requirements?

Raises ethical issues for further consideration? (For example, Seeking and Accepting Foundation Grants guidelines on Serranus)

Subject matter experts recommended for review:

- _____ Fiscal Services Office: Grants accounting
- _____ Fiscal Services Office: Business Services
- _____ CJER
- _____ CFCC
- _____ Information Technology Services Office
- _____ Legal Services Office
- _____ Office of Government Affairs
- _____ Other
- _____ Other

AOC Competitive Grant Application Worksheet

Section 2 – Description of Proposed Project

An overview of the proposed project completed by AOC staff applying for the grant.

AOC Division/Office applying for grant funds:

AOC coordinator for grant application (name and contact information):

AOC lead staff for grant application (name and telephone number):

Brief summary of proposed project:

Provide link or attach

List proposed court partners, if any, and description of how selected:

List proposed community or government agency partners, if any, and description of how selected:

Draft project deliverables and timeline:

**Provide link or attach word document and also please list in box on next page*

Draft budget forms required by the funder:

**Provide link or attach*

Does your budget request indirect or administrative costs? If so, please describe.

List any AOC or local court staff positions to be created or proposed as matching contributions:

<i>Position</i>	<i>New hire/Agency temp/ Redirect existing staff</i>

Summary Impact Analysis on Courts:

Describe the anticipated effect on the workload and resources of courts that would be either directly or indirectly involved in this grant funded project if funding is approved. Consider staff time, office space, additional funding and other requirements involved in successfully administering and implementing the project. Also include any off-setting benefits the proposed project would bring to either the court or the public.

**Provide link or attach*

Summary Impact Analysis on AOC:

Describe the anticipated effect on the workload and resources of AOC if this grant were to be received. Consider staff time, office space, additional funding and other requirements involved in successfully administering and implementing the project. Also include any off-setting benefits the proposed project would bring the AOC, the courts or the public.

**Provide link or attach*

AOC Competitive Grant Application Worksheet

Section 3 – Input/Approval from Subject Matter Experts

Information provided by AOC Divisions/Offices impacted by successful application. The AOC staff applying for funding gathers this information as appropriate to identify and list here any issues or concerns.

Fiscal Services Office: Grants accounting

Fiscal Services Office: Business Services

CJER

CFCC

Information Technology Services Office

Legal Services Office

Office of Government Affairs

In summary, this proposed project will achieve the following outcomes (as detailed in attached project deliverables and timeline):-

Authorization to Proceed

I have reviewed this proposed project, the outcomes to be achieved and the impacts described and approve the proposal to be submitted. I understand final proposal will be reviewed by AOC managers before submission.

Administrative Director of the Courts, Division Chief or other Designee

Name

Date

Notes/Comments:

AOC Competitive Grant Application Worksheet

Section 4 – Work Plan for Completing Application

(Work plans will vary depending on project and application requirements. This is a sample for information purposes only. The AOC Division applying for funding completes the work plan with support from the Fund Development Group.)

Task	Person Responsible	Target Completion Date	Issues
Contract boilerplate to Business Services Unit <i>(Forms the funder requires that would become the contract if award is approved)</i>			
Narrative			
Logic Model			
Project Timeline			
Budget Forms and Budget Narrative			
Project evaluation			
Letters of support			
Required forms <i>(Signed with check box on line or with physical signature)</i>			
Application package/cover page signature			
Submission by mail or on-line upload			
Notification of funder decision			
Notification of grant award			
Copies to appropriate parties			
Press release and grant funded project products			



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688
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TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

STEVEN JAHR
Administrative Director of the Courts

May 20, 2013

Hon. Douglas P. Miller
Chair, Executive and Planning Committee,
Judicial Council of California
3389 Twelfth Street
Riverside, California 92501

Dear Justice Miller:

As you are aware, Judicial Council directive #80 requires that I 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 and report those findings to the Judicial Council. In fulfillment of this directive, please find enclosed a report from the CJER Governing Committee to the Judicial Council detailing the work and conclusions of the New Judge Education Workgroup it had appointed to evaluate new judge education. This report will be presented to the Judicial Council at the meeting in June. Justice Robert Dondero, Chair of the CJER Governing Committee, Judge Mary Ann O'Malley, a member of the New Judge Education Workgroup, and Dr. Diane Cowdrey, Director of CJER will be presenting.

Based on this report and the Governing Committee's recommendation, I support the findings of the workgroup. Summarized, they are as follows:

- The new judge education model is, by and large, effective and efficient.
- Some efficiencies have already been implemented in response to the judicial branch's current circumstances:

- The Judicial College was shortened over the past two years, resulting in operational savings.
- The Judicial College seminar leaders also serve as faculty for many courses, thereby reducing both the overall demand for faculty and their time away from court.
- New Judge Orientation has recently been redesigned and the new program curriculum has reduced the faculty teams from six to four.
- Some adjustments could be made to increase the efficiency and effectiveness of this model, including having:
 - CJER explore holding a Primary Assignment Orientation (PAO) in Southern California;
 - Curriculum Committees explore developing shorter PAOs for experienced judges;
 - Curriculum Committees consider offering the statewide subject matter institutes as a substitute PAO for experienced judges;
 - Curriculum Committees continue to incorporate distance-education methods into their live programming in an effort to reduce the live component while retaining the overall educational effectiveness of the programs; and
 - The Judicial College Steering Committee explore the use of WebEx to more effectively follow up with and gain feedback from college participants after they have had a month or two to digest and apply the learning.

As you will see from this report, the process of evaluating new judge education has been very thorough, well thought out, and complete.

Very truly yours,



Steven Jahr
Administrative Director of the Courts

SJ/sl
Enclosure

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: June 28, 2013

Title	Agenda Item Type
Judicial Branch Education: Modifications and Revisions Proposed for New Judge Education	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	June 28, 2013
Recommended by	Date of Report
CJER Governing Committee Hon. Robert L. Dondero, Chair	May 10, 2013
	Contact
	Bob Lowney, 415-865-7833 bob.lowney@jud.ca.gov

Executive Summary

At its meeting on February 5, 2013, the CJER Governing Committee accepted a report from a working group it had appointed to review and evaluate CJER's new judge education programming required under rule 10.463(c)(1) and to submit recommendations to the Governing Committee for consideration. After reviewing the working group's findings and recommendations, the Governing Committee endorsed the group's recommendations and is now presenting these (with some modifications made by the committee) to the Judicial Council for consideration and adoption. These recommendations also respond to the council's directive #80.

Recommendation

The CJER Governing Committee has determined that the New Judge Education Workgroup's examination and review of new judge education has confirmed that the model is, by and large, effective and efficient. The Governing Committee hereby submits the workgroup's recommendations, as modified and revised by the committee, for the Judicial Council's consideration and adoption and in response to the council's directive #80:

1. New Judge Orientation (NJO), the B. E. Witkin Judicial College (as modified in 2011 and 2012 to reduce both length and content), and the Primary Assignment Orientations (PAOs) should remain as currently designed and delivered because the current content and method of delivery are the most effective and efficient way to provide this education.
2. CJER, the Judicial College Steering Committee, and the PAO faculty teams should continue evaluating and refining the new judge education programs through the work of the curriculum committees and workgroups to eliminate any unnecessary overlap among NJO, the Judicial College, and the PAOs.
3. The Judicial College Steering Committee should explore the use of WebEx as a way to connect seminar groups after the college has concluded to answer questions, see how the college has affected participants' work back at their courts, and gain feedback from participants on the college after they have had a month or two to digest the learning and apply it.
4. PAO faculty teams and education attorneys should continue to explore ways to increase the efficiency of delivering PAO education by:
 - Examining the possibility of moving some content to blended learning options without reducing the quality of the learning experience;
 - Having the PAO faculty teams explore the possibility of designing separate orientation courses for experienced judges returning to an assignment, along the lines of the civil law PAO for experienced judges with civil law experience; and
 - Having the curriculum committees consider whether subject matter institutes, where appropriate, can fulfill the education requirement for experienced judges returning to related assignments after two years.
5. CJER should explore the possibility of moving a PAO to Southern California.

Additional detail about these recommendations and the Governing Committee's review and modification of them is provided in the attached report of the New Judge Education Workgroup.

Previous Council Action

Rule 10.50 of the California Rules of Court, originally adopted by the Judicial Council effective January 1, 1999, defines the role, duties, and responsibilities of the CJER Governing Committee and subdivision (c) outlines several duties, including the following:

(c) Additional duties

In addition to the duties described in rule 10.34, the committee must:

¶ . . . ¶

- (3) Evaluate the effectiveness of judicial branch education, the quality of participation, the efficiency of delivery, and the impact on service to the public;
- (4) Review and comment on proposals from other advisory committees and task forces that include education and training of judicial officers or court

staff in order to ensure coordination, consistency, and collaboration in educational services;

At the August 17, 2011, meeting of the Trial Court Presiding Judges Advisory Committee (TCPJAC), during a brief presentation by Dr. Diane Cowdrey, CJER Director, about how CJER notifies the courts when new judges complete their required education, some TCPJAC members inquired about extending the time limit for new judges to complete their PAO requirements under the education rules. This led to a broader discussion of new judge education and the amount of time new judges are required to be away from court attending education programming, a total of four weeks within a two-year period (often completed within the first year). Dr. Cowdrey agreed to bring these concerns to the CJER Governing Committee. Moreover, the current fiscal environment created a need to review whether there was any way to reduce the cost of these programs while still providing the necessary education. Dr. Cowdrey brought this issue to the CJER Governing Committee at its August 23, 2011, meeting.

Pursuant to the duties in rule 10.50, outlined above, and the recent discussion with the TCPJAC, the CJER Governing Committee subsequently included the following item in its 2012 Annual Agenda as a top priority and appointed a working group made up of representatives of the committee, experienced CJER faculty, and members recommended by the TCPJAC Chair:

CJER Governing Committee Annual Agenda 2012 (excerpt):

[¶] . . . [¶]

(3) Evaluate New Judge Education—Due to concerns that have been raised and inquiries made by the TCPJAC regarding the amount of time new judges spend at education events during their first two years on the bench, we propose to convene a workgroup of judges and stakeholders experienced in this area of judicial education to examine our current approach to new judge education and make recommendations to the Governing Committee.

Rule of Court 10.462(c)(1), originally adopted by the Judicial Council effective January 1, 2007, outlines the education requirements for new judges, as follows:

(c) Content-based requirements

(1) Each new trial court judge and subordinate judicial officer must complete the “new judge education” provided by the Administrative Office of the Courts’ Education Division/Center for Judicial Education and Research (CJER) as follows:

(A) The New Judge Orientation Program (NJO) within six months of taking the oath as a judge or subordinate judicial officer. For purposes of the [NJO] Program, a judge or subordinate judicial officer is considered “new” only once, and any judge or subordinate judicial officer who has completed the [NJO] Program, as required under this

rule or under former rule 970, is not required to complete the program again. A judge or subordinate judicial officer who was appointed, elected, or hired before rule 970 was adopted on January 1, 1996, is not required to complete the program.

- (B) An orientation course in his or her primary assignment (civil, criminal, family, juvenile delinquency or dependency, probate, or traffic) within one year of taking the oath as a judge or subordinate judicial officer; and
- (C) The B. E. Witkin Judicial College of California within two years of taking the oath as a judge or subordinate judicial officer, unless the new judge completed the Judicial College as a new subordinate judicial officer, in which case the presiding judge may determine whether the new judge must complete it again.

In addition, Judicial Council directive #80 directs the Administrative Director of the Courts to evaluate 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. This Judicial Council directive came out of the Strategic Evaluation Committee (SEC) Report's recommendation 7-20(a).¹

Rationale for Recommendation

The New Judge Education Workgroup was charged with evaluating the following four inquiries and returning to the Governing Committee at the end of calendar year 2012 with recommendations:

1. Is the current approach to education for new judges meeting the educational needs of this audience in the most effective and efficient manner possible?
2. Given the wide variety of methods for delivering education, would you support the use of alternative approaches for the delivery of new judge education which could reduce the length of time new judges are currently required to spend away from their courts while continuing to meet their education needs?
3. Should specific content areas be added to or deleted from the B. E. Witkin Judicial College (College), New Judge Orientation (NJO) or the Primary Assignment Orientations (PAOs), and if so, what content and what delivery method is the most appropriate?

¹ For the full text of directive #80 and the SEC recommendation on which it is based, see www.courts.ca.gov/19567.htm.

4. How best can the issue of having deliberately overlapping content in these programs, knowing that it is intended to repeat certain content areas that are critical for new judges, be addressed?

The findings of the New Judge Education Workgroup, which are discussed below and with which the CJER Governing Committee agrees, support the recommendations presented to the council in this report.

Findings

The workgroup found that overall the current approach of new judge education meets the needs of new judges in a very effective and efficient manner. While live, face-to-face programs are more costly, the workgroup determined that delivering these foundational programs using this method is the most appropriate for new judges. However, the workgroup did identify several areas where changes and modifications should be considered in order to ensure that this education model continues to be effective.

The workgroup found that it was critical for the Governing Committee to enhance its review and evaluation of the NJO, Judicial College, and PAO programs and their curricula, especially where content appeared to overlap among the three programs. Elimination of *unnecessary* overlap was deemed by the workgroup as very important in order to maintain the effectiveness of this overall education model. But the workgroup also acknowledged that overlap was necessary in some areas, particularly in the area of judicial ethics.

The workgroup determined that technology could be employed to elicit more effective evaluation of the educational experience after participants have returned to court. College seminar leaders could connect with their groups via WebEx, for example, after the college to assess how that program impacted their work, and answer questions. This would help keep the college curriculum relevant and reinforce it.

The workgroup did determine that some efficiency could be achieved in the current Primary Assignment Orientation programming. First, the workgroup recommended that the Governing Committee integrate technology more fully into these programs. Technology could ultimately move appropriate content to a distance-delivery model, thereby freeing up the live component of a program for more-focused education or shortening the overall length of a program. Also, the workgroup felt that shorter, more-focused orientation courses could be developed for experienced judges who are returning to an assignment they previously held. The workgroup acknowledged that the Civil Law Curriculum Committee had taken this step in developing a Primary Assignment Orientation for experienced judges and encouraged the Governing Committee to explore this for the other PAOs.

The workgroup did note that, in response to budgetary reductions, in 2011, the Judicial College was reduced by 1.5 days, and several introductory courses were removed from the curriculum.

Subsequently, in 2012, one half day was restored, and one of the introductory courses, family law, was restored, in response to slightly improved budget conditions.

Enhanced review process

Adoption of the recommendations presented in this report also will enable the Governing Committee to implement a more regular review process of the new judge education model to ensure that it continues to be both effective and efficient.

Comments, Alternatives Considered, and Policy Implications

The Governing Committee reported on this final report of the New Judge Education Workgroup at the TCPJAC Executive Committee meeting on March 21. The TCPJAC had no comments that would have altered the submitted recommendations. These recommendations affirm the policy about education for new judges and the need for these three programs, incorporating the modifications recommended by the New Judge Education Workgroup (e.g., incorporating more blended learning, developing shorter orientation courses for experienced judges, and considering alternative locations for some of the orientation programs).

Implementation Requirements, Costs, and Operational Impacts

Some of the recommendations could result in increased costs and staff time, especially if additional orientation courses are developed for experienced judges. But these shorter courses would reduce time away from court, which would be beneficial to the courts². Other recommendations that involve incorporating more distance education into these programs could also reduce costs.

Relevant Strategic Plan Goals and Operational Plan Objectives

Because the recommendations in this report focus on improvements to new judge education, they support Judicial Council Strategic Goal V, Education for Branchwide Professional Excellence.

Attachments

1. New Judge Education Workgroup Report
2. Assigned Judges Program Summary of Assignment Policies and Protocols

² Because the Assigned Judges Program backfills for judges who are away from court attending education programming, a summary of its assignment policies and protocols is attached to this Report.



New Judge Education Workgroup Report

SUBMITTED TO THE CJER GOVERNING
COMMITTEE BY THE NEW JUDGE
EDUCATION WORKGROUP ON OCTOBER 26,
2012; ACTION TAKEN BY CJER GOVERNING
COMMITTEE ON FEBRUARY 5, 2013



ADMINISTRATIVE OFFICE
OF THE COURTS

JUDICIAL AND COURT OPERATIONS
SERVICES DIVISION

CENTER FOR JUDICIARY EDUCATION AND RESEARCH

Executive Summary of the New Judge Education Report CJER Governing Committee, June 2013

Introduction

In February 2012, the CJER Governing Committee requested that the education programs for new judges be studied, as a group, to determine whether the current approach was the most effective and efficient. The Governing Committee commissioned a New Judge Education Workgroup to conduct this study, which took approximately eight months. The New Judge Education Workgroup grappled with and answered an overarching question: is the current 20 days of live, face-to-face education for a new judicial officer within the first two years days of their term of office the most effective and efficient method to ensure public trust in the judiciary? The Workgroup concluded that current programs—with the current reductions in place and some additional recommendations—comprise the most effective, comprehensive, and efficient method to achieve both education and orientation for judges making the transition from lawyer to judge. The Workgroup recognized that after taking the oath of office, judges immediately begin to make decisions that affect public safety and all aspects of the lives of the litigants before them, and that sufficient training is essential.

Charge of the Workgroup

The Workgroup was tasked by the Governing Committee with answering four questions:

1. Is the current approach to education for new judges meeting the educational needs of this audience in the most effective and efficient manner possible?
2. Given the wide variety of methods for delivering education, would you support the use of alternative approaches for the delivery of new judge education that could reduce the length of time new judges are currently required to spend away from their courts while continuing to meet their education needs?
3. Should specific content areas be added to or deleted from the B. E. Witkin Judicial College, New Judge Orientation, or the Primary Assignment Orientations, and if so, what content and what delivery method is the most appropriate?
4. How can the issue of having deliberately overlapping content in these programs, knowing that it is intended to repeat certain content areas that are critical for new judges, be best addressed?

Process

The New Judge Education Workgroup was formed by the CJER Governing Committee in February 2012 with representatives from the Trial Court Presiding Judges Advisory Committee (TCPJAC) and consisted of:

- Hon. George J. Abdallah, Jr., Chair
Superior Court of San Joaquin County
- Hon. Christopher R. Chandler
Presiding Judge, Superior Court of Sutter County
- Hon. Janet Gaard
Superior Court of Yolo County
- Hon. Adrienne M. Grover
Court of Appeal, Sixth Appellate District
- Hon. Mary Thornton House
Superior Court of Los Angeles County
- Hon. Patricia M. Lucas
Superior Court of Santa Clara County
- Hon. L. Jackson Lucky IV
Superior Court of Riverside County
- Hon. Beverly Reid O'Connell
Superior Court of Los Angeles County
- Hon. Mary Ann O'Malley
Superior Court of Contra Costa County
- Hon. Theodore M. Weathers
Superior Court of San Diego County

The Workgroup commenced its study of new judge education by reviewing a number of documents, including course curricula (old and revised) of all new judge programs, participant evaluations for those programs from 2008–2011, course outlines for all programs, advantages and disadvantages of various delivery methods, and the CJER curriculum development process.

The Workgroup also reviewed a survey conducted in 2010 of B. E. Witkin College participants from the previous five years to ascertain the long-term effectiveness of the College courses. Members of the Workgroup also interviewed presiding judges and sought feedback from a variety of judicial officers as to how new judge education could be improved. Reports by members of the 2011–2012 B. E. Witkin Judicial College Steering Committee were made, both in writing and orally.

Additionally, the Workgroup solicited input from the TCPJAC and received comments from seven courts on the three programs under review. They discussed specific

suggestions that were made and the benefits and disadvantages of each (such as separating the two weeks of the college by several months or going straight through the weekend). They discussed input from the Director of the Commission on Judicial Performance and Judge David Rothman (Ret.) who has taught judicial ethics at the College and NJO for over 20 years.

Findings of the New Judge Education Workgroup

The Workgroup found that overall the current approach of new judge education meets the needs of new judges in a very effective and efficient manner. While live, face-to-face programs are more costly, the workgroup determined that delivering these foundational programs using this method is the most appropriate for new judges. In addition, some efficiencies to these program had already been made. At NJO, the number of faculty had been reduced from six to four. The College agenda had been reduced two years ago, with resultant operational savings, and most seminar leaders also doubled as faculty. Moreover, the workgroup did identify several areas where changes and modifications should be considered in order to ensure that this education model continues to be effective.

The Workgroup found that it was critical for the Governing Committee to enhance its review and evaluation of the NJO, College, and PAO programs and their curricula, especially where content appeared to overlap among the three programs. Elimination of unnecessary overlap was deemed by the Workgroup as very important in order to maintain the effectiveness of this overall education model.

In addition, the Workgroup recommended that the Governing Committee integrate technology more fully into these programs for two reasons. One, technology could ultimately move appropriate content to a distance delivery model, thereby freeing up the live component of a program for more focused education or shortening the overall length of a program. Second, technology could be employed to elicit more effective evaluation of the educational experience after participants have returned to court. College seminar leaders could connect with their groups via WebEx, for example, after the College to assess how that program impacted their work, and answer questions. This would help keep the College curriculum relevant and reinforce it.

The Workgroup did determine that some efficiency could be achieved in the current primary assignment orientation programming. The workgroup felt that shorter, more focused, orientation courses could be developed for experienced judges who are

returning to an assignment they previously held. The Workgroup acknowledged that the Civil Law Curriculum Committee had taken this step in developing a primary assignment orientation for experienced judges and encouraged the Governing Committee to explore this for the other PAOs.

The Workgroup did note that, in response to budgetary reductions, in 2011, the Judicial College was reduced by 1.5 days, and several introductory courses were removed from the curriculum. Subsequently, in 2012, one half day was restored, and one of the introductory courses, family law, was restored, in response to slightly improved budget conditions. Reductions in faculty had already been made at both NJO and the College.

Overview of Programs for New Judges

New judge education includes five days of New Judge Orientation, a Primary Assignment Orientation course in the area of the judge's primary assignment (typically five days long), and eight and one half days at the B. E. Witkin Judicial College. These programs are continuously updated in both content and approach by the various committees, workgroups, faculty, and CJER staff. All programs include subject matter content delivered by judges who are considered experts in their area and conducted in a classroom or small group setting, or a combination thereof. Each program is structured for judges to interact and discuss best practices, the relationship of the judge to the judicial branch, the relationship of the judge to court administration, and the relationship of the judge to the public.

At the College, the art of judging is at the core of each course, each small group, and each opportunity for the new judge to interact with judges from across the state. Courses such as "Court as Employer," "Americans with Disabilities Act," and "Alcohol and Drugs in Court," in addition to tours of San Quentin and Delancey Street, are offered only at the College.

At New Judge Orientation (NJO), the emphasis is ethics, the mastery of legal content, and emphasis on the art of judging. The goal is to develop a judge who is knowledgeable and capable in deciding the cases before him or her, thus engendering trust in the justice system and cutting the costs of appeals and/or reducing referrals to the Commission on Judicial Performance.

The Primary Assignment Orientation (PAO) courses provide nuts-and-bolts content in each of the substantive law assignment areas: civil, criminal, family, dependency,

delinquency, probate and traffic law. These courses are highly interactive and often include blended learning, for example, participants view online video lectures or courses before or during the course. Participants use hypothetical case scenarios, group discussions, and role-playing so that the lectures are integrated with practical experience. While not required, many experienced judges changing assignment do attend PAO courses. In fact, experienced judges now often constitute the majority of participants in Primary Assignment Orientation courses.

Workgroup Recommendations and Governing Committee Actions

Recommendation #1: The Workgroup recommended that NJO, the College, and the PAOs (as recently modified), remain as currently designed and delivered. The Workgroup found that the current content and method of delivery were the most effective and efficient way to provide this education.

Governing Committee Action: Adopted. [Note: In 2011, the College was reduced by 1.5 days, and several introductory courses were removed from the curriculum. In 2012, one half day was restored, and one of the introductory courses, family law, was restored. College seminar leaders also serve as faculty for many of the courses, thereby reducing faculty costs and time overall. NJO had recently been redesigned and the faculty team reduced from six to four, resulting in savings in cost and in time away from the court.]

Recommendation #2: The Workgroup recommended that CJER, the B. E. Witkin Judicial College Steering Committee, and the PAO faculty teams continue to evaluate and refine the New Judge Education programs through the work of the curriculum committees and Workgroups to eliminate unnecessary overlap among NJO, the College, and the PAOs.

Governing Committee Action: Adopted

Recommendation #3: The Workgroup recommended that the B. E. Witkin Judicial College Steering Committee explore the use of WebEx as a way to connect seminar groups, after the College had concluded, to answer questions and to see how the College has impacted their work back at the court. This would also be a way to gain feedback from the participants on the College after they have had a month or two to digest the learning and apply it.

Governing Committee Action: Adopted.

Recommendation #4: The Workgroup recommended that PAO faculty teams and education attorneys continue to explore ways to increase the efficiency of delivering PAO education. First, the Workgroup recommended that the faculty teams and education attorneys examine the possibility of moving some content to blended learning options without reducing the quality of the learning experience. Second, the Workgroup recommended that PAO faculty teams explore the possibility of designing separate orientation courses for experienced judges returning to an assignment. The goal would be shorter PAOs for that audience and at less cost to the courts. The Workgroup did recognize that a separate orientation course already exists for experienced civil law judges returning to that assignment. The Workgroup also recognized that both these possibilities could result in increased costs and resource demands for CJER.

Governing Committee Action: Adopted, but with modification. In addition to designing shorter PAOs for experienced judges, the Curriculum Committees should also consider a recommendation that the subject matter (*e.g.*, Civil, Criminal, etc.) Institute, where appropriate, would also fulfill the education requirement for the experienced judges returning to an assignment after two years.

Recommendation #5: The Workgroup recommended that CJER explore the possibility of moving a PAO to southern California.

Governing Committee Action: Adopted.

Additional Actions

The Governing Committee has recommended to the Executive and Planning Committee that the Dean of the Judicial College be appointed as an advisory member. This appointment will ensure that the Governing Committee is more fully connected and engaged in the development and delivery of this critical judicial education program.

INTRODUCTORY LETTER FROM THE CHAIR OF THE WORKGROUP:

The rule of law governing the families, fortunes, and freedoms of all Californians is placed in the hands of 2,000 judicial officers. In order to serve the interests of the state's citizens, California has established the preeminent judicial education system in the United States.

In the 1960s, members of the judiciary instituted a formal education system for the new judicial officer. The programs were developed to assist and train new judicial officers as they made the transition from advocate to judge. In 1973, development and operation of education programs for the judicial branch was turned over to a new and independent entity: The Center for Judicial Education and Research (CJER) (CRC 10.50). CJER's role has expanded over the decades. CJER now also provides education for court staff and administrators and, through its Governing Committee, serves as an Advisory Committee to the State's Judicial Council. CJER also serves as the Office of Education of the Administrative Office of the Courts. The education that is provided is the foundation to a career in the judicial branch. The uniform, critically developed, high-quality education is intended to assure all Californians of a well-prepared, fair, and impartial judiciary.

In keeping with its historical approach to CJER's growth and development, in March 2012, the CJER Governing Committee created the New Judge Education Workgroup (Workgroup) to review the current approach to new judicial officer education and to make recommendations to the Governing Committee. The Workgroup is composed of ten judges of the Superior Court of California and is assisted by thoughtful, committed, and knowledgeable staff attorneys. The members have varying years of experience as bench officers as well as varying years of experience in judicial education. Many of the members have served or are now serving as presiding judges.

In order to respond to the charge given by the Governing Committee, the Workgroup met in person by conference call and by Webinar. Each member reviewed the documented evolution and development of the New Judge Orientation, the Bernard E. Witkin Judicial College (College), and the Primary Assignment Orientation (PAO) programs. The members, both individually and as a Workgroup, reviewed each program's subject matter and schedule. The schedules were reviewed day by day and hour by hour.

It has been a great privilege to have undertaken this task for the benefit of the CJER Governing Committee, newly appointed and elected judicial officers, and our fellow Californians.

Judge George Abdallah
Superior Court of California, County of San Joaquin

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A. GOVERNING COMMITTEE CHARGE TO THE NEW JUDGE EDUCATION WORKGROUP

Summary

The CJER Governing Committee convened a Workgroup to review the current approach to new judge education and to make recommendations to the Governing Committee regarding the following:

1. Is the current approach to education for new judges meeting the educational needs of this audience in the most effective and efficient manner possible?
2. Given the wide variety of methods for delivering education, would you support the use of alternative approaches for the delivery of new judge education that could reduce the length of time new judges are currently required to spend away from their courts while continuing to meet their education needs?
3. Should specific content areas be added to or deleted from the B. E. Witkin Judicial College (College), New Judge Orientation (NJO), or the Primary Assignment Orientations (PAOs), and if so, what content and what delivery method is the most appropriate?
4. How can the issue of having deliberately overlapping content in these programs, knowing that it is intended to repeat certain content areas that are critical for new judges, be best addressed?

Background

The Workgroup was formed to examine issues that have periodically been raised regarding new judge education, and these include:

- Concerns about the time spent away from the bench that is required of new judges to complete their education requirements (raised at a meeting of the Trial Court Presiding Judges Advisory Committee)
- Requests to add topics to the College and NJO curriculum
- Participant comments about content that was (intentionally) duplicated in more than one program for new judges
- Budget issues related to possible reduction in costs at the College
- Concerns about how content was selected for College

New judges are a critical audience, and therefore it was appropriate for the Governing Committee to request that these three programs be reviewed to ensure that appropriate content, efficient delivery, and respect for tradition, time, and costs are all considered.

Initial Proposal

The New Judge Education Workgroup focused on the four questions posed above and provided recommendations to the CJER Governing Committee at their October 2012 meeting. The Report of the Strategic Evaluation Committee (SEC) was published at the same time that this Workgroup was studying and evaluating new judge education. The Workgroup reviewed the comments made and issues raised in the SEC report relating to New Judge Education. The SEC report states and the Workgroup agreed that *“A well-educated judiciary is critical to the fair and efficient administration of justice, and is recognized as a stated goal of the judicial branch.”*

The Judicial Council Report submitted to the Judicial Council at their April 2013 meeting, and this accompanying report, serve as responses to Judicial Council directive #80: “E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the efficiencies identified by the Workgroup reviewing all education for new judges to ensure that education is provided in the most effective and efficient way possible.”

In the past several years, the Workgroup noted that CJER has been aggressive in exploring and using a variety of delivery methods to provide education and training to the branch. The technology available for distance education has increased and improved, allowing CJER to take advantage of multiple delivery methods (see Distance Learning Options, Section M), which in some situations can substitute for live education, and in most situations can augment it. Combining multiple types of delivery methods has become much more commonplace, and this effort is referred to as blended learning.

The Workgroup reviewed what content is provided at each of the three major programs for new judges, using the work that has already been completed in this area, and considered the possible use of blended learning to meet the current needs. When looking at content where there is deliberate overlap, they also considered whether blended learning would be useful.

The Workgroup was asked to look at the costs associated with new judge programming including time away from the bench. As such, the Workgroup considered reducing the live education portions, *e.g.*, offering the College in a different format using a blended design. It was always a possibility that the Workgroup would recommend that no cost savings could be made and that the current format would be the best way to provide this critical education.

The Workgroup was an ad hoc committee that dissolved after it conducted its review and provided its recommendations to the CJER Governing Committee.

B. NEW JUDGE EDUCATION WORKGROUP ROSTER

Hon. George J. Abdallah, Jr. , Chair

Judge of the Superior Court of
California,
County of San Joaquin

Hon. Christopher R. Chandler

Presiding Judge of the Superior
Court of California,
County of Sutter

Hon. Janet Gaard

Judge of the Superior Court of
California,
County of Yolo

Hon. Adrienne M. Grover

Judge of the Superior Court of
California,
County of Monterey

Hon. Mary Thornton House

Judge of the Superior Court of
California,
County of Los Angeles

Hon. Patricia M. Lucas

Judge of the Superior Court of
California,
County of Santa Clara

Hon. L. Jackson Lucky IV

Judge of the Superior Court of
California,
County of Riverside

Hon. Beverly Reid O'Connell

Judge of the Superior Court of
California,
County of Los Angeles

Hon. Mary Ann O'Malley

Judge of the Superior Court of
California,
County of Contra Costa

Hon. Theodore M. Weathers

Judge of the Superior Court of
California,
County of San Diego

**CENTER FOR JUDICIARY EDUCATION
AND RESEARCH (CJER)**

Ms. Karene Alvarado

Managing Attorney
CJER
Administrative Office of the Courts

Ms. Maggie Cimino

Manager
CJER
Administrative Office of the Courts

C. NEW JUDGE EDUCATION PROGRAM DESCRIPTIONS

Description of New Judge Orientation

This one-week orientation program is designed to introduce new judges, commissioners, and referees to their judicial duties and to familiarize them with their ethical responsibilities in ensuring fairness in all proceedings, promoting uniform court practices, and improving the administration of justice. Enrollment is limited to 12 participants in each program, in order to ensure regular and meaningful interaction by all participants with faculty, the content, and each other. The curriculum for the program is the most structured of all CJER programs, in order to ensure that all essential content is covered, and that all new judges receive the same educational experience. Faculty for the program is trained on the NJO curriculum prior to teaching, and the curriculum is regularly updated by a Workgroup comprised of experienced faculty. During the program, participants meet with the Chief Justice, members of the Judicial Council, and AOC leadership. The program is typically offered ten times each year.

Description of B. E. Witkin Judicial College

The B. E. Witkin Judicial College of California marked its 46th year in 2012 in which it has presented its comprehensive educational experience to new members of the California judiciary. Participants in the Judicial College have found that it provides extensive training in many areas of the law and broadens their understanding of the judicial process and the role of judicial officers.

Judges, commissioners, and referees attending this intensive two-week educational program commit themselves to active participation in acquiring the knowledge, skills, and approaches needed to perform their judicial work fairly, correctly, and efficiently. A full schedule of classes, concurrent sessions, and small-group seminars in all phases of judicial work is offered. Participants also analyze judicial philosophies, styles, work methods, and their roles as public servants; improve their skills in the arts of judging, decision making, handling counsel, litigants, and witnesses, and explaining the judicial function to the public; and explore better ways to handle court business, increase court efficiency, and ensure fairness to litigants. Instructional methods emphasize problem-solving exercises, panel discussions, small-group seminars, case studies, role-playing, and other innovative learning methods. Frequent small-group seminars allow students to clarify and evaluate their understanding of the course content. Specially prepared program materials are provided for study at the college and for later reference as practice aids.

Under the leadership of the Judicial College Steering Committee, and the appointed Judicial College Dean, instruction is provided primarily by more than 55 highly qualified judges, commissioners, and referees selected for their recognized abilities as judges, teachers, and legal writers, and for their interest in improving the administration of justice. Experts and representatives from component agencies within the California justice system also

participate to increase the judiciary's awareness of interagency problems and to coordinate responses to these problems. Faculty does not receive compensation, other than reimbursement for travel and lodging expenses according to state rules.

Description of Primary Assignment Orientation Courses

The Primary Assignment Orientation courses provide nuts-and-bolts content in each of the substantive law assignment areas: civil, criminal, family, juvenile, probate, and traffic law. These courses are highly interactive and often include blended learning, in that participants view online video lectures or courses before or during the course. Faculty lectures are supplemented with faculty demonstrations of how to conduct hearings or how to question parties (*i.e.*, expert witnesses, self-represented litigants, or children). Participants use hypothetical case scenarios, group discussions, and role-playing to integrate the lectures with practical experience. These courses are designed to satisfy both the content-based requirements of California Rules of Court 10.462(c)(1)(B), applicable to new judges and subordinate judicial officers, as well as the expectations and requirements of Rule 10.462(c)(4), applicable to experienced judges and subordinate judicial officers new to, or returning to, an assignment. CJER has found that many participants at the PAO programs are experienced judges returning to an assignment.

D. EVOLUTION OF EACH OF THE THREE NEW JUDGE EDUCATION PROGRAMS

Evolution of New Judge Orientation

The New Judge Orientation curriculum is updated annually to ensure that the law is current and has been revised several times over the years to ensure that the hypotheticals are effective. In 2009, the faculty recommended, based upon their own experience with the curriculum, as well as participant feedback, that the fairness segments of the curriculum should be reevaluated and revised. In June of 2009, the NJO Fairness Curriculum Workgroup was established to do this work. The Workgroup was composed of several experienced NJO faculty and several members of what was then the Fairness Education Committee.

The NJO Fairness Curriculum Workgroup met by conference calls over the course of a year to discuss what changes should or should not be made to the curriculum. The Workgroup started by formulating the participant goals for this segment of the course, and from there determined whether the existing curriculum fulfilled those goals. After determining those areas where changes were to be made, individual members of the Workgroup worked on revisions or created new content. For example, a new sentencing hypothetical and stereotyping exercise were created, and new exercises were incorporated into the sections dealing with social cognition and fairness. Much of the content remained the same, but the order in which topics were taught was rearranged to create an easier flow of the material for participants to absorb.

The Workgroup concluded its mission with the roll out of the revised fairness segments of the NJO curriculum in 2010. However, the Workgroup concluded that more work needed to be done and recommended that the fairness and ethics content be woven throughout the entire New Judge Orientation curriculum. A new NJO Curriculum Workgroup was formed in the fall of 2010 to undertake this task. This new Workgroup was composed of three members from the NJO Fairness Curriculum Workgroup and four experienced NJO faculty.

The NJO Workgroup began with a two-day in-person meeting. All members agreed that integrating fairness and ethics throughout the NJO curriculum would make the curriculum more effective by reinforcing the concept that ethics and fairness are the underlying principles fundamental to the judicial officer's role. A list of concepts/content was created of all the topics that new judges needed to learn, and all the content that is taught in NJO was included. As retired Judge David Rothman, author of the *California Judicial Conduct Handbook*, suggested, how do we "blend the trials and ethics curriculum into a seamless whole: teaching the best practices and law in trials along with the interplay of ethics and fairness, while being sure these best practices and law of each subject are made clear?" This became the Workgroup's mission for the next two years. Meeting via videoconference and conference calls, the NJO Workgroup volunteered their time to work on how best to integrate what were discrete segments on ethics/fairness and trials/evidence and integrate ethics and fairness throughout the curriculum.

The original NJO curriculum was taught by a faculty team made up of two ethics specialists and two trials specialists who taught from Monday through Wednesday afternoon and from Wednesday through Friday, respectively. Two seminar leaders assisted the students and faculty during the entire week for a total of six faculty per week. With the blending of ethics/fairness and trials/evidence segments, both ethics and trials faculty were required throughout the program.

Reductions in CJER's Mod Funds, starting in fiscal year (FY) 2011–2012, necessitated some changes to NJO. Funding for faculty was reduced from six to four people, some lunches were eliminated, and participant travel reimbursement was eliminated.

Based on budget and curricular changes, four faculty stay the entire week. At a meeting with the Workgroup and June NJO faculty team, it was agreed that this was the better model, given the demands on the faculty.

Evolution of B. E. Witkin Judicial College

The B. E. Witkin Judicial College Steering Committee (previously the New Judge Education Committee) is responsible for planning the Judicial College. The Steering Committee members are expected to serve as seminar leaders at the program, so that they are familiar with the program and able to experience the program they designed. The committee reviews the new judge education curriculum and receives input from the substantive law curriculum committees with respect to the content that should and should not be included

at the program to ensure essential education is covered and unnecessary duplication is avoided.

Each year the committee also carefully reviews all participant evaluations and often makes changes to the program based upon participant feedback. For example, courses that were not well-received are redesigned or dropped from the program.

Similar to NJO, Mod Funds to support the College were reduced in FY 2011–12. As a result, the length of the College was shortened. Before 2011, the program lasted a full two weeks, beginning on Sunday night, and continuing through Friday afternoon, then beginning again the next week on Monday morning and ending Friday afternoon. In 2011, the program was shortened by one-and-a-half days, to begin on Monday afternoon both weeks, and end on Friday afternoon both weeks. The opening dinner, which had been offered on Sunday night, was cancelled. The shortening of the program obligated the Steering Committee to meet and identify the content that was ultimately removed. Additionally, funds to support travel for participants were eliminated.

Other changes that have been made to the program in an effort to reduce costs and increase efficiencies include reducing the amount of materials printed for the program (only materials actually used in class are printed; resource materials are now found online only), eliminating the use of binders and shifting to the use of spiral or tape binding only, and reducing the number of CJER on-site staff at the program. All materials are posted online to Serranus.

In 2012, the College Steering Committee recommended adding back four hours of education. Because there were fewer participants (fewer judges appointed by the Governor), the reduced funding was sufficient to cover those costs.

Evolution of Primary Assignment Orientation Courses

Civil Law Orientation

CJER currently offers three separate civil law orientation courses:

1. Basic Civil Law Orientation,
2. Civil Law Orientation for Experienced Judges, and
3. Limited Jurisdiction, Small Claims and Unlawful Detainer Orientation.

In 2008, there was only what was then called the “Civil Law Overview.” This course was offered to all judges and subordinate judicial officers who were new or returning to a civil assignment. Judges who had an extensive civil practice before taking the bench often found this course too basic. Based on evaluation and participant comments, the Civil Law Education Committee (now the Civil Law Curriculum Committee) directed that a separate orientation course for experienced judges be created. The committee also decided to create

a separate orientation course for judges who handled only limited jurisdiction cases. The two new courses were created by Workgroups composed of experienced civil law orientation faculty and some Civil Law Education Committee members.

The first “Overview for Experienced Civil Law Judges” was offered at the Fall Continuing Judicial Studies Program in October of 2008, and the course is now offered annually. The faculty members review the course curriculum both before and after the course, and they update the content every year depending on the latest developments in the civil law area. The course emphasizes areas of civil law that judges who are experienced in civil law might find complex and new issues with which they might not be familiar.

The Basic Civil Law Orientation is offered for judges and subordinate judicial officers who are new to a civil law assignment and, like the Civil Law Orientation for Experienced Judges, is offered annually. Faculty members review the curriculum every year and update it as necessary with new cases, statutes, and rules affecting civil law. After the course, the faculty members also revise the content based on participant evaluations.

The Limited Jurisdiction, Small Claims and Unlawful Detainer Orientation course was first offered as a pre-institute workshop of the 2008 Civil Law Institute. This course was developed for judges and subordinate judicial officers in a civil assignment who do not handle unlimited civil cases. Faculty review the curriculum before each course offering and update the content based on new case law, statutes, and rules of court. In 2011, content on foreclosures and unlawful detainers was added to the curriculum as a result of the increase of those case filings.

Civil content at the Judicial College includes civil settlement, civil post-trial motions, restraining orders in civil cases, civil discovery, and unlawful detainers, but these topics are covered in greater depth at the College and only briefly at the PAO.

Criminal Law Orientation

The content of the Criminal Law Orientation course, like that of the other orientation courses, is regularly updated depending on the latest developments in that area of the law. For example, significant changes in sentencing law have taken place over the last several years, and the orientation course has been revised accordingly.

The majority of the concurrent sessions in the second week of the College include criminal content. The Criminal Law Curriculum Committee has continued to work closely with the B. E. Witkin Judicial College Steering Committee, in the planning of the Judicial College. The New Judge Education Workgroup has been provided with a detailed overview of the relationship between the criminal law content offered at the College and that included in the orientation course in order to identify overlapping content and to guide program assessment and planning.

Family Law Orientation

The content of the Family Law Orientation course, like that of the other orientation courses, is regularly updated depending on the latest developments in that area of the law. In addition the delivery of the content has been revised over time, allowing for more hypotheticals and more or less time for certain topics. Although some new judges have mentioned that there is overlap with regard to the content in the family law orientation and the College courses, “Domestic Violence Awareness” and “Working With Self-Represented Litigants,” this overlap is intentional, and much effort has been made to ensure that the two programs are not unnecessarily duplicative. Intentional overlap is the result of a Primary Assignment Workgroup and the College Steering Committee agreeing that an area of content requires the additional emphasis for new judges and is therefore approved for duplication. There is also a course at the College entitled “Introduction to Family Law,” which is fairly duplicative of the Family Law Orientation course, but which is attended by those new judges who do not take the Family Law Orientation course.

Juvenile Law Orientations: Dependency and Delinquency

Since 2008, there have been a number of changes to the two juvenile law primary assignment orientation courses (the dependency orientation and the delinquency orientation). In January 2008, the Dependency and Delinquency PAOs were each three days, and they were followed by a one-and-a-half-day course entitled “Highlights in Delinquency” and “Highlights in Dependency.” These one-and-a-half-day courses were an attempt to meet the needs of those who preside over both types of cases, but they were not successful. In 2009, the one-and-a-half-day highlights courses were dropped, and the three-day orientations were reinstated. In 2010, the courses were each expanded to four-and-a-half days and have been very successful at that length, since they now include more essential content (substance abuse, mental health issues, child development, etc.). The persistent struggle to meet the education needs of those who hear both dependency and delinquency cases continues. The most recent attempt is being addressed in the 2012–2014 Education Plan cycle by offering a Webinar close in time to when the live course is offered (*e.g.*, live course on Dependency with Webinar on Delinquency). The Webinar will be a stopgap course for those who are either in both assignments or are assigned to a dependency or delinquency court months before or after the PAO was offered. We are hopeful that this will meet participant needs.

Due to reduced resources that led to the shortening of the Judicial College, the two juvenile law course offerings at the College were removed from that program. As a result there is virtually no overlap between the juvenile orientation courses and the Judicial College curriculum at this time.

Probate Law Orientation

The content of the Probate Law Orientation course, like that of the other orientation courses, is regularly updated depending on the latest developments in that area of the law.

Recently, there have been constant updates in the areas of trusts and estates, conservatorship, guardianship, and Lanterman-Petris-Short (LPS) law. Some of the legislative updates were in part due to the increased requirements imposed upon probate courts by the Omnibus Conservatorship and Guardianship Reform Act of 2006, along with the lack of funding to implement the new requirements and the subsequent economic downturn. Aside from updates in the law, the most significant recent change in the course is the addition of a segment on civil protective orders and handling elder abuse cases, which entailed the shortening of the probate conservatorship segment on the same day. The civil protective orders component was added in response to Rule 10.464 of the California Rules of Court, which sets forth education requirements and expectations for judges and subordinate judicial officers on domestic violence issues and mandates that domestic violence education be included in the Probate Orientation, among other courses.

In addition, in 2010 the Probate Curriculum Committee recommended that the LPS segment of the course be held regionally in order to be accessible to judges and subordinate judicial officers who have an LPS or mental health assignment, but not a regular probate assignment. The half-day LPS orientation was held in three regional locations in 2012 and will be a regular offering.

In past years an introductory probate law course was offered at the Judicial College, but as a result of several years of very low enrollment, that course is no longer offered. It appears that very few new judges are placed in a probate assignment.

Traffic Law Orientation

Before 2010, CJER offered a Traffic Institute every two years. In 2011, rather than offering an institute, three, two-day regional Traffic Orientation courses were offered. Now the Traffic Orientation is offered once per year, and there is no traffic content at the College.

E. WORKGROUP EVALUATION PROCESS

Overview of Process

The Workgroup focused on both effectiveness and efficiency. The content for all New Judge Programs was reviewed for completeness, whether the content was essential for new judges, and possible unintentional overlap of content. The Workgroup found that only 5 percent of a new judge's time in the first two years is spent attending NJO, the College, and one PAO program.

The Workgroup examined the evaluations for each of the new judge education programs for themes and issues raised by judges who attended the program(s) over the past two years. The Workgroup evaluated the possibility of shortening the current schedule for each program in light of travel demands, out-of-court time, and overall cost. These scenarios for the College are presented in Section G. This was balanced with the need for excellent, comprehensive education for new judges that includes both group interaction and building

a community of support for new judges to assist them in the transition from advocate to judge.

The Workgroup, through Judge Mary Ann O'Malley, solicited comments from Trial Court Presiding Judges related to the Workgroup charge. Seven courts responded with comments for the Workgroup's consideration.

The Workgroup considered cost and recognized that live delivery is the most costly. It was difficult to quantify new judge education in terms of dollars and cents. The Workgroup did analyze multiple delivery options and thoroughly reviewed the curriculum designs, the course outlines, and the evaluations, as well as feedback from several Presiding Judges and recent new judge program attendees. CJER staff provided a brief history of CJER's curriculum development history and process (see Curriculum Development Process Summary, attached).

New Judge Orientation

The Workgroup reviewed the recently completed extensive revision of the New Judge Orientation curriculum as well as the schedule for the program. The Workgroup met with Judge David Rothman, author of the *California Judicial Conduct Handbook* and a member of the New Judge Orientation Curriculum Workgroup, who discussed the revisions to the NJO curriculum. Judge Rothman made a very compelling presentation to the Workgroup on the value and significance of the New Judge Orientation content and his strong belief in the need for new judges to have the opportunity to attend all three programs (New Judge Orientation, B. E. Witkin Judicial College, and Primary Assignment Orientation) in their current form. He also addressed the issue of intentional duplication especially in the areas of ethics, demeanor, and fairness as necessary to reinforce the importance of each in the daily life and work of a judge.

Judge Rothman's letter to the Chief Justice and Judicial Council (Regarding: The Strategic Evaluation Committee Report, Item SP 12-05 Comment on Section 7—Education Division and Judicial Education) was provided to the Workgroup for consideration and can be found in Section I of this document.

Additionally, the Workgroup reviewed and discussed the New Judge Orientation 2011 and 2012 evaluations.

Lastly, the Workgroup considered and weighed the concerns expressed by the Commission on Judicial Performance in its September 14, 2011, correspondence to the Director of CJER, Dr. Diane Cowdrey, in Section J.

B. E. Witkin Judicial College

The Workgroup spent significant time reviewing evaluations of curriculum and content for the B. E. Witkin Judicial College. Evaluations included those from the 2008, 2009, and 2011 College participants and the 2010 Survey of Past College Attendees.

The Workgroup members reviewed the 2012 B. E. Witkin Judicial College course schedule and course descriptions, and discussed the program content and design at length at its May and June meetings. The Workgroup members, which included Presiding Judges (current and past) and faculty (current and past) for the College, NJO, and PAOs, discussed their personal experiences as court leaders and faculty, as well as the feedback received from participants in the evaluation documents.

The issue of further shortening the college was discussed from the perspective of cost, efficiency, and programmatic loss. The Workgroup examined several potential scenarios and evaluated the potential gains and losses resulting from each scenario.

The Workgroup members studied and discussed the issue of intentional and unintentional overlap between the College and the other New Judge education programs. They also reviewed online educational offerings for new judges.

Primary Assignment Orientation

The Workgroup reviewed the curriculum designs for each area of the law, focusing on the content that each committee identified as essential for new judges. The Workgroup then reviewed the outlines for each of the nine Primary Assignment Orientation courses as follows: Civil Law Basic PAO, Criminal Law PAO, Family Law PAO, Juvenile Delinquency PAO, Juvenile Dependency PAO, Probate PAO, Traffic PAO, Experienced Civil Law PAO, and Limited Jurisdiction Civil Law PAO.

The Workgroup also reviewed an analysis by the Criminal Law Curriculum Committee and CJER staff of overlap that exists between content offered at the Criminal Law PAO and the Judicial College. The Workgroup understands that this analysis is representative of that which has been done for the other PAOs, and that the criminal law analysis is the most extensive because the bulk of subject matter content at the Judicial College is criminal law.

F. FINDINGS AS TO QUESTIONS POSED IN CHARGE BY GOVERNING COMMITTEE

- 1. Is the current approach to education for new judges meeting the educational needs of this audience in the most effective and efficient manner possible?*

The Workgroup found that the current approach meets the needs of new judges in a highly effective and efficient manner. CJER, through its curriculum and oversight committees, has instituted an objective, critical, and insightful assessment of each of its programs. These assessments result in ongoing program refinements in delivery, calendaring, and content. CJER's Director and staff demonstrate a keen awareness of the economics associated with program delivery, and they work diligently to reduce costs and maintain allocated budgets. They also rely on the acumen of experienced judicial officers and CJER's internal curriculum plans to identify new judges' needs and to develop responsive program content. The program planning, delivery methods, and assessment process result in a flexibility that allows for a timely incorporation of changes in the law.

The Workgroup also found that presenting these foundational new judge education programs through face-to-face programs is especially effective and efficient. Although distance delivery methods are less costly, it does not outweigh the benefits of live, face-to-face education for new judges. Live, face-to-face delivery incorporates mentoring practices and approaches by experienced judicial officers. This approach adds a crucial refinement to the presentation of the designed program content. Among other benefits, during the live presentations, the instructors and seminar leaders immediately address the new judges' expressed concerns and questions, thereby enhancing the curriculum, building an atmosphere of trust, and assisting the new judge in gaining both knowledge and confidence. Further, it has been regularly reported to oversight committees that the mentoring process continues beyond program schedules—at all casual and planned contacts with instructors and seminar leaders.

The instructors and seminar leaders remain an available, invaluable resource who can be called upon throughout a new judge's career.

In making its findings, the Workgroup read and considered several years of participant survey responses. Upon being surveyed, typical new judge remarks have included the following that strongly support the Workgroup evaluation of the efficacy of live programs:

"Each (faculty) added unique elements to wonderful whole. I can't think of changes to improve."

"[R]eceiving wisdom of such gifted, knowledgeable and talented judges; observing judicial demeanor and best practices modeled; interaction between participants and faculty; practical focus and structure on dealing with foundation of good judging . . . "

- 2. Given the wide variety of methods for delivering education, would you support the use of alternative approaches for the delivery of new judge education that could reduce the length of time new judges are currently required to spend away from their courts while continuing to meet their education needs?*

The Workgroup found that new judge education is currently well-supported by distance products that can be found online in the Serranus Judicial Education Toolkits. The New

Judge Toolkit was especially developed to provide information and education for judges prior to their participation in NJO or the College. The Workgroup supports the continued development of education for new and experienced judges that can be accessed at the time of need rather than at a program. It did not, however, fill the need for live education that creates and supports a network or community of judges. Each of the current live programs that are the focus of this report offers judges the opportunity to work with their colleagues across county lines, share expertise, and support the development of consistent statewide practices.

The Workgroup found that the seminar meetings and relationships with seminar leaders were an essential part of new judge education and often focus on “the art of being a judge.”

The Workgroup found that the format of the College as two consecutive weeks rather than two separate weeks creates the best environment for learning and exchanging of ideas, building trust, and building lasting relationships with faculty and among participants. Additionally the Workgroup noted that no cost savings would be realized by separating the program into separate weeks.

3. *Should specific content areas be added to or deleted from the B. E. Witkin Judicial College (College), New Judge Orientation (NJO), or the Primary Assignment Orientations (PAOs), and if so, what content and what delivery method is the most appropriate?*

The content included in each of the live programs is identified and developed by judges serving on Workgroups for this specific purpose. Each year the content is examined to be certain it appropriately and completely meets the needs of new judges, and that the delivery methods chosen are the most efficient and effective for that content.

In addition, the CJER Curriculum Committees in each area of substantive law and the Judicial Ethics and Fairness Curriculum Committee work to identify the content that they recommend is developed for distance delivery. This process is driven by experienced judges, and the resulting products are designed and developed with judicial Workgroups and education attorneys working together to build the final product.

This current process for identifying content, developing programs, and delivering education for new judges was validated and supported by the Workgroup.

4. *How can the issue of having deliberately overlapping content in these programs, knowing that it is intended to repeat certain content areas that are critical for new judges, be best addressed?*

The current process includes a review by the education attorneys who staff each program followed by a discussion of the respective Workgroups on how to limit the overlap to intentional rather than unintentional duplication of content. Content overlap that does occur is intentional, having been identified and approved by Workgroup members for each

of the new judge programs as educationally necessary and essential for the transition from advocate to judge.

Some content is covered in both the PAO and the College, but for specific reasons. For example, some areas are covered in the PAOs with specific focus on the mechanics, whereas at the College, the judge's role in that area is covered in greater depth (interpreters, pleas, evidence, jury selection, trial management). Additionally, at the College, there is some content provided in concurrent sessions, which might be covered at a PAO. This is so that judges can choose to take a concurrent session in an area that may not be their primary assignment, but one in which they still need to have a working knowledge. Another reason is that some content is fairly complex and completely foreign to judges who lack a criminal law background (*e.g.*, gang issues, felony sentencing, search and seizure). The Workgroup found these rationales satisfactory.

The substantive law curriculum committees regularly work with the Judicial College Steering Committee to review the content offered at each of the new judge education programs (NJO, the PAOs, and the College) to ensure that (1) the content that the curriculum committees have determined to be essential for new judges is included in at least one of the three new judge education programs, and (2) that the essential education is duplicated within the new judge education programs only when necessary.

G. WORKGROUP RECOMMENDATIONS

Recommendations for New Judge Orientation

Recommendation #1: The Workgroup recommended that New Judge Orientation remains as currently designed and delivered. The Workgroup found that the current content and method of delivery are the most effective and efficient way to provide this education.

Recommendation #2: The Workgroup recommended that CJER continue to evaluate and refine the NJO program through the work of its curriculum committees and Workgroups to eliminate unnecessary overlap with College and PAOs.

The basis for the above recommendations is contained in the discussion below.

Issue #1: Changes to NJO design and delivery

The Workgroup discussed the benefits and drawbacks of possible changes, including regionalizing the program and shortening the program to less than one week. The Workgroup also discussed the option of putting some of the content online. After studying the evaluations and feedback from Presiding Judges, and taking into consideration their own experience as attendees and as faculty/seminar leaders for New Judge Education Programs, the Workgroup members determined that the current format is critical to the effective delivery of the content. Offering the program regionally would limit the statewide perspective that program participants are provided in the current format. The Workgroup

felt it was essential that a new judge gain an appreciation that he or she is joining the California Judicial Branch, the third branch of government, not solely the local bench.

The Workgroup found that only 5 percent of a new judge's time in the first two years is spent attending NJO, the College, and PAO. The one exception would be the few judges who attend multiple PAOs. New judge education is focused on preparing judicial officers for their career, moving from advocate to neutral judge. The seminar setting for both NJO and the College supports the learning and change from advocate to judge and encourages community building, mentoring, resource sharing, and identifying with their new role as judge.

Issue #2: Overlap of Content

CJER currently has a robust process that connects the education attorneys with the curriculum committees and Workgroups that oversee new judge education to continually identify possible content overlap and evaluate whether existing overlap is essential for emphasis or unintentional and could be eliminated from one program while covered in another. The education attorneys are the links between the groups planning the education each year and work together with their respective committees to continually refine the curriculum and courses to include as little overlap as possible while still meeting the need to emphasize and reinforce some content as identified by the committees and Workgroups.

Recommendations for B. E. Witkin Judicial College

Recommendation #1: The College program, as recently modified in 2011 and 2012, reflected reductions in both length and content and should continue as currently constituted. The Workgroup found that the current content and methods of delivery were the most effective and efficient way to provide this unique orientation and education for the new judicial officer.

Recommendation #2: The Workgroup recommended that the B. E. Witkin Judicial College Steering Committee explore the use of WebEx to connect seminar groups after the College had concluded as a way to answer questions and to see how the college has impacted their work back at the court. This would also be a way to gain feedback from the participants on the College after they have had a month or two to digest the learning and apply it.

Recommendation #3: B. E. Witkin Judicial College Steering Committee, with the assistance of CJER Education Attorneys, should continue to evaluate and refine the program to eliminate unnecessary overlap with NJO and PAOs.

The basis for the above recommendations is contained in the discussion below.

Issue #1: The Length of the College

Some Presiding Judges and College participants have voiced concerns about the length of the College. Some Presiding Judges expressed the difficulty in covering the courts presided over by College participants for a two-week period. Participants voiced concerns about the length of the College from the perspective of information overload, overlap with the Primary Overview Course and NJO, and the length of time away from home and families.

The concerns of the Presiding Judges are understandable. Regardless of the size of the court, coverage for a courtroom for two weeks is administratively difficult in the best of times and certainly more problematic in these times. With the addition of a primary assignment orientation requirement to the NJO and College requirement in the first two years, the additional administrative burdens might well be solved by shortening the College.

The Workgroup wanted to place the time away by a new judicial officer in perspective. The College, NJO, and PAO courses comprise at least 20 days of education in a new judicial officers' first two years after their oath. The Standards of Judicial Administration suggest that a judicial officer engage in at least 8 days of education each year. Thus, in a two-year period, that time is only lengthened by four days for the new judicial officer. When one looks at the conceivable number of days on the bench in a two-year period and deducts the 20 days for the two-year period, education of the newest members of the bench is 5 percent of their time.

The Workgroup discussed the following possible scenarios suggested by a small number of past college attendees and Presiding Judges:

Option #A: Shorten the College from 10 days to 8 days by scheduling classes that run from Saturday to Saturday.

- This would only compound and worsen past participants' concerns with the exhausting college course schedule that currently exists to give participants the weekend off; going straight through one or two weekends would add to this level of exhaustion, and thereby potentially reduce the learning for the participants.
- Past participants have expressed concern about being away from families for the two Monday to Friday weeks of the current schedule. Changing from two 5-day weeks to a solid 7- or 10-day schedule might be equally challenging for families.
- Holding the College over a Saturday or Sunday would conflict with the religious practices and observances of some of the judges, making it difficult or impossible for them to attend.

For these reasons, Option A was rejected.

Option #B: Instead of two consecutive weeks, separate the two weeks over the two-year period, so that the College curriculum is staggered. The Workgroup could not identify any

cost savings for this scenario, so from an economic standpoint, this option would only assist courts administratively, not fiscally.

- This option would dampen one of the stated goals of the College which is to begin building and reinforcing a community of statewide judges—interruption of this process might occur.
- Seminar groups (a highly rated part of the program) would only just be reaching the necessary levels of familiarity and trust that support learning and develop ongoing relationships at the end of the first week.
- Scheduling for return to “Part 2” by all attendees who attended a particular “Part 1” would be challenging. It would be preferred by most and be deemed essential to attend with your College Seminar group—but court calendars may not make that possible to accommodate. Changing to a different college group for Part 2 was not advisable in the estimation of the Workgroup.
- Continuity of faculty and seminar leaders on second week might be challenging.
- Presiding Judges of some courts told the Workgroup that two separate weeks would be more difficult for them to schedule around than two consecutive weeks.

For these reasons, Option B was rejected.

Option #C: In some fashion, shorten the College by one or two days.

- The Workgroup was advised that since 2011, the College had already been reduced by a number of hours equivalent to one day. (The College starts on Monday, rather than Sunday of the first week, and Monday afternoon of the second week, rather than Monday morning. This has eliminated costs associated with opening dinners, travel, and overnight accommodations.) The Steering Committee is reluctant to engage in further cuts, as that would impact the content of the course work.
- As a result of the modifications already in place, the Workgroup discussed this at length, including which day or days might be eliminated and how that would benefit the court. The Workgroup determined that the benefit of gaining one day for the court over keeping the content intact and maintaining the current schedule was not sufficient to recommend the change.
- The Steering Committee is continually looking for more time to cover even more content at the College. The Steering Committee has a waiting list of content suggestions that have been made to add to the College.

For these reasons, Option C was rejected.

Option #D: Shorten the College by moving some of the content online.

- This option highlights the difference between orientation versus education. The purpose of New Judge Education via NJO and the College is to offer information, surely, but it is also to offer "art of judging" guidance by senior judicial officers and through group discussions in a safe-harbor environment. This atmosphere cannot be achieved through online education.
- Although the Workgroup places a high value on CJER's online offerings, it was the consensus of the group that the College serves the dual purpose of educating and providing a community of interests and mentoring for new judges that must be delivered in a live, face-to-face environment even if this is at a higher cost.

For these reasons, Option D was rejected.

Issue #2: College Course Content: Duplication and Overlap

The College Steering Committee has been committed to eliminating duplication and overlap since instituting PAO courses. Currently, program Workgroups and CJER staff attorneys work to identify unintentional overlap and move that content to other delivery options.

The attention to unintentional overlap is given by all the education attorneys as part of their work with Workgroups and curriculum committees. Fine-tuning is a continual process. In past years, when overlap was identified, some family and juvenile content was eliminated from the College, but upon later review, family law content was added back in. Again, constant evaluation and modification by the College Steering Committee is ongoing in order to be responsive to the courts and individual new judges' needs.

The Commission on Judicial Performance (CJP) has identified common ethical missteps by new judicial officers (within their first five years on the bench). The CJP findings prompted both the NJO Workgroup and the College Steering Committee to take a hard look at ethics content at both NJO and the College. The NJO Workgroup developed a new format for NJO based upon Judge Rothman's "8 Pillars" model, integrating ethics content throughout the NJO program. Judge Rothman, who is both a member of the NJO Workgroup and serves as faculty for the ethics course at the College, also integrated the "8 Pillars" model in the College ethics course. Judge Rothman and members of the NJO Workgroup worked to identify unintentional overlap in NJO and College ethics content, while maintaining intentional overlap necessary to reinforce the core ethical concepts for new judges by repetition. Much of the education for a new judge only makes sense once he or she has a context. Simply stated, new judges don't know what they don't know. NJO functions as a type of "issue spotting" educational experience. The College goes over important material already introduced, but as participants have more time on the bench, coverage of the ethics content at the College is wider in scope and deeper in exploration. Therefore, the best possible model of monitoring the overlap and knowing what is necessary for repetition is achieved.

Issue #3: Cost, Content, and Perception Issues

The Workgroup was asked to look at whether efforts were being made to adjust to cost, content, and perception issues that have arisen in the past four years.

As has been expressed throughout and deserves emphasis here, the College is continually being fine-tuned by the Steering Committee. This fine-tuning has resulted in the following changes:

1. The College has been shortened by 8 hours.
2. Some content has been eliminated and some returned, based upon review of the evaluations.
3. The Steering Committee eliminated the non-education content.
4. The College has essentially "gone paperless" by moving reference materials online, limiting the amount of paper course materials to those actually signed up for the course, and thereby eliminating costly binders.
5. Fewer CJER staff are present onsite at the College.
6. Fewer formal dinners are included in the program to cut costs.
7. Most of the seminar leaders also serve as faculty for one or more courses in addition to leading their seminar groups, thereby serving "double-duty."

One issue has been the recent site of the College at the Hayes Conference Center in San Jose. Previous colleges have been housed at the Clark Kerr Campus at UC Berkeley and the Holiday Inn in downtown San Francisco. Clark Kerr was primitive at best and generated multiple complaints: bugs, break-ins, mold, bunk-beds, and shared restrooms. Renovations performed in 2011 led Clark Kerr to raise its prices, rendering it more expensive than its hotel competitors, with fewer amenities. Holiday Inn conference rooms were in the basement, the hotel did not engender a campus atmosphere, and numerous safety complaints were made about the facility. Other sites that have bid on the Judicial College program have not had enough meeting rooms to accommodate the program's needs.

State contracting guidelines mandate that the site that offers accommodations suitable for the program at the lowest bid must be selected. For the last several years, the only location that fits that description is the Hayes Conference Center. The Hayes Conference Center easily and comfortably accommodates all the program's needs—providing sufficient meeting space, comfortable sleeping rooms, and a crime-free, safer environment. The problem has been that it is the site of the Hayes Mansion, a historical landmark, and the grounds are lush. This has led to the perception that despite its cost being bid at the same price as or lower than the other locales, the "lushness" has been commented upon in the media as inappropriate for training in these hard economic times. The CJER Governing Committee was concerned about these perceptions, but did not wish to compromise the quality educational experience engendered by eliminating uncomfortable accommodations and inadequate teaching space found at the other locations previously housing the College.

As noted throughout this report—and relied upon by the Workgroup—comprehensive evaluations are made by the participants and the instructors to ensure that course content is accurate, delivered well, and delivered in a cost-effective fashion. There was also a survey conducted of past attendees who were 2, 3, and 4 years out from their college experience. Although the length of the College was a concern for a small number of respondents, the uncomfortable facilities provided by the Holiday Inn and Clark Kerr were a frequent source of negative feedback.

Issue #4: The Need for In-Person Training

The Workgroup was tasked with determining whether and why face-to-face instruction was necessary, and whether the College should be streamlined to include remote and/or distance learning through online courses, Webinars, and other mechanisms.

The Workgroup concluded that the small seminar groups were essential to the success of the College and the learning environment. Seminar groups cover content that is critical to the judge's job, but not covered formally elsewhere, *e.g.*, handling blanket papering by a party and stress management, managing staff appropriately with respect to the role of a judge, asking for help, and knowing where to go for help, just to name a few of these topics. These are essential for new judges, and not all are covered comprehensively in other statewide and local training. The design of the seminar groups and meetings is one that encourages dialogue among the judges—sharing experiences, asking questions, and taking advantage of the more experienced seminar leaders. Seminar groups are very learner centered, providing time to reflect and share. Nowhere else is an understanding of a judge's role as part of the third branch of government covered—this is the essence of the emphasis of orientation versus education.

Data from surveys of past College participants have demonstrated strong support for the seminar groups as integral to the education offered at the college and personally valuable as relationships are often formed that last for years. In the 2010 survey of past participants at the College, 70 percent responded in the positive to the seminar meetings they attended. One participant wrote: *"The group meetings were useful in two ways, first as an opportunity to get to know and interact with the group members and, second as an opportunity to gain insight from group members who had particular expertise in various areas."*

In short, the College is about learning, changing behavior, and avoiding potential missteps before they occur. To achieve these results, standard learning principles require live courses. A live classroom/group discussion setting is the most effective way to ease the transition from advocate to neutral judge. The quality and quantity of mentoring that is offered at New Judge Education programs could not occur in an online environment. A solid support system and lifetime friendships and professional relationships begin at NJO and the College. Because a judge cannot look to another organization or government entity to support him or her in their work, these relationships become foundational to his or her learning.

The Workgroup recommended that seminar groups be encouraged to use online resources to continue their discussions after the College; many already have reunions and keep in touch, as their experience together at the College was a bonding opportunity that transcended court district boundaries. The isolating nature of the judicial officer's job can lead to stress and missteps. The long-term support provided by tightly bonded seminar groups can help judicial officers offset their isolation.

Issue #5: Course Content in General

The issue is whether or not course content is relevant to today's judicial officer due to a judge's prior knowledge in a field, the specific assignment, and the existence of PAOs for subject matter education.

It is axiomatic that a knowledgeable judicial officer promotes public trust and confidence in the branch, and the public is best served. To that end, recent college content has been designed to build from one week to the other, from one program to another. These are not stand-alone education programs. They are designed to work together to cover the essential knowledge and skills a new judge needs to be effective on the bench.

The variety of courses has also become necessary for public trust in a judge as trying budget times make it more likely that a judge cannot be a specialist. Judges are now being asked more and more to be interdisciplinary, sitting on multiple assignments due to the challenging budget environment. Even a small amount of exposure to content for some areas increases confidence, and that is a benefit to the new judge and the Presiding Judge. This is especially true of small courts and is important when looking at the content to include in the College.

The Workgroup considered a suggestion regarding the plenary session: *"As to Judicial College—allow opt-out of specific classes in which judicial officer is already familiar and replace with assignment specific updates only."* This position ignores the fact that judges learn from different perspectives of their colleagues and faculty, not just their personal knowledge. Learning and applying knowledge as a judge is most likely different from that of a practitioner.

The Steering Committee's 2010 survey of judges who attended the College in years past demonstrated that after some time following the college, the necessity of plenary courses was understood and appreciated. Out of concern for this comment, the College Steering Committee started planning a new college schedule without using the past college schedule. This was done to see if, from a purely curriculum planning perspective, a different college program would emerge. Even starting from scratch, the Steering Committee still arrived at effectively the same content contained in the existing college schedule.

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

As discussed above, the College Steering Committee has relied heavily over the years on feedback from participants and has altered the College content accordingly.

Recommendations for Primary Assignment Orientation Courses

Recommendation #1: For the PAOs for new judges, the Workgroup recommended that each course remain as currently designed and delivered for the time being. The Workgroup found that the current content and methods of delivery were the most effective and efficient way to provide this education.

Recommendation #2: The Workgroup recommended that PAO Workgroups and education attorneys continue to annually examine the possibility of moving some content to blended learning options without reducing the quality of the learning experience.

Recommendation #3: The Workgroup recommended that PAO faculty teams explore the possibility of designing separate orientation courses for experienced judges returning to an assignment or use blended learning (a combination of live, online, video, WebEx, etc.) for delivery of some of the content to that audience. The goal would be shorter PAOs for that audience and at less cost to the courts. The Workgroup did recognize that a separate orientation course already exists for experienced civil law judges returning to that assignment. The Workgroup also recognized that both these possibilities could result in increased costs and resource demands for CJER.

Recommendation #4: The Workgroup recommended that PAO Workgroups, with the assistance of CJER education attorneys, continue their current practice of evaluating and refining the programs to avoid unnecessary overlap with NJO and College curriculum, recognizing that some of the overlap is intentional and necessary to emphasize the importance of the content.

Recommendation #5: The Workgroup recommended that CJER explore the possibility of moving a PAO to southern California.

The basis for the above recommendations is contained in the discussion below.

Issue #1: Live vs. distance delivery

The Workgroup discussed online or distance delivery of the content offered at the PAOs and concluded that a new judge needs the opportunity to work with experienced judges, learning from and with his/her colleagues.

Although many of CJER's online products support this education, it is important to note that although the online products are an effective way to introduce judges to new content, the live training is the most effective way to provide new judges a way to explore the content in detail—to safely ask questions, practice skills, and consider alternatives.

The Curriculum Committees for each substantive law area have discussed and come to the same conclusion: that PAOs for new judges need to be delivered live. These same committees identified additional content for distance delivery that expands the learning beyond the PAO.

Issue #2: Experienced Judges

The Workgroup recognizes that PAOs often have very experienced judges returning to an assignment, and they have different needs than a new judge. These judges may be served by online delivery of some or all of the content in a PAO.

One serious concern of the Workgroup was that if PAO content is offered online for experienced judges, those judges will not be able to find the time to complete the online learning. Live delivery provides an uninterrupted time and space for education and focuses the learners on the content and applying the learning.

Issue #3: Content Overlap

The Workgroup found that a comprehensive review of content for PAOs for potential overlap of content with the College was done by the PAO Workgroups with the assistance of CJER staff. Some content was only touched on in the PAO and then covered in greater depth at the College. Some content has been flagged by a Workgroup and faculty as necessary to repeat in an effort to emphasize the significance of the content. Overlap between NJO and the College in the areas of ethics and fairness particularly is intentional and necessary.

Issue #4: Moving one or more PAO programs to southern California

This recommendation might result in a reduction in both travel costs for the courts and in the time away from the bench. The Workgroup did recognize that this would increase the cost for CJER to support the program. The cost-effectiveness for this change would need to be analyzed against the possible loss of a statewide opportunity for judges to meet and learn in a community setting and the total savings, if any. It is anticipated that judges from the north could attend a PAO in southern California, but more likely that judges from the north would attend in San Francisco and judges in the south would attend in Southern California to save time and money for hotels and travel.

Closing

Despite the identical language, literature, tools, and tactics deployed by lawyers, the transition between lawyer and judicial officer is not easy: although lawyers and judges

speaking the same language and using the same legal principles, they deploy them in a way that was merely observed and not practiced. Leaving the world of advocacy to enter the world of objectivity after a 30-second oath is not easy; there is definitely a great deal at stake in this transition process. Regardless of where a judge practices his other judicial skills—Northern, Central, or Southern California, small judicial district or a large one, from one with high crime, high economies, or rural concerns—all are tasked with making decisions that directly impact people's lives. Should this tenant be evicted? Should this defendant spend 30 days or 30 years in a jail cell? Where should a child grow up—in foster care? In the care of one parent over the other when you've had less than 5 minutes to size up the warring parents? Will this small claims case, with only one side who can appeal, even though a small amount, impact the small business owner in front of you? Do we issue that injunction to change the course of a corporation's life, the lives of its employees, and the lives of its customers?

California's New Judge Education programs are designed to address the dichotomy that exists between lawyering and judging. New judge education is critical to sustaining the credibility of our branch of government and to making sure that we are mindful of our roles as judges, mindful of the rule of law, and that our decisions are reasoned and carried out with both compassion and objectivity. These programs provide the opportunity for new judges to engage meaningfully and over time with their peers and experienced judges to ensure that they successfully make the transition from advocate to judge. The Workgroup that reviewed these programs made their recommendations based on this understanding and what will ultimately best serve the people of California.

H. LIST OF DOCUMENTS REVIEWED BY THE WORKGROUP

1. Overview of revised New Judge Education curriculum as provided by Judge David Rothman
2. Outline of revised New Judge Orientation curriculum
3. Overlap between Criminal Law Orientation and B. E. Witkin Judicial College
4. Commission for Judicial Performance letter to Diane Cowdrey dated September 14, 2010 (attached)
5. CJER curriculum development process overview (attached)
6. Delivery methods matrix (attached)
7. 2012 B. E. Witkin Judicial College course schedule and course descriptions
8. Evaluations for:
 - 2008, 2009, 2011 Colleges
 - 2010 Survey of Past College Attendees
 - 2012 Primary Assignment Orientations (PAO)
 - 2011–2012 New Judge Orientation
9. Course Outlines/Table of Contents for Primary Assignment Orientations
 - Civil Law Basic Orientation
 - Criminal Law Orientation
 - Experienced Civil Law Orientation
 - Family Law Orientation
 - Family Law Teaching Grid With Time Allocations
 - Juvenile Delinquency Orientation
 - Juvenile Delinquency Grid With Time Allocations
 - Juvenile Dependency Orientation
 - Juvenile Dependency Grid With Time Allocations
 - Limited Civil Law Orientation
 - Traffic Orientation
 - Probate Law Orientation
10. Curriculum Plan Table of Contents for:
 - Civil Law Curriculum
 - Criminal Law Curriculum
 - Family Law Curriculum
 - Juvenile Delinquency Law Curriculum
 - Juvenile Dependency Law Curriculum
 - New Judge Education Law Curriculum
 - Revised NJO Curriculum With Time Allocation

I. LETTER FROM JUDGE DAVID ROTHMAN DATED JULY 22, 2012

July 22, 2012

To
The Honorable Tani Cantil-Sakauyue
Chief Justice of California
and the Judicial Council of California

From
David M. Rothman
1729 Madera Street
Berkeley, CA 94707

Regarding: The Strategic Evaluation Committee Report, Item SP 12-05 Comment on Section-7 – Education Division and Judicial Education

Dear Chief Justice and Members of the Judicial Council:

Thank you for the opportunity to address the Report of the Strategic Evaluation Committee (SEC). I would like to give my views on certain portions of the part of the Report that deal with judicial education aspects of the section regarding the Education Division of the Administrative Office of the Courts (AOC). I will not be commenting on any other parts of the Report.

The present budget crises in our state combined with certain findings in the SEC Report raise concerns for the future of the one of the oldest and highly regarded judicial education programs in the United States, with consequential harm to the quality of our judiciary and the people of this state.

General comment on "Cost Benefit Analysis"

The Education section of the SEC Report contains a number of evaluations based on a "cost-benefit" conclusion in regard to judicial education programs. The Report, however, does not contain an explanation of the standards by for making such cost-benefit conclusions.

What all judicial officers (whom I will call judges here) do, the art of judging, and the fundamental mission of the central principle of of being a judge (assuring the honesty and integrity of the process of decision making and the decisions they make, including the courage to do what it right), is something that judges learn through experience, education programs and by constantly seeking to gain self-awareness. I do not believe that the value of any of this is measurable by examining the "cost-benefit" of the educational components of such efforts. Judges are not little businesses that produce products. They are guardians of our Constitutions, the Rule of Law, our system of justice, and our liberty.

Local judicial education programs as a substitute for the statewide model

The Report suggests that education programs in large courts may be a substitute of some of CJER's programs that require judges from around the state to attend, such as new judge education programs and new assignment programs. (Pp. 107-108)

Obviously reliance on a variety of sources for judicial education in addition to CJER is beneficial to judges, including self study, programs provided by legal education providers, local court programs, and California Judges Association education programs. All are important in assuring that judges are well trained, fulfilling their obligations under the Code of Judicial Ethics to establish, maintain and enforce "high standards of conduct," and "maintain professional competence in the law." (See Canons 1, 2A, and 3B(2)) None, however, are a substitute for CJER's core programs.

Over the last half century the judicial institution, first through the California Judges Association and shortly thereafter through the Judicial Council, assumed the duty of assuring that all judges in California have a common understanding of what it means to be a judge. Over the years we have come to accept that there are not 58 legal systems in California administering a "law unto themselves," but a single rule of law with highest standards and best practices accepted throughout the state that assure the rule of law.

The suggestion in the Report that large local courts may be able to undertake some of what CJER does poses the potential of undermining the achievements of judicial education of the past 50 years and eliminating important values for judicial education of these programs.

For example, the Report's conclusion based on "cost-benefit considerations" in reviewing this subject ignores the value of live, in person, programs where judges from around the state meet and study together. The personal connections and discussions among judges from courts all over the state, large and small, rural and urban, north and south, are a critical element of CJER's judicial education program. In every program I have taught the participant judges from diverse backgrounds and courts share their knowledge, problem solving, perceptions and ideas. Almost invariably we realize that everyone (including faculty) learns as much from one another as they do from the faculty. This and many other benefits of meetings among judges from diverse courts should not be rejected because one has difficulty placing a value on what is learned.

One must also be concerned that the focus of local court education may tend to subjects and content that are perceived by court managers as "useful", "practical," "bread and butter," and aimed at the efficient functioning of the local court, rather than those subjects that focus on the basic premises of what it means to be a judge and judging.

New judge education

The Committee's Report contains reference to the concerns of "many judicial officers and courts" about having new judges away from their courts for the one week for New Judge Orientation and two weeks for the Judicial College. (Report p. 107) There is also concern expressed in regard to education required for a judge's new assignment.

In my 34 years of CJER teaching (as well as my years in managing the West District of the Los Angeles Superior Court) this concern is regularly voiced. It is understandable that a court might not want to suffer the loss of a new judge for so long. Even so, I am convinced by my experience that most judges and presiding judges in California who have this concern know that, in the long run, the loss of three or four weeks of education is inconsequential when weighed against the value to the system of justice of providing comprehensive judicial education to new judges.

It is, of course, never inappropriate to reexamine and improve what the Judicial College and NJO are doing. These are core institutions of California's judiciary and their curriculum and management are of great importance to the people of this state, our judges and the Judicial Council. In addition CJER's management and structure should also be studied and improved. But proposals for actions that could result in undoing the Judicial College and NJO should be declined.

Finally, we need to be mindful that judicial education is an essential component of judicial accountability. Adequate judicial education helps insure that the conduct of judges meets the highest standards, and that a judge cannot credibly claim that the judge did not know his or her ethical responsibilities. The stakes are high when the quality of the judicial education institutions is compromised.

Attorneys in CJER

Recommendation No. 7-20 the Committee Report contains the conclusion that "education specialist positions are staffed by attorneys, a staffing practice that appears unnecessary." This conclusion seems to rest on the idea that what attorney educators do can be done by non-attorney staff members at less cost. I believe this conclusion is wrong.

It is true that attorneys cost more. It is not true that they are "unnecessary" in the role of managing and planning education programs and publications. CJER's first and most critical job is the planning and administering programs for education of judges, and these programs must include careful quality control by a staff that includes lawyers. The judicial education curriculum is fundamentally about legal issues (the constitution, statutes, rules, case law, procedures, the Code of Judicial Ethics, and so on) from the point of view of a judge. Eliminating lawyers from

education staff at CJER to save money would leave the judge-lecturer without the back-up necessary to prepare and deliver reliable content.

Final note

There is no question that much can be done to improve the accountability and functioning of AOC as well as judicial education in California. Building trust among judges and the public by objective appropriate analysis and constructive change, although hard, painful and difficult, is always necessary, appropriate and doable. It will take work, understanding and patience (three essential qualities of being a judge). We need to remind ourselves of Coach John Wooden's advice: "Be quick, but don't hurry."

Sincerely yours,

David M. Rothman

Retired Judge of the Los Angeles Superior Court

CJER Faculty member B. E. Witkin California Judicial College (1981 to present), and

New Judge Orientation (1978 to present)

Author of the *California Judicial Conduct Handbook*

J. Letter from Victoria B. Henley to Dr. Diane Cowdrey



State of California
Commission on Judicial Performance
455 Golden Gate Avenue, Suite 14100
San Francisco, CA 94102-3868
(415) 557-1200
FAX (415) 557-1266
Web Site: <http://cjp.ca.gov>

September 14, 2011

Diane Cowdrey, Director
Education Division
Administrative Office of the Courts
455 Golden Gate Avenue, 6th Floor
San Francisco, California 94102

Dear Ms. Cowdrey:

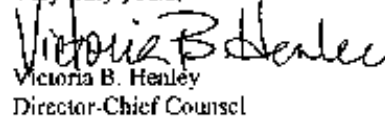
This letter is at the request of the Commission on Judicial Performance to convey the members' concerns over an apparent increase in investigations involving new judges and the possible need for more intensive ethics education for new judges.

At the commission's last meeting, almost thirty percent of the matters considered by the commission in which there was a pending investigation or in which an investigation was opened involved judges with three or fewer years of experience on the bench. This seems disproportionately high for judges with that level of experience since the mean judicial experience for all California judges was 10.8 years as of 2009. The most common type of allegation was abuse of authority, followed by demeanor, bias and failure to ensure rights.

Approximately one year ago, the commission noticed a similar spike in the number of investigations involving new judges. I was authorized to contact David Rothman because of the potential significance of this information in planning New Judge Orientation.

The commission hopes that the proper training of new judges – including ethics training – will remain a priority for the Education Division/CJER.

Very truly yours,


Victoria B. Henley
Director-Chief Counsel

cc: Chief Justice Tani Cantil-Sakauye
Acting Director Ronald Overholt
Hon. David Rothman (Retired)

K. ADDITIONAL EDUCATION RESOURCES FOR NEW JUDGES PROVIDED BY CJER

Publications and Online Courses

In 1965, Government Code §§68551 and 68552 were enacted. Section 68551 authorized the Judicial Council to conduct institutes and seminars for the judiciary. Section 68552 authorized the Judicial Council to publish and distribute “manuals, guides, checklists, and other materials designed to assist the judiciary.” With this statutory background and authorization, the California Center for Judicial Education and Research (CJER) was formed as a result of an agreement between the California Judges’ Association (CJA) and the Judicial Council in 1973 to eliminate duplications of effort.

From the beginning, a significant part of CJER was producing publications for judicial officers that was based on the statutory authorization and the vision of CJER founders. The publishing effort took shape when CJER took responsibility for publishing the College Notebooks. These publications, originally written by judges who taught at the Judicial College, evolved through the years into the present offering of 62 different publications covering criminal, civil, small claims, domestic violence, probate and conservatorships, landlord-tenant, juvenile dependency and delinquency, traffic, and family law.

CJER has produced and now updates 56 publications ranging in size from benchguides of 120 pages or less to volumes of benchbooks between 600 and 900 pages (see list of CJER publications on pages 36–37).

This evolution did not happen in a vacuum. Throughout the process, CJER has had volunteer judges, either on the Benchguide Planning Committee, reviewing each individual publication, or more recently on the curriculum planning committees, providing judicial guidance and input. That judicial input provides a practical approach to the analytic text now written by CJER staff attorneys. Most of the publications include practical judicial tips suggested by reviewers through the years.

This evolution has continued as the publications became the basis of many of the online courses that have been developed specifically for self-study for judges and SJOs. Online courses are available in Juvenile Dependency and Delinquency, Criminal, Family Law, Small Claims, Traffic, and Landlord-Tenant. For the past eight years, CJER has produced and updated more than 20 online courses that provide education credits between 1 and 3.5 hours each. These courses, like the publications, are updated regularly and provide training on an as-needed basis.

The quality of the publications and online courses is demonstrated by the fact that the faculty for the new judge programs, including New Judge Orientation, the Judicial College, and the Primary Assignment Orientation courses, not only recommend CJER publications to the participants in the classes they teach, but use them as course reference materials as well, and refer to them repeatedly throughout the programs. Faculty for the Family Law

Orientation and the Juvenile Delinquency Orientation courses ask that participants in those courses review the videos and online courses in those areas before coming to class. And while new judges await the Orientation course offerings, they are encouraged to review the publications and online courses in their assignment areas.

Experienced judges and subordinate judicial officers also find the publications and online courses invaluable as both reference material as well as self-study material. They provide a quick resource that experienced judges use to research areas that are new to them or to make sure they are up to speed on new developments in an area with which they are already familiar.

Numerous published decisions refer to and recommend CJER publications to trial court judges, both as excellent resources and as tools to be used to avoid error. For example, the court recommended CJER publications to trial judges and referenced them as excellent legal resources in *Koehler v. Superior Court* (2010) 181 Cal. App. 4th 1153, 1158, citing CJER's Courtroom Control Benchguide, and in *Fasuyi v. Permatex, Inc.* (2008) 167 Cal. App. 4th 681, 691, citing CJER's Civil Benchbook, *California Judges Benchbooks: Civil Proceedings—Before Trial*.

In its decision in *In re I. G.* (1st Dist. 2005) 133 Cal. App. 4th 1246, 1254–1255, the court lauded the benefits of CJER's judicial education offerings (including publications), saying: "The sheer volume of cases demonstrating noncompliance with ICWA provides reason enough for supervising juvenile court judges throughout this state to take immediate steps to ensure that all judicial officers under their supervision avail themselves of these educational opportunities [offered by CJER]."

In its opinions in *People v. Hinton* (3rd Dist. 2004) 121 Cal. App. 4th 655, 661–662, and *People v. Norman* (3rd Dist. 2007) 157 Cal. App. 4th 460, 467, the court of appeal specifically cited CJER's publication *CJER Mandatory Criminal Jury Instructions Handbook* as tools to be used to avoid error. Even the California Supreme Court has chastened the lower court for not utilizing CJER's plethora of publications to avoid error. See *People v. Heard* (2003) 31 Cal. 4th 946, 966, which cited CJER's Death Penalty Benchguides on Pretrial and Guilt Phase, Penalty Phase and Posttrial, and Bench Handbook on Jury Management.

Serranus: New Judge Toolkit includes the following online tools and/or resources for new judges:

Welcome to the Judicial Branch

Introduction to the California Judicial Branch (video)

Ethics Guide for New Judges, Before You Take the Oath of Judicial Office
(By Judges for Judges Article, 2011)

An Ethics Guide for Judges & Their Families
(Adapted and reprinted with permission by American Judicature Society, 2003)

Procedural Fairness in California (May 2011)

Courtroom Control

Courtroom Control: Contempt and Sanctions (Benchguide 3)

Contempt (Ten-Minute Mentor)

Courtroom Control (online course)

How to Run a Busy Calendar (online course)

Ethics and Fairness

Fairness and Access (Bench Handbook)

Ethics Guide for New Judges, Before You Take the Oath of Judicial Office
(By Judges For Judges Article, 2011)

An Ethics Guide for Judges & Their Families
(Adapted and reprinted with permission by American Judicature Society, 2007)

Handling a Request for Disability Accommodation (Ten-Minute Mentor)

Procedural Fairness in California (May 2011)

Self-Represented Litigants

Handling Cases Involving Self-Represented Litigants (Bench Handbook)

Communicating With Self-Represented Litigants (online course)

Self-Represented Litigants: Special Challenges (online course)

See also Self-Represented Litigants in Ethics & Fairness Toolkit

Evidence and Hearings

Disqualification of Judge (Benchguide 2)

The Basics of Disqualification of Judges (Interactive Judicial Article Quiz)

Is It Hearsay? (online course)

Trial Evidence: Handling Common Objections (online course)

Working With Spoken Language Interpreters—The Basics (Ten-Minute Mentor)

Additionally, materials from New Judge Education programs are available in the toolkits.

CJER Publications for Judicial Officers include:

<p>CJER Publications</p> <ul style="list-style-type: none"> • Bench Handbook: The Child Victim Witness (2009) • Bench Handbook: Fairness and Access (2010) • Bench Handbook: The Indian Child Welfare Act (2013) 	<ul style="list-style-type: none"> • Bench Handbook: Jury Management (2011) • Bench Handbook: Judges Guide to ADR (2008) • Bench Handbook: Managing Gang-Related Cases (2008)
<ul style="list-style-type: none"> • Disqualification of Judge (Benchguide 2) (rev. 4/10) • Courtroom Control: Contempt and Sanctions (Benchguide 3) (rev. 4/10) • Injunctions Prohibiting Civil Harassment and Workplace/Postsecondary School Violence (Benchguide 20) (rev. 3/12) • Landlord-Tenant Litigation: Unlawful Detainer (Benchguide 31) (rev. 1/13) • Small Claims Court (Benchguide 34) (rev. 1/13) • Misdemeanor Arraignment (Benchguide 52) (rev. 9/12) • Right to Counsel Issues (Benchguide 54) (rev. 10/12) • Bail and OR Release (Benchguide 55) (rev. 1/13) • Motions To Suppress and Related Motions: Checklists (Benchguide 58) (rev. 3/11) • Deferred Entry of Judgment/Diversion (Benchguide 62) (rev. 3/11) • Competence To Stand Trial (Benchguide 63) (rev. 2/10) • Sentencing Guidelines for Common Misdemeanors and Infractions (Benchguide 74) (rev. 1/13) • Misdemeanor Sentencing (Benchguide 75) (rev. 7/12) • DUI Proceedings (Benchguide 81) (rev. 2/13) • Traffic Court Proceedings (Benchguide 82) (rev.1/13) • Restitution (Benchguide 83) (rev. 2/13) • Probation Revocation (Benchguide 84) (rev. 8/11) • Felony Arraignment and Pleas (Benchguide 91) (rev. 9/08) • Preliminary Hearings (Benchguide 92) (rev. 5/12) • Death Penalty Benchguide: Pretrial and Guilt Phase (Benchguide 98) (rev. 6/11) • Death Penalty Benchguide: Penalty Phase and Posttrial (Benchguide 99) (rev. 6/11) 	<ul style="list-style-type: none"> • Juvenile Dependency Initial or Detention Hearing (Benchguide 100) (rev. 5/11) • Juvenile Dependency Jurisdiction Hearing (Benchguide 101) (rev. 5/11) • Juvenile Dependency Disposition Hearing (Benchguide 102) (rev. 6/11) • Juvenile Dependency Review Hearings (Benchguide 103) (rev. 8/11) • Juvenile Dependency Selection and Implementation Hearing (Benchguide 104) (rev. 6/11) • Juvenile Delinquency Initial or Detention Hearing (Benchguide 116) (rev. 2/11) • Juvenile Delinquency Fitness Hearing (Benchguide 117) (rev. 2/11) • Juvenile Delinquency Jurisdiction Hearing (Benchguide 118) (rev. 2/11) • Juvenile Delinquency Disposition Hearing (Benchguide 119) (rev. 2/11) • LPS Proceedings (Benchguide 120) (rev. 3/10) • Adoptions (Benchguide 130) (rev. 8/09) • Custody and Visitation (Benchguide 200) (rev. 10/12) • Child and Spousal Support (Benchguide 201) (rev. 10/12) • Property Characterization and Division (Benchguide 202) (rev. 5/10) • AB 1058 Child Support Proceedings: Establishing Support (Benchguide 203) (rev. 9/12) • AB 1058 Child Support Proceedings: Enforcing Support (Benchguide 204) (rev. 9/12) • Conservatorship: Appointment and Powers of Conservator (Benchguide 300) (rev. 5/10) • Conservatorship Proceedings (Benchguide 301) (3/10) • Probate Administration (Benchguide 302) (12/10) • On-Call Duty Binder (2013)

<p>California Judges Benchbooks: Civil Proceedings Discovery, 2d ed 2012 & Update Before Trial, 2d ed 2008 & Update Trial, 2d ed 2010 & Update After Trial, 1998 & Update</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Small Claims Court and Consumer Law (2012 ed) <input type="checkbox"/> California Judges Benchbook: Domestic Violence Cases in Criminal Court (2013 ed) <input type="checkbox"/> California Judges Benchbook: Search and Seizure (2nd ed) & Update <input type="checkbox"/> Mandatory Criminal Jury Instructions Handbook (2013 ed) <input type="checkbox"/> 2013 Felony Sentencing Handbook
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Online Courses

Civil

- ADA in State Court
- California Unlawful Detainer Proceedings
- Civil Trial Evidence
- Communicating With Self-Represented Litigants
- Courtroom Control
- How to Run a Busy Calendar
- Is It Hearsay?
- Jury Challenges
- Punitive Damages
- Relevance and Its Limits
- Self-Represented Litigants: Special Challenges
- Small Claims Court: Procedures and Practices
- Small Claims Court: Consumer and Substantive Laws
- Trial Evidence: Handling Common Objections
- Unlawful Detainer
- You Be The Judge—Hearsay and Its Exceptions

Family

- Calendar Management in Family Court
- Communicating With Self-Represented Litigants
- Custody and Visitation
- Custody & Visitation Primer for Judges and Other Bench Officers in California
- Determining Income
- Child and Spousal Support
- Characterizing Property
- Dividing Property
- How to Run a Busy Calendar
- ICWA Inquiry and Notice
- Self-Represented Litigants: Special Challenges

Judicial Ethics

- Communicating With Self-Represented Litigants
- Courtroom Control
- Judicial Ethics for Temporary Judges
- Real World Judicial Ethics I
- Real World Judicial Ethics II: War Stories
- Real World Judicial Ethics III: A Day in the Life
- Self-Represented Litigants: Special Challenges

Criminal

- Arraignments Primer
- Bail and Own-Recognizance Release Procedures Primer
- Common Pretrial Motions in a Criminal Calendar Primer
- Communicating With Self-Represented Litigants
- Courtroom Control
- Criminal Discovery Motions Primer
- How to Run a Busy Calendar
- Is It Hearsay?
- Jury Challenges
- Preliminary Hearing (Px) Primer
- Proposition 36
- Relevance and Its Limits
- Self-Represented Litigants: Special Challenges
- Traffic Cases
- Trial Evidence: Handling Common Objections
- You Be The Judge—Hearsay and Its Exceptions

Judicial Ethics

- Communicating With Self-Represented Litigants
- Courtroom Control
- Judicial Ethics for Temporary Judges
- Real World Judicial Ethics I
- Real World Judicial Ethics II: War Stories
- Real World Judicial Ethics III: A Day in the Life
- Self-Represented Litigants: Special Challenges

Domestic Violence

- Communicating With Self-Represented Litigants
- Domestic Violence Restraining Orders
- Restraining Orders Against Harassment, Abuse, or Violence
- Self-Represented Litigants: Special Challenges

L. CURRICULUM-BASED PLANNING FOR JUDICIAL BRANCH

In early 2000, members of the Governing Committee for the Center for Judicial Education and Research asked staff and members of its numerous Education Committees to design, develop, and implement curriculum-based planning for their respective target audiences. Curriculum-based planning is a process that ensures comprehensive, relevant education is available for individuals throughout their careers and/or assignments. Staff and members of the various Education Committees began a four-year initiative that resulted in curricula for judges and court personnel that include entry, experienced, and advanced levels of content.

In the development of the curriculum work, the processes used and the products envisioned were based on numerous goals, including:

- Providing relevant content to individuals at all levels of their careers.
- Ensuring consistency of content over time, from venue to venue, and from faculty member to faculty member.
- Providing guidance to faculty without inhibiting/stifling their creativity.
- Ensuring that the curriculum work can be used regardless of the course length and delivery mechanism.
- Making the content relevant to the reality of performance of the job.
- Ensuring that the curriculum work is flexible and can be used in a variety of situations by a variety of individuals.

The Three Phases of Curriculum Work

Phase I is a basic assessment of the work of individuals in a particular target audience. Developed by Education Committee members and CJER staff, the Phase I document includes:

- The tasks, skills and abilities, beliefs and values, and associated knowledge and information for the target audience.
- Reflects a grouping of data into areas of similarity for ease of reference and to provide a basic framework for educational content.
- Provides faculty with important basic information not stated in other documents.
- Should always be used in conjunction with Phase II information to develop Phase III.

Phase II is a series of educational designs based on the Phase I work. Developed by Education Committee members and CJER staff, Phase II designs:

- May collapse or expand the original groupings from the Phase I work.
- Are created for entry, experienced, and advanced level learners in the specific content area. [An experienced judge who is entering a criminal assignment would be at the entry level for the criminal curriculum work.]

- Serve as the basis for faculty to create a delivery plan or lesson plan. [The delivery or lesson plan will be influenced by the amount of time available and the delivery mechanism, but will always be based on the Phase II work.]
- Assume that faculty has expertise in the content area.
- Serve as a basic guide that can be expanded upon by faculty based on a variety of factors.
- Include learning objectives, associated content, teaching methods, and learner activities, etc.

Phase III is a series of delivery plans or lesson plans. These plans may differ in look and feel, depending on a variety of factors. The Phase III plans:

- Are the creations of individual faculty
- Reflect the individual expertise of faculty
- Reflect further detail regarding specific content areas
- Are also influenced by faculty review of the Phase I work, which deals with the reality of the work for the target audience
- Are the product of the time available and the delivery mechanism
- May be broader than the Phase I and II work, but should be based on them
- Use at least the first several learning objectives from the Phase II work
- May combine objectives and content from several Phase II designs, if appropriate, depending on a variety of factors

Use of Phase I and Phase II to Develop Phase III

Workgroup members identify:

- Target audience
- Content area/appropriate level of content (entry, experienced, advanced)
- Time available/delivery mechanism (hours or days/live, broadcast, online)
- Potential faculty member(s)

Faculty collaborate with Education Attorneys and Workgroup members to:

- State a goal for the course (what the faculty member hopes to accomplish; information that may be used to promote the course)
- Finalize learning objectives
- Select content based on learning objectives
- Outline the course (the order and timing for various segments)
- Select teaching methods for various components of the course (lecture, panel discussion or debate, demonstration)
- Determine/design teaching aids (PowerPoint, videos, case studies, etc.)
- Design handout materials
- Determine approaches to evaluate participant learning

M. EDUCATION DELIVERY OPTIONS

FACE-TO-FACE EDUCATION—Courses are designed and delivered to encourage participants to interact with the content, and share experiences, expertise, challenges, concerns, and successes. This format is especially effective when interaction and immediate feedback are important.

Statewide: Opportunity to work with participants from across the state and learn from their varied experience. This delivery option is the most costly form of education per participant.

Regional: Focused on a tighter geographical area/content that can be covered in a 1-day format.

Local: Content delivered by courts internally in partnership with CJER.

ONLINE VIDEO—Video for content that can be developed in short segments designed for focused and/or “just-in-time” learning. **(24/7)**

Lecture Series—Discrete topics delivered in primarily lecture format by one or more subject matter experts that last 30 minutes to 1 hour.

10-Minute Mentor—This series consists of short topic videos presented by judicial officers who are experts in the areas they discuss.

Video Simulation Series—A series of short videos demonstrating techniques that participants can use to increase efficiency and effectiveness.

BROADCAST—Scheduled courses developed for delivery through the statewide satellite broadcast system and focused on specific audiences.

Live Broadcast—Content selected may be either lecture-/information-based (short format) or skills-based (1–2 hour format).

Individual & Facilitated Locally—Courses are repurposed for online desktop viewing and/or viewed by a group in a face-to-face course facilitated locally from DVD.

SELF-PACED ONLINE—Education that is designed for online delivery. These courses represent a range of complexity and interactivity. Content is generally stable, with limited updating requirements. Additionally, online courses provide judicial branch audiences with a convenient reference for related statutes, rules, and forms. **(24/7)**

PUBLICATIONS—Benchguides, Bench Handbooks, Benchbooks, and Job Aids are resources written and updated by staff with review by Workgroups. These are available in hard and/or soft copy online. **(24/7)**

VIDEOCONFERENCE TRAINING—Videoconferencing is linking two or more locations (up to 8) by two-way video, allowing participants to communicate with each other and faculty during the course. Best designed for small numbers in multiple locations and short formats (1–2 hours). Currently only available at the Appellate Courts and the AOC Regional Offices.

WEBINARS—Short for Web-based seminar. These are courses transmitted over the Internet, consisting of a shared group environment online that includes live audio and video communication with an audience that is in a remote location from the faculty. Webinars may include video, PPT, chat capability with faculty, faculty feedback, and polling for audience participation (*i.e.*, WebEx).

Each of these delivery options can be part of a blended learning plan. For example, a face-to-face course might require participants to complete an online course before attending the course, or a Webinar might follow a studio video as a way to expand the learning.

**EXCERPT FROM
ASSIGNED JUDGES PROGRAM
SUMMARY OF ASSIGNMENT POLICIES AND PROTOCOLS
(Revised July 2012)**

I. Assignment Distribution Policy

General Policy Statement for Fiscal Year 2012–13

Staff will provide an initial estimate of the number of days of judicial assignment that will be made available to each individual court by the Chief Justice early in the fiscal year. The estimate will be based on the actual FY 12-13 budget for the Assigned Judges Program and on a distribution formula that accounts for each court's profile and is weighted most heavily to the judicial need in each court. The estimate is a tool for planning purposes and does not represent a fixed allocation. Adjustments to individual courts will be made as necessary over the course of the fiscal year based on the available budget and each court's individual needs.

The distribution estimate includes assigned judge coverage for all of the following:

- **Criminal, civil, juvenile, family or probate OVERLOAD (for eligible courts);**
- **DISQUALIFICATION MATTERS: For cause challenges and self-recusal matters under CCP 170.1 and 170.3, CCP 170.3 (c)(5) answer to motion to disqualify, 170.6 peremptory challenge, 170.8 no judge available**
- **VACATION;**
- **APPELLATE BACKFILL;**
- **MEDICAL and MILITARY LEAVE;**
- **JUDICIAL COUNCIL, COMMITTEE, EDUCATIONAL BACKFILL,¹ APPELLATE REMAND, CJP SPECIAL MASTERS COVERAGE; and**
- **APPELLATE LABOR CASE**

(Please note: Medical; military; council and committee coverage; educational, both faculty and student coverage if attending an approved educational provider; appellate remand; and CJP special master coverage are all considered under the category of TRIAL COURT BACKFILL.)

The following categories will be separately tracked by line-item:

- **VACANCY²**
- **SJO VACANCY**

¹ This includes assignment coverage for those judges acting as faculty for a CJER event and those judges who are attending an event sponsored by an approved provider.

² This currently includes a full-month of coverage and includes coverage for newly appointed judges attending the Judicial College, new Primary Case Assignment and New Judge Orientation.

ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING

DATE	10/5/2012
PREPARED BY	Dr. Diane Cowdrey
OFFICE NAME	<u>Office of Education/CJER</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	82
JUDICIAL COUNCIL DIRECTIVE	E&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.
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: 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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>In March, 2011, the PMO asked CJER to assist in the CCMS deployment training efforts for three early adopter courts. Attached is the memo which outlines CJER's anticipated role in this effort. CJER did not acquire additional funding or personnel to assist in these initial efforts which lasted approximately one year. It was originally thought that CJER would obtain additional staff to absorb the increased work due to the CCMS project but that never materialized. The division reallocated personnel to accommodate the project needs. The CJER CCMS team consisted of a Program Manager (50%) a Senior Education Specialist (25%), and two Education Specialists (25% each), later reduced to one education specialist, and administrative support staff (25%). These were existing positions within the division. They continued to perform other assigned duties while working on the CCMS project and some of their current work was reassigned while other work was temporarily suspended. Other positions within the division were utilized on an ad hoc basis to assist with the project as needed. Those efforts were halted after the March 27 Judicial Council decision to suspend deployment of CCMS and the CJER staff were reassigned back to their original departments and resumed their full workload assignments. Also attached is CJER's final report regarding its involvement with the CCMS training project.</p>	



Overholt_Moore_CCMS
Training
Plan_4.15.2011.pdf
Adobe Acrobat Document
209 KB



CCMS Deployment Final
Report_7 26
2012_combined.pdf
Adobe Acrobat Document
112 KB

This directive is forwarded to the Judicial Council with options for consideration:

File Attachment

Other:

File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

**IMPLEMENTATION
DATE OR
PROJECTED
IMPLEMENTATION
DATE**

Already implemented

**RESOURCES
REQUIRED FOR
IMPLEMENTATION**

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

**PROCEDURES/
POLICIES UPDATED
OR DEVELOPED**

File Attachment

**TRAINING
UPDATED OR
DEVELOPED**

File Attachment

SAVINGS

	<input type="button" value="File Attachment"/>
<input type="checkbox"/> COST	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> EFFICIENCIES	<input type="text"/> <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>During CJER's involvement with the CCMS deployment training effort, several administrative education projects, such as completing online courses for court staff, were suspended or delayed.</p> <input type="button" value="File Attachment"/>
<input type="checkbox"/> OTHER	<input type="text"/> <input type="button" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>



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

MEMORANDUM

Date

April 15, 2011

Action Requested

Please Review

To

Ronald G. Overholt, Chief Deputy Director
Mark A. Moore, Director, CCMS-PMO
Administrative Office of the Courts

Deadline

N/A

From

Diane E. Cowdrey, Director
Education Division/CJER

Contact

Diane Cowdrey
415-865-7795 phone
415-865-4335 fax
diane.cowdrey@jud.ca.gov

Subject

Education Division's Role in CCMS Training

The Project Management Office (PMO) has requested the Education Division/CJER to consider whether it could take a lead role in providing and/or coordinating CCMS training. This shift in responsibility from an outside vendor to a division within the AOC means that adequate resourcing and knowledge transfer must occur. During the past two months, the Education Division/CJER has developed an initial CCMS Deployment Training Plan (see attached) to identify an appropriate role in providing training and education to the courts on CCMS. Because this is our initial iteration of these components, it is fully expected that many of these terms and expectations will be modified as we move forward with CCMS deployment and training.

The purpose of this memo is to (a) outline the Education Division's role in providing training for review by the PMO, the Executive Office, and other stakeholders as necessary; (b) identify the resources needed in order to complete the activities listed in the draft CCMS Deployment Training Plan, and (c) to gain approval and authority to secure the necessary resources, or, if not possible, to modify the draft Deployment Training Plan.

As the project continues to evolve, the role and activities of the Education Division will be modified as necessary to ensure that the training needs are met at every stage of deployment and into steady state, and that the training efforts align with overall deployment schedules for the early adopter courts.

Education Division Activities and Tasks in CCMS Deployment Training

The following outlines the broad services and tasks that the Education Division can accomplish and which will contribute to the success of the early adopter CCMS deployment. A more detailed list of each of the Phases, and all activities contemplated within each phase is attached. As we engage with the overall deployment effort, some or many of these tasks may already be completed or for other reasons may not need to be completed by us, so this plan will be modified as needed. The focus is on work with early adopter courts, and can be expanded as new courts are added to the deployment schedule.

A. Needs Assessment

- a. The purpose of this activity is for the Education Division to:
 - i. Be able to credibly and accurately develop useful training plans
 - ii. Successfully implement training
 - iii. Increase efficiency and effectiveness of future training activities
 - iv. Become familiar with project background, what exists, and how it can be of value to the training development
 - v. Provide feedback to Deloitte on proposed training documentation and methodology
 - vi. Align training efforts with Inter Branch Agreements (IBA)
 - vii. Determine where Deloitte efforts start and end
 - viii. Learn what has been done in the courts to date and avoid duplication
 - ix. Learn culture and needs of each of the early adopter courts, asses their readiness for change and business process re-engineering
 - x. Determine what worked with V3 training and what should be changed in V4
 - xi. Identify scope of training needed by courts and Justice Partners from e-filing to Document Management System (DMS) to conversion to pre-deployment to post-deployment
 - xii. Develop appropriate training methodology and plans for each court
- b. The tasks we need to complete, include, but are not limited to:
 - i. Obtain hands on experience with the product
 - ii. Review existing documentation

- iii. Meet with court CCMS Project Managers, courts, and subject matter experts (SMEs)
- iv. Develop strategy documents
- v. Work with consultant to assess court readiness and needs related to change management and business re-engineering

B. Curriculum Development

- a. The purpose of this activity is for the Education Division to:
 - i. Design a training plan that coincides with the overall deployment schedule, documentation, and court needs
 - ii. Ensure consistency of training during and after deployment
 - iii. Institutionalize training process and training materials
 - iv. Develop and implement successful training materials during and after deployment
 - v. Ensure training materials align with actual system functions
 - vi. Develop relevant content and training outside system functionality (e.g. web-based training, change management, business flow)
- b. The tasks we need to complete, include, but are not limited to:
 - i. Design a master training plan
 - ii. Develop training documentation standards
 - iii. Develop training materials
 - iv. Work with court Super Users
 - v. Implement faculty development sessions for court “super users”

C. Delivery: Deployment and Steady State

- a. The purpose of this activity is for the Education Division to:
 - i. Ensure training and timing needs of courts are met
 - ii. Develop protocols and materials that can be sustained, remain relevant, and useful to the courts during additional deployments and into steady state
 - iii. Align training delivery with overall project plan and timelines
 - iv. Develop and deliver online training, job aids and other resources
- b. The tasks we need to complete include, but are not limited to:
 - i. Assist courts with training delivery logistics
 - ii. Deliver Train-the-Trainer training
 - iii. Deliver Core Court training to required users
 - iv. Evaluate Early Adopter Court Training
 - v. Create training for post-deployment/steady state, including online products

Resources Needed to Accomplish These Activities

Relationship with the PMO and the CCMS Teams

The most critical aspect of this effort is to establish productive and effective working relationships with all who are involved with the project, including the PMO, other AOC divisions (e.g., Office of Communications), the CCMS teams and the courts. The Education Division will need to be at the table (in the person of the CCMS training project manager) to be fully informed regarding the deployment schedule and plans for CCMS, as well as to keep the PMO current on the training and education plans to assure a smooth deployment process.

We have begun meeting with Renea Hatcher, Senior Manager for CCMS Deployment, and the other CCMS teams to not only understand the overall project, goals, timelines, and outcomes, but to establish the necessary relationship with our colleagues within the AOC. It is imperative that all involved with CCMS work closely and stand united when working with the courts. Deployment of the CCMS provides an opportunity for the AOC to collaborate as a single entity to effectuate a successful deployment.

Funding

In order for the Education Division to perform the required roles and responsibilities as outlined in this memo, it is essential that appropriate funding be allocated for CCMS training for not only the initial deployment, but also into steady state. Funding would include but not limited to:

- Travel expenses for the CCMS training team:
 - To and from the SRO to meet with the CCMS development team and learn the system,
 - To and from the early adopter and/or other CCMS courts
- Staff, as identified below, for the length of the deployment and possibly into the maintenance phase. It is not necessary to have full time staff for all listed positions (e.g., graphic designer, instructional designer) but rather short and mid-term temporary employees, some current Education Division staff as well as using:
 - Materials, both hardcopy and online
 - Travel expenses for the court trainers
 - Adequate computers for training, potentially including a mobile computer training unit and requisite AV equipment
 - Software to develop online training programs and materials

Staffing

The following is the profile of our CCMS project team, consisting of AOC, contract, and court staff. The makeup of this team may change overtime depending on the outcome of the assessments and reviews that are pending, and any changes in the deployment schedule.

AOC Staff

- Project Manager—This position, which would be a Manager level classification, would be responsible for the overall effort and would be the Education Division's primary contact to all other relevant stakeholders (e.g., PMO, adopter courts). I have asked Lisa Galdos to serve in this capacity, currently in a .5 FTE position.
- Education Specialists—Responsible for developing the curriculum for CCMS training, working with appropriate SMEs both from the courts and from the software developer. For example, they would help shape the structure and organization of the content so that it could be easily translated into effective courses and other educational products.
- Online Instructional Designer and Editor/Graphic Designer(s)—Responsible for creating the overall design, look, and feel of the educational materials for CCMS; both hardcopy and online. It is crucial that there be a consistent, intuitive overarching design for all materials which users will be accessing, whether they are in class, reaching for a job aid, or going to the Web.
 - Note: Although the Education Division currently has many well regarded online educational resources, including courses and other reference materials, this project calls for a different and more contemporary online presence, as well as one which can be more rapidly developed and closer to what private, commercial entities currently provide. A more robust and current presence will ensure stability and user acceptance during the initial deployment and into steady state.
- Administrative Coordinator(s)—Responsible for all logistical and administrative aspects of the training aspect of the project and may be physically located in all regional offices, if needed.
- Administrative Secretary—Responsible for training document management and other training administrative tasks not normally handled by an Administrative coordinator (e.g. scheduling of meetings and conference calls).
- Change Management/Business Re-engineering Consultant—A critical aspect of the overall deployment and installation of CCMS is the paradigm shift this will create throughout the branch. Training the courts regarding the impact of CCMS on business process, workflow, and interaction with justice system partners, and overall working culture is critical and complex. This type of education is more fully developed in the private sector and we should tap into that expertise in lieu of attempting to develop it within the branch, and assume this would be temporary, contract staff who would serve in

a consulting role to develop training plans for each court as well as to deliver training and coaching on change management.

Court Staff

- Local and Regional Trainers—A yet-to-be-specified number of court trainers who will be deployed to courts and regions to conduct CCMS training. These individuals will be experienced court staff who are CCMS power-users and who have been trained in the CCMS education curriculum.

Concerns and Suggestions to Potentially Ameliorate

As with any new project, there are legitimate concerns. Below we have identified some possible concerns for the Education Division taking on this new role, as well as some potential solutions to ensure the success of this project.

Concerns

- Unfamiliarity with the CCM project or schedule
 - Solution: Work closely with AOC and CCMS teams to learn the system and get up to speed on overall project goals, timelines, and obstacles.
- Not able to meet training needs as required
 - Solutions:
 - Work closely with early adopter courts and other CCMS teams, and have the appropriate authority to be effective
 - Ensure training environment and functional needs are met
 - Ensure all training needs are met either through train-the-trainer, hands on training of court users and/or develop court “power users.
 - Carefully and thoroughly review all existing documentation including lessons learned from courts who have deployed V2 and/or V3
 - Establish court processes to manage training while maintaining current level of court operations
- Lack of available funding
 - Solutions:
 - Work with CCMS-PMO to obtain adequate funding
 - To a limited extent, utilize current Education Division staff
 - Minimize and effectively use funding resources
 - Create steady state materials in conjunction with initial deployment to maximize resources
 - Develop on-line tools and training materials that can be used by multiple users
- Possible Court Perception of the Education Division utilizing resources ineffectively

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Page 7

- Solutions:
 - Work and collaborate early and closely with all AOC divisions and CCMS teams who have a role in the deployment efforts
 - Work and collaborate early and closely with all courts and remain flexible to their needs
 - Work closely with Office of Communications to ensure unified message

In summary, I am pleased to have the opportunity to work with the PMO on CCMS deployment training and taking on this new challenge. I would respectfully request approval of this draft CCMS Deployment Training Plan, your review and input on the Plan, and your approval to provide funding for the staffing and other resources to enable us to successfully complete this work.

Enclosure

**DRAFT CCMS Deployment Training Plan
(Focus on San Luis Obispo and Ventura)**

Phase I: Needs Assessment and Planning

OBJECTIVE 1: ASSESS CCMS SYSTEM

Activities	Resources Needed
<ul style="list-style-type: none"> • Learn the system <ul style="list-style-type: none"> – Hands on experience with system. Use draft training materials to learn system and evaluate quality of training materials. 	Education Division Staff: Project Manager Education Specialist Instructional Designer Access to: CCMS Team Product Team Members Others familiar with product Travel funds required.

OBJECTIVE 2: ASSESS EXISTING DOCUMENTATION

Activities	Resources Needed
<ul style="list-style-type: none"> • Assess existing documentation resources with emphasis on training materials <ul style="list-style-type: none"> – Review the V2 and V3 documentation, work flows, Deloitte materials for CCMS, system administration manuals, any court internal team training/on-boarding materials, as well as other documentation sources (e.g., JAD materials, configuration documents). • Provide educational expertise in reviewing pending V4 final training materials 	Education Division Staff: Project Manager Education Specialist Access to: CCMS Team Product Team Members Others familiar with product Travel funds required

OBJECTIVE 3: ASSESS TRAINING NEEDS ACROSS COURTS

Activities	Resources Needed
<ul style="list-style-type: none"> • Meet with CCMS Project Managers • Meet with Regional Administrative Directors • Meet with early adopter courts and V3 courts • Identify any pre-deployment training needs • Analyze prior training models for V2 and V3 • Identify court super users • Identify legacy system and conversion plans, and the impact on learning needs • Discuss the need for Justice Partner training • Validate assessment of available and preferred learning methods (i.e., instructor-led versus e-Learning) • Assess required training methods (e.g., live local training for court specific processes, statewide methods for general processes) • Determine availability of web based resources for courts and specific users 	<p>Education Division Staff: Project Manager Education Specialist Instructional Designer</p> <p>Access to: CCMS/AOC Team RADs Court Project Managers</p> <p>Court teams, including point of contact, super users, daily users, system admin users</p> <p>Travel funds required</p>

OBJECTIVE 4: DESIGN THE MASTER TRAINING PLAN

Activities	Resources Needed
<ul style="list-style-type: none"> • Outline the overall training program solution: <ul style="list-style-type: none"> – Define roles and responsibilities (court’s responsibility, AOC’s responsibility, etc.?) – Identify key assumptions to be verified (e.g., realistic timeframe for live classes) – Develop timelines which incorporate both the training and the implementation schedule – Outline the transition plan for the end of project (e.g. transition to locally-supported education) and performance support, equipment needs, etc. – Determine training environment readiness – Incorporate Justice Partner system, conversion, e-filing and DMS training components as required 	<p>Education Division Staff: Project Manager Education Specialist Instructional Designer Change Management Consultant</p> <p>Access to: CCMS/AOC Team Court Project Managers</p> <p>Court teams, including point of contact, super users, daily users, system admin users</p>

Phase II: Curriculum Development

OBJECTIVE 1: DEVELOP TRAINING DOCUMENTATION STANDARDS AND DELIVERY ANALYSIS

Activities	Resources Needed
<ul style="list-style-type: none"> • Leverage authoring tool to enforce standardized content creation • Manage version control among multiple authors • Leverage authoring tool for component-based materials creation • Document changes to original training material prepared by Deloitte 	Education Division Staff: Project Manager Education Specialist Administrative Secretary Access to Court SMEs

OBJECTIVE 2: DEVELOP TRAINING MATERIALS

Activities	Resources Needed
<ul style="list-style-type: none"> • Create training materials (e.g., overview presentations, instructor guides, student workbooks, simulations) from training content not provided by Deloitte • Create additional performance support materials (e.g., quick Reference Guides, Job Aids) • Create course evaluations • Create just-in-time resources and job aids • Employ eLearning delivery methods as appropriate and design products • Leverage SME's from the local Court Deployment Team during material development • Conduct internal review for instructional design principles and enforcement of design/format/grammar standards • Identify system change protocols • Based on needs of each court, develop training materials on change management 	Education Division Staff: Project Manager Education Specialists Instructional Designer Administrative Secretary Printing/Copying Media Production (post items on web) Specialists Requires significant time on part of Education Division Travel funds required Instructional design software

Phase III: Delivery: Deployment and Post-Deployment

OBJECTIVE 1: MANAGE TRAINING DELIVERY

Activities	Resources Needed
<ul style="list-style-type: none"> • Create training schedule • Update schedule • Manage enrollments • Manage facilities • Schedule make-up training • Develop and coordinate equipment as needed 	<p>Education Division Staff: Project Manager Administrative Coordinator</p> <p>Access to: CCMS/AOC Team Court Project Managers</p> <p>Court teams, including point of contact, super users, daily users, system admin users</p>

OBJECTIVE 2: DELIVER CORE COURT TRAINING (END-USERS AND COURT HELP DESK)

Activities	Resources Needed
<ul style="list-style-type: none"> • Core training (To include system navigation/system overview, introduction to role-specific learning paths, and functionality-based modules) • Based on court needs, deliver DMS, e-filing, conversion or Justice Partner training as determined. • Conduct evaluations at the close of each class to review trainer and materials effectiveness 	<p>Education Division Staff: Project Manager Education Specialist</p> <p>Access to: CCMS/AOC Team Court Project Managers</p> <p>Court teams, including point of contact, super users, daily users, system admin users</p> <p>Requires significant time on part of Education Division and Court Trainers</p> <p>Travel funds required</p>

OBJECTIVE 3: CREATE TRAINING FOR POST-DEPLOYMENT ACTIVITIES


Activities	Resources Needed
<ul style="list-style-type: none">• Revise training materials, methodology, and timing as noted in evaluations• Institute regular review of training materials, methodology, and timing• Develop post deployment training delivery protocol<ul style="list-style-type: none">– New releases– New staff– On-demand training on line	Education Division Staff: Project Manager Education Specialist Media Production Specialist



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MEMORANDUM

Date July 20, 2012	Action Requested Please Review
To Curt Soderlund, Interim Chief Deputy Director Mark Dusman, Director, Information Services Division	Deadline N/A
From Diane E. Cowdrey, Director Education Division/CJER 	Contact Diane Cowdrey 415-865-7795 phone 415-865-4335 fax diane.cowdrey@jud.ca.gov
Subject Final Report on CCMS Deployment	

Background

In March 2011, the Project Management Office (PMO) asked the Education Division/CJER to assist in the CCMS deployment training efforts for the early adopter courts: San Luis Obispo, Ventura and San Diego. This request was based on the preference to have CCMS training managed internally by the AOC. Dr. Diane Cowdrey sent the attached memo to Ron Overholt and Mark Moore on April 15, 2011 outlining the Education Division/CJER role and responsibilities which included the following three Phases and objectives:

1. Needs Assessment and Planning
 - Objective 1: Assess CCMS System
 - Objective 2: Assess Existing Documentation
 - Objective 3: Assess Training Needs Across Courts
 - Objective 4: Design the Master Training Plan

2. Curriculum Development
 - Objective 1: Develop Training Documentation Standards and Delivery Analysis
 - Objective 2: Develop Training Materials

3. Delivery: Deployment and Post-Deployment
 - Objective 1: Manage Training Delivery
 - Objective 2: Deliver Core Court Training
 - Objective 3: Create Training for Post-Deployment Activities

The Education Division/CJER did not acquire additional funding or personnel to assist in these initial efforts which lasted approximately one year. The division reallocated personnel to accommodate the project needs. It was envisioned that funding would be provided to the Education Division/CJER to hire additional personnel and purchase the tools necessary to develop and deliver the highest quality of training. However, due to severe budget reductions, CCMS funding was redirected to trial court operations for FY11–12 and no funding was transferred to the Education Division/CJER.

The AOC Internal CCMS team met on or about March 28, 2011 to ‘kick off’ the early adopter court deployment efforts. Although work had been done previously, the March 2011 meeting was deemed the official ‘kick off’ where the Education Division/CJER was first introduced to the different internal partners (Data Integration, Communication, CCTC, etc.) and the early adopter court program managers.

Resources

Personnel

The Education Division/CJER’s CCMS team consisted of a Program Manager (50%) a Senior Education Specialist (25%), and two Education Specialists (25% each), and administrative support staff (25%). These were existing positions within the division. CET continued to perform other assigned duties while working on the CCMS project. Their current work was not reassigned. Other positions within the division were utilized on an ad hoc basis to assist with the project as needed.

Funding

The division did not hire new positions for this project nor did it receive any funding to augment the existing salaries and benefits. The funding of these positions for this project was absorbed by the division.

The Education Division CCMS Team incurred minimal travel expenses during the year. They made a site visit to San Luis Obispo as part of Phase I in late June 2011 at a cost of approximately \$875.00, and also traveled to the Southern Regional Office the first week in February 2012 to learn the system to begin Phase II as deployment for the early adopter courts was still a possibility. The expenses for that trip were approximately \$1900. These travel costs were borne by the CCMS PMO.

No other funding was provided to the Education Division for the CCMs project.

Deliverables

April 2011-March 2012 (Phase I: Objective 2)

The Education Division CCMS Team began Phase I with a review of the readiness documents prepared by Deloitte in partnership with the Court. Staff gained an understanding of the training challenges identified by the courts. Additionally, the team reviewed documentation on V2 and V3 to understand the system and configuration as well as general CCMS documentation prepared by the PMO. The goal was to learn how CCMS was governed, the history, and overall goals and objectives of the project.

CET developed several budget estimates for the phases set forth above as the project scope changed and evolved during the year.

June 2011-March 2012 (Phase 1: Objective 2)

In addition to the above-stated tasks, the Education Division CCMS Team also assisted the PMO in reviewing the V4 training materials prepared by Deloitte. Each team member reviewed Instructor Guides (IG), Quick Reference Guides (QRG), and Online Help Documentation as outlined below.

Instructor Guides (IG)		Quick Reference Guides (QRG)	
Accounting	19	Accounting	20
Appeals	1	Appeals	4
Case Initiation	9	Case Initiation	11
Case Management	36	Case Management	30
Courtroom	16	Courtroom	13
Cross Track	9	Cross Track	10
Disposition	10	Disposition	8
E-Filing	28	E-Filing	24
Family Unit	2	Family Unit	2

Interpreter Mgmt	4	Interpreter Mgmt	1
Judicial Officers	20	Judicial Officers	20
Person Entity	10	Person Entity	1
SWRDW	1	SWRDW	1
System Overview	2	System Overview	3
Work Queues	3	Work Queues	2
ADR	1		
Portals			
Courthouse	4		
Justice Partners	6		
Registered	6		
Reports	1		
TOTALS	188	TOTALS	150

Each Instructor Guide ranged from 10–100 pages. Each Quick Reference Guide typically was one page. The online help documentation closely mirrored the Instructor Guide for each category. The goal of these reviews was to determine:

- If screen shots matched the text
- Text was clear
- Steps were logical
- Overall process flowed
- Format and language were consistent

Each team member averaged 3–4 hours per each category review. After these materials were reviewed, the administrative support staff compiled the final edits into a clean and updated version. By March 27, 2012, approximately 10–15% of the above-referenced totals were reviewed by the team with 5% going through final editing.

June 2011 (Phase I: Objective 3)

Education Division CCMS Team was to visit each early adopter court to meet the stakeholders and tour the training facilities. The only site visited conducted was to San Luis Obispo on June 28, 2011. Subsequent visits were postponed due to the shift in project direction in July/August 2011.

October 2011–February 2012 (Phase I: Objective 1 with initial work on Phase II: Objective 2)

The Education Division CCMS Team gained access to the system through the production acceptance testing (PAT) environment which was shared with all CCMS product teams due to a

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reduction in funding. The team began a comparison of the online product with the training materials developed by Deloitte.

February 2012 (Phase I: Objective 1 with initial work on Phase II: Objective 2)

In this phase, staff traveled to SRO for a week to learn the system including all case types. The team then began a comparison of the IGs with the system functionality. However, this was cut short due to the uncertain direction of CCMS and ultimate termination in March 2012.

The team began updating a previous version of an online CCMS tutorial course. The goal was to complete and roll out in June 2012. Those efforts were halted after the March 27 Judicial Council decision. The team had gained access to the test scripts after the February training to begin Phase II, Curriculum Development. However, these efforts were halted after the March 27 Judicial Council decision.

Summary

From April 2011–March 2012 the Education Division CCMS Team concentrated on Phase I, Objectives 1 and 2 with some initial work on Phase II while performing their daily responsibilities within the Division.

LG/DEC/sl
Attachment



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MEMORANDUM

Date	Action Requested
April 15, 2011	Please Review
To	Deadline
Ronald G. Overholt, Chief Deputy Director Mark A. Moore, Director, CCMS–PMO Administrative Office of the Courts	N/A
From	Contact
Diane E. Cowdrey, Director Education Division/CJER	Diane Cowdrey 415-865-7795 phone 415-865-4335 fax diane.cowdrey@jud.ca.gov
Subject	
Education Division's Role in CCMS Training	

The Project Management Office (PMO) has requested the Education Division/ CJER consider whether it could take a lead role in providing and/or coordinating CCMS training. This shift in responsibility from an outside vendor to the Division within the AOC means that adequate resourcing and knowledge transfer must occur. During the past two months, the Education Division/CJER has developed an initial plan to identify an appropriate role in providing training and education to the courts on CCMS. Because this is our initial iteration of these components, it is fully expected that many of these terms and expectations will be modified, changed, and added to as we all move forward with CCMS deployment and training.

The purpose of this memo is to (a) outline the draft education plan for review by the PMO and the Executive Office, as well as other stakeholders as necessary; (b) identify the resources needed in order to complete the activities listed in the plan, and (c) to gain approval and authority to secure the necessary resources, or, if not possible, to modify the draft education plan.

Education Division/CJER Abilities

The following material outlines the broad services and tasks that we can accomplish and which will contribute to the success of the early adopter CCMS deployment. A more detailed list of each of the Phases, and all activities contemplated within each phase is attached. As we engage with the overall deployment effort, some or many of these tasks may already be completed or for other reasons may not need to be completed by us, so this plan will be modified as needed. .

Needs Assessment

Assess existing documentation resources. The Education Division/CJER will review the V2 and V3 documentation, Deloitte materials for CCMS, system administration manuals, any court internal team training/on-boarding materials, as well as other documentation sources (e.g., JAD materials, configuration documents).

Assess training needs for each early adopter court. We will work closely with the specific CCMS court project manager for each early adopter court, as well as working with the Regional Administrative Directors and directly with the local courts to ascertain each court's training needs and therefore the most effective training model for that court.

Design the master training plan. This plan, which would align with the CCMS overall deployment plan, would at a minimum include the overall model we propose to execute, which at this point in time would likely consist of a combination of live face to face programs heavily augmented with web-based resource and other training materials. The heart of the training plan would be a train-the-trainer model that would be implemented to assure appropriate faculty coverage at the local level.

Curriculum Development

Develop and institute the design and style of the educational materials. We will need to adopt a standard look and feel for all aspects of the training materials so that all users, regardless of their contact with resource and training materials, will encounter an appropriate level of similarity in design. This will greatly facilitate navigation through these materials, whether they are web-based or hardcopy. That is, it will be intuitive for users of these resources.

Develop training content. It is our understanding that Deloitte will be sending us its documentation and baseline training materials very soon. We have already seen significant samples from its V3 deployment and if the CCMS materials are similar in scope and quality, we may well be receiving virtually all of the baseline content for CCMS from which to begin crafting training materials.

Develop training materials. The content will need to be shaped into the many training material types, including instructor guides, participant workbooks, online simulations quick reference guides, job aids, as well as course evaluations, and eLearning tools as appropriate.

Enforce a comprehensive review process. Throughout the development of training materials, we will work closely with court and CCMS SMEs to assure accuracy, currency, and usefulness. Being aligned with release versions will be critical to keeping the training materials effective in this effort.

Identify appropriate materials to hand-off to the Help Desk for their use. It is essential that the various helpdesk resources, whether they are local or located at the technology center, be trained and provided with appropriate materials.

Delivery Analysis

Update earlier Training Delivery sub-plan. We will of course work with the CCMS deployment team to ensure that our training plan remains current and aligned with the overall CCMS deployment plan.

Conduct on-boarding and train-the-trainer efforts. A lynchpin of our educational efforts will be to recruit and train a pool of super-users. Ideally, these individuals will be experienced court staff who will be responsible for directly training their colleagues and other appropriate court individuals. We would also train appropriate individuals who would be responsible for judicial officers. Training for justice system partners and other audiences not specifically tied to court operations would also need to be developed and delivered but it is not decided at this point if we would provide that resource and service. There will also be AOC staff who, because of their ongoing involvement with the development of CCMS, would be equally familiar with the application and their expertise would be tapped.

Manage training enrollments and schedule. Part of our traditional function is to schedule and run the actual delivery of live trainings and this should not change as CCMS is deployed. However, given that we will also have trained local court trainers, there will likely be local trainings that would occur outside of our efforts.

Create and manage Training Communication component of the Training Logistics Plan for end-users, to include schedules, learning paths, and available support methods. This is a fancy way to say that, for those courts that are able to sustain an independent training program, such as LA or SD, we would work with them and provide them with whatever resources they might need in order to successfully maintain CCMS training locally.

Presentation and Delivery

Deliver Core Court training (End-users and Court Help Desk). Core training will include system navigation/system overview, introduction to role-specific learning paths, and functionality-based modules. Within agreed-upon restrictions, courts that have a document management system (DMS-e-filing) could also receive training which would be delivered as a module within core

training. Refresher training will be delivered to Courts for subsequent releases of CCMS-V4 and DMS.

As mentioned in section C-2, trainings for justice system partners would also need to be developed and delivered but how this training is developed and delivered has not yet been fully determined.

Create ongoing training for new releases. The content and training materials for new releases, both dot releases (e.g., 2.01) and full numeric releases (e.g., 3.0), will be developed and a training schedule would need to be established that met the operational needs of the courts, such as statutory enactments.

Conduct training evaluations and take steps needed to improve training program. As with all of our educational products, we would provide both participants as well as faculty with course and program evaluations. These would be used to measure the effectiveness of both the curriculum and the faculty and we would adapt and revise both of these trainings as appropriate.

Certification of end-user training completion and Court readiness. As part of our registration services, we will be able to track who has completed which module(s) and provide the courts with a staff completion schedule. This will hopefully assist the courts with their go-live plans. It is not clear at this point if certification is necessary or even desirable.

Create and maintain training environments. As part of our live training delivery, we will need to ensure that the training environments are conducive to the trainings and are appropriately equipped.

Education Division/CJER Needs to Accomplish These Activities

Relationship with the PMO and the CCMS teams. The most critical aspect of this effort is having a productive and effective working relationship with all who are involved: the PMO, other AOC divisions (e.g., office of communications), the CCMS teams and the courts. The Education Division will need to be at the table (in the person of the CCMS training project manager) to be fully informed regarding the deployment schedule and plans for CCMS, as well as to keep the PMO current on the training and education plans to assure a smooth deployment process.

We have begun meeting with Renea Hatcher, Senior Manager for CCMS Deployment, and the other CCMS teams to not only understand the overall project, goals, timelines, and outcomes, but also to establish the necessary relationship with our colleagues within the AOC. It is imperative, especially in light of the many challenges outside CCMS that the branch faces, that all involved with CCMS work closely and stand united when working with the courts. Deployment of the CCMS provides an opportunity for the AOC to dispel some of the negativity about the organization and collaborate as a single entity to effectuate a successful deployment in all courts.

Funding

In order for the Education Division to perform the required roles and responsibilities as outlined this memo, it is essential that appropriate funding be allocated for CCMS training and education for not only the deployment, but also into steady state. The funding would include but not limited to:

- Travel expenses for the CCMS training team:
 - To and from the SRO to meet with the CCMS development team and learn the system,
 - To and from the early adopter and/or other CCMS courts.
- Staff, as identified below, for the length of the deployment and possibly into the maintenance phase. It may not be necessary to have FTEs for all listed positions (e.g., graphic designer, instructional designer) but rather short and mid-term temporary employees.
- Materials, both hardcopy and online.
- Travel expenses for the court trainers.

Staffing

The following is the profile of our CCMS project team, consisting of AOC and court staff. The makeup of this team may change overtime depending on the outcome of the assessments and reviews that are pending.

AOC Staff

- Project Manager – This position, which would be a Manager level classification, would be responsible for the overall effort and would be the Education Division’s primary contact to all other relevant stakeholders (e.g., PMO, adopter courts).
- Education Specialists – These individuals would be responsible for developing the curriculum for CCMS training, working with appropriate SMEs both from the courts and from the software developer. For example, they would help shape the structure and organization of the content so that it could be easily translated into effective courses and other educational products.
- Editor/Graphic Designer – This individual would be responsible for creating the overall design, look, and feel of the educational materials for CCMS; both hardcopy and online. It is crucial that there be a consistent, intuitive overarching design for all materials which users will be accessing, whether they are in class, reaching for a job aid, or going to the Web.
- Online Instructional Designer – Although the Education Division currently has many well regarded online educational resources, including courses and other reference materials, this project calls for a different and more contemporary online presence, as well as one which can be more rapidly developed and closer to what private, commercial

entities currently provide. A more robust and current presence will ensure stability and user acceptance during the initial deployment and into steady state.

- Administrative Coordinator(s) – These individuals would be responsible for all logistical and administrative aspects of the training aspect of the project and may be physically located in all regional offices, if needed.
- Administrative Secretary – This individual would be responsible for training document management and other training administrative tasks not normally handled by and Administrative coordinator (e.g. scheduling of meetings and conference calls).

Court Staff

- Local and Regional Trainers – A yet-to-be-specified number of court trainers who will be deployed to courts and regions to conduct CCMS training. These individuals will be experienced court staff who are CCMS power-users and who have been trained in the CCMS education curriculum.

Outside education consultant for business reengineering and change management

- An enormous aspect of the overall deployment and installation of CCMS is the paradigm shift this will create throughout the branch. Training the courts regarding the impact of CCMS on business process, workflow, and interaction with justice system partners and overall working culture is critical and complex. An analogous paradigm shift would be if Microsoft decided to abandon Windows as the OS it uses as its internal operating system and install Apple's OS in all its business locations (i.e., not only the programmatic and functional changes but to expect Windows developers to now work on an Apple OS!). One ancillary benefit to having this type of education developed would be that it could be applicable to other uses beyond the deployment of CCMS. We believe that this type of education is more fully developed in the private sector and we should tap into that expertise in lieu of attempting to develop it within the branch.

The CCM training team would operate independently from other AOC education efforts to assure that CCMS training remains it top priority.

Concerns and Suggestions to Potentially Ameliorate

As with any new project, there are legitimate concerns and hazards. Below we have identified some possible concerns as well as some potential solutions to ensure the success of this project. This list is of course not exhaustive, but it is a beginning.

Concerns

- Unfamiliarity with the CCM project or schedule


- Solution: Work closely with AOC and CCMS teams to learn the system and get up to speed on overall project goals, timelines, and obstacles.
- Not able to meet training needs as required
 - Solutions:
 - Work early and closely with early adopter courts and other CCMS teams to ensure all training needs are met either through train-the-trainer, hands on training of core users and/or develop court 'power users'.
 - Carefully and thoroughly review all existing documentation including lessons learned from courts who have deployed V2 and/or V3
- Lack of available funding
 - Solutions:
 - Work with CCMS PMO to obtain adequate funding
 - Minimize and effectively use funding resources
 - Create steady state materials in conjunction with initial deployment to maximize resources
- Perception of not utilizing resources effectively
 - Solutions:
 - Work and collaborate early and closely with all AOC divisions and CCMS teams who have a role in the deployment efforts
 - Work and collaborate early and closely with all courts and remain flexible to needs
 - Work closely with Office of Communications to ensure unified message

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING


DATE	3/28/2013
PREPARED BY	Diane Cowdrey
OFFICE NAME	<u>Center for Judiciary Education and Research</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	83
JUDICIAL COUNCIL DIRECTIVE	E&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 (PDET) Unit and the reduction in services that would result, and provide the findings and recommendations to the Judicial Council.
SEC RECOMMENDATION	7-20(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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>Since May 2011, the workforce of Center for Judiciary Education and Research (CJER) has been reduced by 34 people, a reduction of more than 30%. Of this number, six were in the PDET unit as it was formerly structured. These included 2 Administrative Coordinators, 1 Administrative Secretary, and three temporary intermittent AV/Video Technicians. The attached list shows the total number of positions eliminated, with those positions within PDET highlighted. The current org chart for CJER is also attached. PDET's current staff totals 44 (33 regular staff, 3 vacancies, 3 temporary (909) staff, 4 temporary intermittent staff (work on an as-needed basis), and 1 Apple temp staff).</p> <p>The overall cost savings due to the reduction of those six staff is \$200,398. The cost savings realized were all to the General Fund.</p> <p>The restructure of the AOC has impacted CJER, and specifically the PDET unit. CJER was restructured and reduced when the Administrative Services Unit (ASU) was eliminated and some staff were moved to a new office. The new AOC organizational structure approved by the Council reduced the AOC Executive Team to four positions and realigned existing divisions into offices housed under one of three newly created divisions (Judicial Council and Court Leadership Services Division, Judicial and Court Operations Services Division, and Judicial and Court Administrative Services Division). The approved organizational structure became effective on October 1, 2012. As noted in the implementation report describing this restructuring, the new AOC structure realizes efficiencies through consistent oversight, improved communication, streamlined decision-making, and clear designation of authority, responsibility, and accountability.</p> <p>CJER is now an office in the Judicial and Court Operations Services Division. Restructuring within CJER was necessitated as a result of the fact that the Records, Mail and Copy Department, a part of ASU, was relocated to a new Office of Administrative Services within the newly formed Judicial and Court Administrative Services Division. The remaining ASU Conference Services departments were merged with PDET's Faculty and Course Services department to streamline business processes</p>	

associated with the delivery of live education programs. With these changes, the separate ASU unit was eliminated. The new PDET configuration ensures efficiency by eliminating silos, supporting the logistics of all educational delivery methods, reducing duplication of effort between departments, enabling more consistent business process, and encouraging cross-training of staff. This new unit has retained the PDET name.


 Data on staff reductions
 (11-2012) no names-83
 attach.docx
 Microsoft Office Word
 Document
 13.5 KB


 CJER Org Chart
 Prepared 2-26-2013.pdf
 Adobe Acrobat Document
 69.2 KB

This directive is forwarded to the Judicial Council with options for consideration:

 File Attachment

Other:

 File Attachment



TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	Already implemented.
RESOURCES REQUIRED FOR IMPLEMENTATION	

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input type="text"/>  File Attachment
<input type="checkbox"/> TRAINING UPDATED OR	<input type="text"/>

DEVELOPED	<input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> SAVINGS	<p>\$200,398 out of \$1,371,190 total cost in General Funds. The relatively low amount of savings achieved with the elimination of six positions in the PDET unit is due to the fact that three of the positions were temporary intermittent staff who do not have budgeted positions, but who work and are paid on an as-needed basis only. For illustrative purposes, during FY 2010 and 2011, these staff were paid an average of \$53,538 per year (combined).</p> <input type="button" value="File Attachment"/>
<input type="checkbox"/> COST	<input type="button" value="File Attachment"/>
<input type="checkbox"/> EFFICIENCIES	<input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>The Production, Delivery and Education Technology (PDET) unit is responsible for managing all of the operations and logistics required to effectively deliver education programs and products to the trial and appellate courts. The unit is also responsible for managing CJER's budget, delivering programs to AOC staff, and supporting judicial branch and public communications and outreach.</p> <p>In general, the staff reductions in PDET negatively impacted the following:</p> <ul style="list-style-type: none"> - the capacity of CJER to offer live face-to-face education; - the ability to provide AV technical support for faculty for education and programs and meetings delivered by both CJER and other AOC Divisions and Offices; - the timelines for release of some types of video production projects; and - the administrative support work for AOC Education and New Judge Education programs. <p>Specifically, the staffing reductions noted above in the PDET unit created the following reductions in service levels to support education programs and products for the trial and appellate courts:</p> <ol style="list-style-type: none"> 1. Eliminated the ability to provide support for a statewide programs on leadership or the proposed Statewide Security Conference 2. CJER is unable to provide support to judicial institutes held more than once every two years 3. CJER is unable to support two weeks of the Court Clerks Training Institute 4. CJER is unable to support a live ADA Coordinators Conference 5. CJER eliminated advanced faculty development programs, and reduced the number of the Core 40 and Leadership and training Skills programs 6. CJER reduced the number of regional judicial education programs 7. Timelines for production of judicial education video lectures have increased 8. CJER eliminated two video lectures and one complex video production 9. Some work performed in support of live broadcasts, studio video lectures and some other types of video production has been distributed from staff who were let go to a number of other staff <p>Because CJER is organized by functional area and its units are not silos, there was not a specific one-to-one correlation between a single PDET staff member and a project. Rather, the reduction in staff reduced the capacity of</p>

	<p>the unit to perform certain work functions and this reduction in capacity impacted specific programs.</p> <p>The AV staff reductions have impacted the ability of PDET to support concurrent programs, meetings or activities. The Education Coordinator reductions impacted CJER's flexibility when scheduling programs due to the higher workload on existing staff. Some administrative tasks to support AOC Education and New Judge Education programs were reassigned to other staff and efficiencies were realized without a reduction in service level. In general, due to increased workload, PDET staff reductions have limited the ability of CJER to reassign staff when needed to adapt to changing needs.</p> <div style="border: 1px solid gray; padding: 2px; width: fit-content; margin-top: 10px;">  File Attachment </div>
<input type="checkbox"/> OTHER	<div style="border: 1px solid gray; padding: 2px; width: fit-content; margin-top: 10px;">  File Attachment </div>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="4/10/2013"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="4/17/2013"/>

Office of Education/CJER: Positions Eliminated Since May 2011
November 6, 2012

	Position	Unit	Reason for Elimination
1	Asst. Director	D & C	Attrition
2	Retired Annuitant	D & C	Layoff
3	Senior Ed. Specialist	D & C	Layoff
4	Senior Ed. Specialist	D & C	Layoff
5	Admin. Coordinator II	D & C	VSIP
6	Secretary	D & C	Layoff
7	Manager	CCD	Attrition
8	Sr. Attorney	CCD	VSIP
9	Ed. Specialist II	CCD	VSIP
10	Ed. Specialist II	CCD	Layoff
11	Retired Annuitant	CCD/Pubs	Layoff
12	Secretary	CCD/Pubs	VSIP
13	AV/Video Tech II	PDET	Layoff
14	AV/Video Tech II	PDET	Layoff
15	AV/Video Tech II	PDET	Attrition
16	Admin. Coordinator II	PDET	VSIP
17	Admin. Coordinator II	PDET	Attrition
18	Admin Secretary	PDET	VSIP
19	Sr. Admin. Coordinator	ASU	Attrition
20	Admin. Coordinator II	ASU	VSIP
21	Admin. Services Asst. I	ASU	Layoff
22	Secretary I	ASU	Layoff
23	Receptionist I	ASU	Layoff
24	Office Tech I	ASU	Layoff
25	Supervisor	ASU	AOC Restructure
26	Receptionist II	ASU	AOC Restructure
27	Receptionist II	ASU	AOC Restructure
28	Admin. Services Asst II	ASU	AOC Restructure
29	Admin. Services Asst II	ASU	AOC Restructure
30	Admin. Services Asst II	ASU	AOC Restructure
31	Admin. Services Asst II	ASU	AOC Restructure
32	Admin. Services Asst II	ASU	AOC Restructure
33	Admin. Services Asst II	ASU	AOC Restructure
34	Admin. Coordinator II	ASU	AOC Restructure



ADMINISTRATIVE OFFICE OF THE COURTS

JUDICIAL AND COURT OPERATIONS
SERVICES DIVISION

CENTER FOR JUDICIARY EDUCATION AND RESEARCH

DIRECTOR
Diane E. Cowdrey

Suzette LaCivita
Exec. Secretary

Production, Delivery, and Educational Technologies
Gavin Lane
Senior Manager

Illistine Banks
Sr. Fiscal Coordinator

Course Content and Publications
Bob Lowney
Senior Manager

Education Design and Development
Maggie Cimino
Manager

Faculty and Conference Services
Sue Olikier
Manager

Distance Education
Ralph McMullan
Supervisor

AV/Video Technical Support
Peter Shervanick
Supervisor

Judicial Education
Karene Alvarado
Managing Attorney

Administrative Branch Education
Kathryn Brooks
Manager

Judicial Publications
Robert Schindewolf
Managing Attorney

Linda McCulloh
Sr. Attorney

Eddie Davis
Sr. Ed. Specialist

Tim Hallahan (50%)
Attorney

Iris Okura
Sr. Editor

Mary Trew
Sr. Editor

Course & Faculty Services
Lisa Graves
Supervisor

Conference & Registration Services
Alla Urisman
Supervisor

Dexter Craig
Sr. Med. Prod. Spec.

David Knight
Sr. Med. Prod. Spec.

Mandy Covey
Med. Prod. Spec.

Christopher Noice
Med. Prod. Spec.

Mary Durbin
Staff Analyst II

Catherine Lam (80%)*
Sr. AV/Video Tech.

Cyrus Ip
Sr. AV/Video Tech.

John Moynihan**
Sr. AV/Video Tech.

Mark Scardello
Sr. AV/Video Tech.

Ralph Brooks**
AV/Video Tech. II

Dorothy Wang**
AV/Video Tech. II

Mandy Brown (80%)*
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Rhoda Chang
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Andrea McCann+
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Jeffrey Shea
Sr. Attorney

Kimberly DaSilva
Attorney

Vacant
Manager

AV/Video Systems Development & Integration
Jennifer Willard
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Vacant
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Irene Vozaites
Receptionist II

Paul Bibo**
Office Technician I

Susan Carroll
Sr. Adm. Coordinator

Suzanne Renner (85%)
Sr. Adm. Coordinator

Vacant
Adm. Coordinator II

Jane Doherty
Adm. Coordinator II

Stephanie Hampton
Adm. Coordinator II

Lina Kravetskiy
Adm. Coordinator II

Gricelda Luna
Adm. Coordinator II

Lynn Muscat (90%)
Adm. Coordinator II

Vacancy
Adm. Coordinator I

Kelly Cameron
Secretary II

Diane Parks
Secretary II

* Temporary employee (909)
** Temporary intermittent employee (909)
@ Apple One Temporary Agency Employee
+ Located at regional office

ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	7/22/2013
PREPARED BY	Dr. Diane Cowdrey
OFFICE NAME	<u>Center for Judiciary Education and Research</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	84
JUDICIAL COUNCIL DIRECTIVE	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
SEC RECOMMENDATION	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.
JC DIRECTIVE TIMELINE	ADOC to report to council with recommendations following recommendations from RUPRO on training requirements.

STATUS SYNOPSIS
(provide brief synopsis of status that will be included in the Status Report provided to the Judicial Council)

This directive is completed after action on Judicial Council directive #79 was taken. Directive #79 was referred to RUPRO for action, and states: "E&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."

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.

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 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.

Additionally, 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&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."

SERVICE LEVEL IMPACT


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.

**STATUS DETAIL
(check applicable boxes and provide detail regarding status)**


This directive has been completed, implemented, or closed:



CJER Org Chart
Prepared 07-01-2013.pdf
Adobe Acrobat Document
71.3 KB




Judicial Council Report
EP Rec 88 (2).docx
Microsoft Office Word
Document
33.6 KB



RUPRO Report to JC re
79_06 12 13.docx
Microsoft Office Word
Document
102 KB

This directive is pending:



File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:



ADMINISTRATIVE OFFICE OF THE COURTS

JUDICIAL AND COURT OPERATIONS
SERVICES DIVISION

CENTER FOR JUDICIARY EDUCATION AND RESEARCH

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Susan Paul
Adm. Coordinator II
Brandie Pilapil
Adm. Coordinator II
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Adm. Coordinator II
Brenda Chiles
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James Hill
Sr. AV/Video Tech.

* Temporary employee (909)
** Temporary intermittent employee (909)
+ Located at regional office

Report for Judicial Council Recommendation #88

Judicial Council Recommendation 88

E&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.

Summary

In 2012, the Office of Education/Center for Judicial Education and Research (CJER) re-evaluated existing AOC Education courses and reduced them in order to match reduced resources and changed priorities. The review resulted in the elimination of courses that are not core to the mission of the Administrative Office of the Courts. In tandem, CJER increased the amount of education offerings for AOC staff that are more court focused, with the vision that this will increase the AOC's overall effectiveness in providing service to the courts. Court-related class offerings in 2012 were *increased by 162%*. CJER has accomplished this, in part, by making available to AOC staff broadcast programs and online classes originally developed and produced for court personnel. This leveraging of court related education enables CJER to devote the majority of its resources to developing education for the trial and appellate courts while still providing relevant education to AOC employees. In addition, some AOC Education courses are offered jointly to both AOC and trial and appellate court personnel.

Review of the Content of Current Training Offered to AOC Employees

At the end of 2011, CJER led a review of the current compliance requirements for AOC employees. As part of this review, CJER held meetings with representatives from the Human Resources Services Office, Legal Services Office, Risk Management Unit, Office of Emergency Response and Security, and the Injury and Illness Prevention Plan (IIPP) Working Group. The IIPP Working Group is responsible for identifying specific training for each job classification category of AOC staff, based upon a safety assessment conducted for each employee. The resultant changes primarily affected safety-related requirements. In 2012, the number of non-safety compliance classes offered was *reduced by 12%* in response to a decreased need for new employee education.

Safety Training. As part of the AOC compliance requirement changes, job specific safety-training is now identified as part of the IIPP, the majority of which is provided via online education. As a result of these changes, the number of *live safety-related class offerings was reduced by 69%*. Seven new safety-related online courses provided by the AOC online vendor Syntrio were added in January 2012; this represents a *116% increase in the number of online safety-related*

Report for Judicial Council Recommendation #88

training options. The Office of Education/CJER will continue to provide compliance classes and to partner with the IIPP Working Group to provide safety-related education.

Computer Training. In addition to changes in compliance education, CJER also *reduced computer class offerings by 46%* from 2011. At the end of this calendar year, CJER will review computer class attendance to determine the number of computer classes to be offered to AOC employees next year. Of those classes that were offered in 2012, seven sessions were offered to a combined audience of AOC and trial and appellate court employees. Combined audience classes offer a meaningful way for AOC and court employees to interact together. Further, offering classes to a combined audience allows the Office of Education/CJER to focus more of its resources on developing education for the courts.

Court-Related Education: ICM Classes. Utilizing curriculum provided by the Institute for Court Management (ICM), CJER is able to efficiently develop education for AOC employees which focuses on the work of the courts. This national curriculum is owned by CJER, which enables CJER to create multiple separate courses, using the curriculum from each of the 2.5 day classes. These separate courses are developed with AOC staff in mind as the intended audience. Another advantage of these courses is that for some classes, court staff serves as faculty. The use of the ICM curriculum for this purpose began in 2010 and resulted in several classes for AOC employees. This effort has been accelerated this year. Courses now available for AOC staff and managers include the following:

- Court Community Communications: Purpose and Communication Fundamentals (new)
- Court Community Communications: Understandable Courts (new)
- Court Community Communications: The Media and Media Relations (new)
- Leadership: Be Credible in Action (new)
- Leadership: Create Focus through Vision (new)
- Leadership: Purposeful Planning; and Manage Interdependencies - Work Beyond Boundaries (new)
- Courts-Introduction to CourTools
- Courts-Purposes and Responsibilities
- Introduction to Project Management
- Visioning and Strategic Planning: Strategic Thinking
- Visioning and Strategic Planning: Organizational Foundations
- Visioning and Strategic Planning: Change & Alignment

Court-Related Education: Online Course. In addition, working with subject matter experts from the AOC and the courts, CJER developed an online course for AOC employees called “The Work

Report for Judicial Council Recommendation #88

of the Courts.” This class provides a general overview of court work and processes and is currently under final review by trial court employee subject matter experts. *Court-related classes for AOC employees increased by 162% in 2012.*

Training Offered to AOC Managers and Supervisors

CJER continues to leverage existing resources to support and develop manager and supervisor education at the AOC. In addition to the training and resources already available to managers and supervisors at the Administrative Office of the Courts, there were several new initiatives during the past year.

Management Training: Achieve Global Courses. During the 2012 – 2013 education period, CJER will provide courses for managers and supervisors using curriculum purchased from Achieve Global (a world-renowned international provider of leadership training programs) in 2004. AOC Office of Education/CJER employee, Rhonda Sharbono, completed the Achieve Global faculty training and certified to enable the AOC to utilize this previously purchased curriculum. Utilizing the Achieve Global courses will allow the AOC to provide education for up to 80 managers and supervisors with no additional financial investment, in four areas:

- Successful Delegation
- Strategies to Help You Build a Unified Team
- Tools to Lead Your Team through Change
- The Principles and Qualities of Genuine Leadership

Management Training: Leveraging Court Programs. A key area of focus for AOC management training is the development of courses that address knowledge, skills, and abilities to effectively manage staff performance through increased communication, clear performance expectations, and achievement of goals. CJER, Legal Services Office, and Human Resources Services Office began the process of identifying broad objectives and desired results for AOC management training. This involved leveraging content and objectives already developed as part of CORE 40 Supervisor Training for trial and appellate court supervisors and managers. Additionally, content from other programs including court management programs will be reviewed for inclusion in the overall course offerings. Multiple separate courses will be provided starting in January 2013 with subsequent courses being offered every other month. The initial proposal is to offer these courses in a live, face-to-face environment, with videoconference capabilities for AOC staff in regional offices.

Management Training: Online Training. An online orientation series for new supervisors, highlighting essential AOC policies, is being discussed as part of the training described in the previous section. Workgroups comprising AOC subject matter experts will begin the design and

Report for Judicial Council Recommendation #88

development of the new courses under the combined direction of CJER, HR, and the Legal Services Office, with some subject matter experts also serving as faculty.

The Means by Which Training is Delivered

CJER strives to hold AOC Education classes in the most cost-effective way. For some classes, such as “Preventing and Responding to Sexual Harassment” for supervisors and managers, the AOC has subject matter experts in San Francisco, Sacramento and Burbank who are able to serve as faculty which minimizes travel. Videoconference technology is utilized at both the Sacramento and Burbank locations, with an emphasis on the Burbank location. This allows the relatively small number of AOC employees in Burbank to participate in classes without traveling; this also allows CJER to maximize the number of class attendees while efficiently utilizing faculty time.

Computer classes are currently offered only in San Francisco and Sacramento; however, this year CJER piloted computer training via WebEx to the trial courts. On July 23, a webinar was provided for trial court employees in Contra Costa on the topic of “Word Report Features.” Employees in Alpine County have also requested computer training, and a pilot webinar training for “Microsoft Excel” is currently being planned for early 2013.

Online education is also a significant resource for AOC employees. CJER provides online education for AOC employees through a variety of sources, including utilization of an online course vendor (Syntrio), development of online classes specifically for AOC employees (“The Work of the Courts”), and utilizing online classes developed by CJER for trial and appellate court employees.

Training Related to Increased Understanding of Court Functions

In addition to increased classes available to AOC staff resulting from the use of the ICM curriculum as previously described in this report, CJER began other ways to implement the recommendation that AOC staff receive greater orientation and development of understanding of court functions. Without the advantage of increased staff or resources, AOC Education staff was best able to accomplish this by leveraging existing education developed for court staff.

Court-Related Education: Leveraging Court Staff Education. In addition to live classes, this year CJER began to provide select broadcasts and online classes designed for the trial and appellate courts to AOC employees. These broadcasts and classes provide AOC employees with additional orientation to the courts. By utilizing existing education designed for court employees, CJER can devote the majority of its resources to developing education for the trial and appellate courts while still providing relevant education to AOC employees. The following broadcasts and online

Report for Judicial Council Recommendation #88

classes are available to AOC employees via the AOC's Human Resources Employee Management System (HREMS):

- Appeals 101
- Appellate Court Records and Files
- Domestic Violence
- Everyday Court Practices: Exhibits
- Everyday Court Practices: Felony Minute Orders
- Everyday Court Practices: File Stamping
- Exploring the Code of Ethics
- Family Adoption of Minors
- How is a California Rule of Court Created?
- ICWA 101: Fundamentals of the Indian Child Welfare Act
- Juvenile Procedures: Confidentiality and Sealed Records
- A Practical Look at Probate Court Investigator Responsibilities
- New Court Investigator Responsibilities for Conservatorships
- Probate, Conservatorship, and Guardianship Video—A Look at Elder Abuse from the Perspective of Law Enforcement
- Probate Fundamentals
- Protective Orders: The Basics
- Traffic Counter Fundamentals
- Unlawful Detainers—the Basics

In addition to broadcast programs, several online courses designed for trial court employees are also available to AOC employees:

- The Courtroom Clerk in the Felony Courtroom (2 hrs)
- Handling Fee Waiver Applications (1.5 hrs)
- Introduction to Family Procedure (4 hrs)
- Requests for Domestic Violence Restraining Orders (2.5 hrs)

This cost-effective approach allows the Education Division to significantly increase the amount of court-related education provided to AOC employees while continuing to focus resources on developing and delivering education for the trial and appellate courts.

Over the past few years, partly due to staffing reductions and department reorganizations, responsibility for AOC Education is dispersed among several staff who now have a portion of their work assigned to AOC Education but with an emphasis on education that is more court focused. This model enables CJER to more easily shift resources to education areas as needed.

Report for Judicial Council Recommendation #88

For example, the request to increase AOC management training can be met by engaging staff who are already working on court manager education. That is, the overlap in content for these two audiences can be leveraged. In making these changes, CJER has shifted how staff is used for AOC Education. With the added focus on developing and teaching management training classes for AOC managers and supervisors, some staff members are spending additional time on AOC Education, while others have moved their focus and time to court staff education, as it now has the added benefit of being used for both court staff and AOC Education.



Judicial Council of California · Administrative Office of the Courts

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on June 28, 2013

Title	Agenda Item Type
Judicial Branch Education: AOC Staff Education	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rule 10.491	July 1, 2013
Recommended by	Date of Report
Rules and Projects Committee Hon. Harry E. Hull, Jr., Chair Hon. Judith Ashmann-Gerst, Vice-Chair	June 12, 2013
	Contact
	Susan R. McMullan, 415-865-7990 susan.mcmullan@jud.ca.gov

Executive Summary

Rule 10.491 of the California Rules of Court addresses minimum education requirements for Administrative Office of the Courts (AOC) executives, managers, supervisors, and other employees. The Rules and Projects Committee (RUPRO) recommends amending rule 10.491 regarding AOC staff education to give the Administrative Director of the Courts greater discretion and flexibility in using the AOC workforce.

Recommendation

The Rules and Projects Committee recommends that the Judicial Council amend rule 10.491, effective July 1, 2013, to allow the Administrative Director of the Courts to:

1. Grant a one-year extension of time for AOC staff to complete the required education, and
2. Determine the number of hours, if any, of live, face-to-face education required to meet the continuing education requirement.

The text of the amended rule is attached at pages 6–7.

Previous Council Action

Effective January 1, 2008, the Judicial Council adopted rule 10.491 as part of a comprehensive set of rules addressing judicial branch education. Subdivision (c) of the rule was amended, effective January 1, 2012, to provide more individual choice and flexibility in what and how many hours count toward the continuing education hours requirement. The amendments provide that an individual must complete at least half of his or her education requirement as a participant in traditional (live, face-to-face) education. In addition, the amendments removed limitations on online course work, self-directed study, and faculty service by counting all education hours in the same way.

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 AOC and trial court education requirements:

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

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. As to recommendation No. 7-23, E&P proposed and the council adopted the following:

Directive #79: E&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.

In response, RUPRO considered Directive #79; recommendations from Administer Director of the Courts Steven Jahr; the rules that apply to education for AOC staff, trial court staff, appellate court staff, and clerk/administrators of the appellate courts; and the compliance periods for each category of employees. In its deliberations, RUPRO recognized the importance of judicial branch education and did not consider recommending that the education requirements be eliminated. Because of the impending end of the compliance period for AOC staff education on December 31, 2013, RUPRO decided to address immediately the rule pertaining to AOC staff education.

RUPRO recommends amending rule 10.491, effective July 1, 2013, to give the Administrative Director of the Courts greater discretion and flexibility in using the AOC workforce. Specifically, RUPRO recommends that the rule be amended to provide the Administrative Director with discretion to grant a one-year, rather than six-month, extension of time to complete required education. (Cal. Rules of Court, rule 10.491(d).) The rule would provide that the next compliance period begins after the extended compliance period ends, unless the Administrative Director determines otherwise.¹ This would allow the Administrative Director to grant an extension to all AOC employees and extend the compliance period one year, if deemed necessary. But it also would maintain the authority of the Administrative Director to grant individual extensions based on specific needs, such as for an employee in a unit that is particularly short-staffed or an employee who experienced a prolonged illness, without extending the compliance period.

In addition, RUPRO recommends amending subdivision (c) to allow the Administrative Director the discretion to determine the number of hours, if any, of traditional (live, face-to-face) education required to meet the continuing education requirement. Because some education requirements are mandated by statute, an advisory committee comment would be added to the rule to provide that “[t]he time frame for completion of compliance courses based on statutory or regulatory mandates is unaffected by the one-year extension in (d)(1).”

RUPRO considered the education requirements for trial court staff stated in rules 10.474 and 10.478. Because the end of the compliance period for trial court staff education is December 31, 2014—more than a year away—and to determine trial court needs for staff education, RUPRO decided to solicit information from presiding judges and court executive officers in all superior courts. RUPRO has begun to do so through a letter from Justice Harry E. Hull, Jr., chair, asking courts’ views on relaxing the mandatory education requirements for trial court staff to allow court executive officers greater discretion and flexibility in use of their workforces. In addition, Justice Hull and Justice Robert L. Dondero, chair of the Center for Judicial Education and Research (CJER) Governing Committee, will attend the statewide joint meeting of trial court presiding judges and court executive officers on August 29 to continue this dialog.

Though Directive #79 does not address appellate court staff education, RUPRO recognized that appellate courts may have the same need for a relaxation of education requirements. Because the appellate court staff education compliance period ends December 31, 2013, Justice Hull attended a recent meeting of the Administrative Presiding Justices Advisory Committee to solicit members’ views. Administrative presiding justices saw no need to amend the rules to provide an extension of time for appellate court staff or to relax the requirement for face-to-face education.

¹ The current rule provides that an extension of time to complete the hours-based requirement does not affect the timing of the next two-year period.

Comments, Alternatives Considered, and Policy Implications

This proposal did not circulate for public comment. Under rule 10.22, a proposal need not be circulated for public comment if it presents a nonsubstantive technical change or correction or a minor substantive change that is unlikely to create controversy, or RUPRO finds that compelling circumstances require a different procedure. The compelling circumstances exception provides as follows:

The procedures established in this rule must be followed unless the Rules and Projects Committee finds that compelling circumstances necessitate a different procedure. The committee's finding and a summary of the procedure used must be presented to the council with any recommendation to the council made under this subdivision.

(Cal. Rules of Court, rule 10.22(g).)

The existing two-year compliance period provided in rule 10.491 for AOC staff is currently nearly three-quarters completed. The number of AOC staff has been reduced since early 2012, when the current compliance period began, and the number of education courses offered has similarly been reduced. There is thus an urgent need to provide the Administrative Director with the discretion to relax the mandatory education requirements to allow staff to obtain the required education over a longer period of time (three years rather than two) and through delivery methods such as online courses that allow employees to select the course times that work best for them.

Circulating this proposal would delay the effective date beyond July 1, 2013 would reduce the number of staff benefitting from an extended compliance period. If fewer staff benefit from the extended compliance period and elimination of the rule requirement for face-to-face education, the overall benefits of increasing staff availability to provide needed services to the courts will likewise be reduced.

Though RUPRO recognizes the benefits of circulating rule proposals for comment in ordinary times, the extraordinary times and circumstances now confronting the judicial branch and the particular subject of this proposal compel adoption of the proposal without circulation for comment. If approved by the council, the proposal will be circulated for comment after adoption.

RUPRO considered alternative rule amendments that would simply state that the compliance period ending December 31, 2013, is extended one year to December 31, 2014, or that would allow the Administrative Director to grant an extension of the continuing education hours requirements, but not all education requirements. RUPRO decided not to recommend these amendments and instead grant the Administrative Director as much flexibility as possible to relax education requirements as needed.

Implementation Requirements, Costs, and Operational Impacts

If the Administrative Director exercises the discretion provided to him to extend the time by which employees must complete their education requirements, there will be some minimal requirements and costs associated with tracking employee education. Similarly, the elimination of face-to-face education requirements will result in some minimal requirements and costs associated with tracking employee education. These costs, however, are anticipated to be offset by a reduction in the need to provide face-to-face education. In addition, the proposal is expected to have positive operational impacts by allowing AOC employees additional time to complete educational requirements and flexibility with respect to alternatives to live training, thereby increasing employee availability to provide needed services to the courts.

Attachments

1. Cal. Rules of Court, rule 10.491, at pages 6–7

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	3/28/2013
PREPARED BY	Diane Cowdrey
OFFICE NAME	<u>Center for Judiciary Education and Research</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	85
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	7-20(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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>Since May 2011, the workforce of CJER has been reduced by 34 people, a reduction of more than 30%. Of this number, six were Administrative Services Unit (ASU) staff. These included 1 Senior Administrative Coordinator, 1 Administrative Coordinator, 1 Administrative Services Assistant, 1 Secretary, 1 Receptionist and 1 Office Technician. The overall cost reduction due to the reduction of those six staff is \$358,120. The cost savings realized were all to the General Fund.</p> <p>Additionally, there have been some reductions resulting from restructuring. On August 31, 2012, the Judicial Council approved a new organizational structure for the Administrative Office of the Courts proposed by the interim Administrative Director of the Courts and incoming Administrative Director of the Courts. The new organizational structure reduced the AOC Executive Team to four positions and realigned and renamed existing divisions under one of three newly created divisions (Judicial Council and Court Leadership Services Division, Judicial and Court Operations Services Division, and Judicial and Court Administrative Services Division). The approved organizational structure became effective on October 1, 2012. As noted in the implementation report describing this restructuring, the new AOC structure realizes efficiencies through consistent oversight, improved communication, streamlined decision-making, and clear designation of authority, responsibility, and accountability.</p> <p>CJER is now an office in the Judicial and Court Operations Services Division. Some reorganization within CJER was necessitated as a result of moving the Records, Mail and Copy Department, a part of ASU, to the newly formed Office of Administrative Services in order to provide organization-wide services under the direction of the Chief Administrative Officer. Seven staff moved from CJER to the new office; subsequent to the reorganization, one additional staff member was transferred from CJER to the Executive Office. The remaining ASU Conference Services departments were merged with the Faculty and Course Services department within the Production, Delivery and Education Technology Unit (PDET) to streamline business processes associated with the delivery of live education programs. The existing ASU unit was eliminated with this restructuring.</p>	



Data on staff reductions
(11-2012) no names-85
attach.docx
Microsoft Office Word
Document
13.5 KB



CJER Org Chart
Prepared 2-26-2013.pdf
Adobe Acrobat Document
69.2 KB

This directive is forwarded to the Judicial Council with options for consideration:

File Attachment

Other:

File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

**IMPLEMENTATION
DATE OR
PROJECTED
IMPLEMENTATION
DATE**

Already Implemented

**RESOURCES
REQUIRED FOR
IMPLEMENTATION**

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

**PROCEDURES/
POLICIES UPDATED
OR DEVELOPED**

File Attachment



**TRAINING
UPDATED OR
DEVELOPED**

File Attachment

SAVINGS

\$358,120 out of \$1,371,190 total cost in General Funds

	<input type="button" value="File Attachment"/>
<input type="checkbox"/> COST	<input type="button" value="File Attachment"/>
<input type="checkbox"/> EFFICIENCIES	<input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>The reduction in within the former ASU staff had both general and specific impacts and occurred concurrently with reductions to other staff throughout the AOC. In general, the reduction in staff reduced the capacity of the various ASU departments (now located in two divisions) to perform certain work functions.</p> <p>In general, the reductions in ASU impacted:</p> <ul style="list-style-type: none"> - the capacity to provide timely, printing, mail, records management and general administrative support services - the capacity of the AOC to deliver live face-to-face education programs or live administrative meetings held elsewhere than the AOC - reception services and customer service for visitors to the AOC - the ability to react to short notice changes, including printing work <p>Specifically, the staffing reductions noted above in ASU created the following reductions in the levels of services and support to AOC Divisions and Offices:</p> <ol style="list-style-type: none"> 1. Reduction in timeliness of regular mail delivery within the AOC 2. Elimination of receptionist on two floors, with the associated reduction in security, customer service and administrative functions (management of conference call lines, daily posting of conference room usage schedules; distribution of keys to visitors) 3. Elimination of tabulation and summarization of CJER program evaluations 4. Elimination of support by Office Technicians at off-site education conferences 5. Delays in print orders and reduced ability to accommodate time sensitive orders 6. Delays in the updating of the AOC Contact and Positions System (CAPS) database, used by all AOC units to generate mailing addresses and the like 7. Less frequent delivery of printer and copier paper to the AOC Divisions 8. Elimination of proofreading assistance to the Legal Services Office in support of local rules submissions 9. Reduction in the availability of document scanning, now limited to only critical needs and with timeframes of months or years for other documents awaiting scanning 10. Delays in database recording and physical relocation of items for the purpose of records management 11. Reduced support to Business Services for maintenance of AOC fleet vehicles 12. Reduced support for meeting planning and contracting for offsite meetings and conferences 13. Reduced support for participant registration for offsite meetings and conferences <p>The reduction in staff within the former ASU had both general and specific impacts and occurred concurrently with reductions to other AOC staff. ASU supports the work of other Divisions and Offices. Due to the overall reductions in AOC staff and activities (e.g. fewer off-site meetings, reduced</p>

	<p>demand for printing), the reductions in ASU support services have been appropriate.</p> <p> File Attachment</p>
<input type="checkbox"/> OTHER	<p> File Attachment</p>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="4/10/2013"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="4/17/2013"/>

Office of Education/CJER: Positions Eliminated Since May 2011
November 6, 2012

	Position	Unit	Reason for Elimination
1	Asst. Director	D & C	Attrition
2	Retired Annuitant	D & C	Layoff
3	Senior Ed. Specialist	D & C	Layoff
4	Senior Ed. Specialist	D & C	Layoff
5	Admin. Coordinator II	D & C	VSIP
6	Secretary	D & C	Layoff
7	Manager	CCD	Attrition
8	Sr. Attorney	CCD	VSIP
9	Ed. Specialist II	CCD	VSIP
10	Ed. Specialist II	CCD	Layoff
11	Retired Annuitant	CCD/Pubs	Layoff
12	Secretary	CCD/Pubs	VSIP
13	AV/Video Tech II	PDET	Layoff
14	AV/Video Tech II	PDET	Layoff
15	AV/Video Tech II	PDET	Attrition
16	Admin. Coordinator II	PDET	VSIP
17	Admin. Coordinator II	PDET	Attrition
18	Admin Secretary	PDET	VSIP
19	Sr. Admin. Coordinator	ASU	Attrition
20	Admin. Coordinator II	ASU	VSIP
21	Admin. Services Asst. I	ASU	Layoff
22	Secretary I	ASU	Layoff
23	Receptionist I	ASU	Layoff
24	Office Tech I	ASU	Layoff
25	Supervisor	ASU	AOC Restructure
26	Receptionist II	ASU	AOC Restructure
27	Receptionist II	ASU	AOC Restructure
28	Admin. Services Asst II	ASU	AOC Restructure
29	Admin. Services Asst II	ASU	AOC Restructure
30	Admin. Services Asst II	ASU	AOC Restructure
31	Admin. Services Asst II	ASU	AOC Restructure
32	Admin. Services Asst II	ASU	AOC Restructure
33	Admin. Services Asst II	ASU	AOC Restructure
34	Admin. Coordinator II	ASU	AOC Restructure



ADMINISTRATIVE OFFICE OF THE COURTS

JUDICIAL AND COURT OPERATIONS
SERVICES DIVISION

CENTER FOR JUDICIARY EDUCATION AND RESEARCH

DIRECTOR
Diane E. Cowdrey

Suzette LaCivita
Exec. Secretary

Production, Delivery, and Educational Technologies
Gavin Lane
Senior Manager

Illistine Banks
Sr. Fiscal Coordinator

Course Content and Publications
Bob Lowney
Senior Manager

Education Design and Development
Maggie Cimino
Manager

Faculty and Conference Services
Sue Olikier
Manager

Distance Education
Ralph McMullan
Supervisor

AV/Video Technical Support
Peter Shervanick
Supervisor

Judicial Education
Karene Alvarado
Managing Attorney

Administrative Branch Education
Kathryn Brooks
Manager

Judicial Publications
Robert Schindewolf
Managing Attorney

Linda McCulloh
Sr. Attorney

Eddie Davis
Sr. Ed. Specialist

Tim Hallahan (50%)
Attorney

Iris Okura
Sr. Editor

Mary Trew
Sr. Editor

Course & Faculty Services
Lisa Graves
Supervisor

Conference & Registration Services
Alla Urisman
Supervisor

Dexter Craig
Sr. Med. Prod. Spec.

David Knight
Sr. Med. Prod. Spec.

Mandy Covey
Med. Prod. Spec.

Christopher Noice
Med. Prod. Spec.

Mary Durbin
Staff Analyst II

Catherine Lam (80%)*
Sr. AV/Video Tech.

Cyrus Ip
Sr. AV/Video Tech.

John Moynihan**
Sr. AV/Video Tech.

Mark Scardello
Sr. AV/Video Tech.

Ralph Brooks**
AV/Video Tech. II

Dorothy Wang**
AV/Video Tech. II

Mandy Brown (80%)*
AV/Video Tech. I

Roderic Cathcart
Sr. Attorney

Rhoda Chang
Attorney

Eugene Kim
Attorney

Andrea McCann+
Attorney

Nanette Zavala
Attorney

Robert Lussier
Admin. Secretary

Claudia Fernandes
Sr. Ed. Specialist

Rhonda Sharbono
Sr. Ed. Specialist

Mike Walsh
Sr. Ed. Specialist

Walter Brown
Ed. Specialist II

Russell Mathieson
Ed. Specialist II

Mary Nelson
Ed. Specialist II

Carole Simmons
Ed. Specialist II

Barry Harding
Sr. Attorney

Jeffrey Shea
Sr. Attorney

Kimberly DaSilva
Attorney

Vacant
Manager

Susan Carroll
Sr. Adm. Coordinator

Suzanne Renner (85%)
Sr. Adm. Coordinator

Vacant
Adm. Coordinator II

Jane Doherty
Adm. Coordinator II

Stephanie Hampton
Adm. Coordinator II

Lina Kravetskiy
Adm. Coordinator II

Gricelda Luna
Adm. Coordinator II

Lynn Muscat (90%)
Adm. Coordinator II

Vacancy
Adm. Coordinator I

Kelly Cameron
Secretary II

Diane Parks
Secretary II

Evelyn Gonzalez
Adm. Coordinator II

Susan Paul
Adm. Coordinator II

Brandie Pilapil
Adm. Coordinator II

Christopher Rey
Adm. Coordinator II

Brenda Chiles
Admin. Secretary

Conference Center Support
David Glass
Supervisor

Joe Glavin*
Adm. Coordinator II

Vacant
Adm. Coordinator II

Irene Vozaites
Receptionist II

Paul Bibo**
Office Technician I

AV/Video Systems Development & Integration
Jennifer Willard
Supervisor

Mike Safer@
Sr. AV/Video Sys. Tech. Analyst

Rodrigo Zamudio
AV/Video Sys. Tech. Analyst

James Hill
Sr. AV/Video Tech.

* Temporary employee (909)
** Temporary intermittent employee (909)
@ Apple One Temporary Agency Employee
+ Located at regional office

ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING

DATE	3/25/2013
PREPARED BY	Diane Cowdrey
OFFICE NAME	<u>Center for Judiciary Education and Research</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	86
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>The Judicial Council requested that CJER submit recommendations on the cost-benefit process, and this was submitted at the January 17, 2013 Council meeting. Based upon the Council's approval of CJER's approach to the directive, this final report is submitted to the Council at its April 2013 meeting. This directive, if approved by the Council, will be implemented in the remainder of this calendar year. In order to implement the directive, CJER's recommendations are to 1) increase oversight by the Governing Committee of CJER management with respect to determining the appropriate expenditures for developing education, 2) ensure validation by Governing Committee of the analyses and recommendations of curriculum committees, and 3) provide Advisory Committee-level oversight of cost effectiveness in the manner in which education is delivered while maintaining educational effectiveness.</p> <p>In order to comply with Judicial Council directive #86, CJER has strengthened the "cost" side of the equation by making the following changes to current process:</p> <ol style="list-style-type: none"> 1. Prior to the development a two-year Education Plan, CJER staff will provide the Governing Committee with budget information on the programs and products that have the highest cost. The Governing Committee will review these to determine if (a) there are ways to reduce costs, and (b) whether the benefits of those programs and products justify the cost of their inclusion in the next Education Plan. 2. CJER staff will provide additional information on costs of each delivery method to the curriculum committees so they can analyze the relative delivery costs against the effectiveness of a particular delivery method for achieving stated educational goals and objectives. See attached two Job Aids: one on delivery methods, and one on relative costs of delivery methods. 3. The Governing Committee and curriculum committees should examine costs in their selection of the types of delivery methods. It should include variables such as the lengths and locations of live 	


programs, direct and indirect development costs and estimated costs to courts.

4. Staff should facilitate discussion among committee members about the effectiveness and costs of various delivery methods and should ensure that the benefits of more expensive methods are clearly documented for review by the CJER Governing Committee should the curriculum committee determine that a more costly delivery method is necessary to effectively achieve educational goals. See attached updated process.

After the curriculum committees have conducted the cost-benefit analysis and made their prioritized recommendations to the Governing Committee, CJER staff will continue with the established practice of resourcing the prioritized committee recommendations to ensure the efficient delivery of as many of the committee recommendations as possible, with the available budget and staff resources.




Delivery methods.docx
Microsoft Office Word Document
16.8 KB





Relative cost document
EP 86 version 6 (2).docx
Microsoft Office Word Document
36.9 KB

This directive is forwarded to the Judicial Council with options for consideration:

 File Attachment

Other:









 File Attachment

 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	Will be implemented for the next Education Plan (2014-16). Curriculum Committees will begin meeting in Fall 2013 to begin this work.
RESOURCES REQUIRED FOR IMPLEMENTATION	<input type="text"/>

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input checked="" type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<p>Attached is a new form for Curriculum Committees to use in making cost/benefit decisions about education and making recommendations to the CJER Governing Committee.</p> <div data-bbox="500 327 818 527">  <p>Cost Benefit Analysis Form.docx Microsoft Office Word Document 14.0 KB</p> </div> <div data-bbox="500 554 818 617">  File Attachment </div>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<div data-bbox="500 688 818 751">  File Attachment </div>
<input checked="" type="checkbox"/> SAVINGS	<p>Implementing a more rigorous cost effectiveness analysis and workflow process may enable CJER and the committees it serves to develop and deliver more education to the judiciary and the courts with reduced resources, while maintaining a focus on the effectiveness of the education provided. As part of this new process, the Governing Committee will review the higher cost education programs and products and may determine that costs should be reduced. When provided with financial data on the costs of providing education in the various delivery methods, curriculum committees may determine that a less costly method is the most effective one to use.</p> <div data-bbox="500 1035 818 1098">  File Attachment </div>
<input checked="" type="checkbox"/> COST	<p>The overriding purpose of this recommendation is to ensure that information on costs is being effectively provided to the appropriate decision-makers, and that each education program and product is effective in imparting the knowledge, skills, and abilities necessary. When provided with financial data on the costs of providing education in the various delivery methods, the Governing Committee and curriculum committees may determine that a more costly method is the most effective one to use.</p> <div data-bbox="500 1329 818 1392">  File Attachment </div>
<input type="checkbox"/> EFFICIENCIES	<div data-bbox="500 1465 818 1528">  File Attachment </div>
<input type="checkbox"/> SERVICE LEVEL IMPACT	<div data-bbox="500 1602 818 1665">  File Attachment </div>
<input type="checkbox"/> OTHER	<div data-bbox="500 1738 818 1801">  File Attachment </div>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
<hr/>	

ADOC REVIEW	Administrative Director of the Courts Review Date: 4/10/2013
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: 4/17/2013

EDUCATION DELIVERY OPTIONS

FACE TO FACE EDUCATION—Courses are designed and delivered to encourage participants to interact with the content, and share experiences, expertise, challenges, concerns, and successes. This format is especially effective when interaction and immediate feedback are important.

Statewide: Opportunity to work with participants from across the state and learn from their varied experience. This delivery option is the most costly form of education per participant.

Regional: Focused on a tighter geographical area/content that can be covered in a 1-day format.

Local: Content delivered by courts internally in partnership with CJER.

ONLINE VIDEO—Video for content that can be developed in short segments designed for focused and/or “just-in-time” learning. **(24/7)**

Lecture Series—Discrete topics delivered in primarily lecture format by one or more subject matter experts that last 30 minutes to 1 hour.

10-Minute Mentor—This series consists of short topic videos presented by judicial officers who are experts in the areas they discuss.

Video Simulation Series—A series of short videos demonstrating techniques that participants can use to increase efficiency and effectiveness.

BROADCAST—Scheduled courses developed for delivery through the statewide satellite broadcast system and focused on specific audiences.

Live Broadcast—Content selected may be either lecture-/information-based (short format) or skills-based (1–2 hour format).

Individual & Facilitated Locally—Courses are repurposed for online desktop viewing and/or viewed by a group in a face to face course facilitated locally from DVD.

SELF-PACED ONLINE—Education that is designed for online delivery. These courses represent a range of complexity and interactivity. Content is generally stable, with limited updating requirements. Additionally, online courses provide judicial branch audiences with a convenient reference for related statutes, rules, and forms. **(24/7)**

PUBLICATIONS—Benchguides, Bench Handbooks, Benchbooks, and Job Aids are resources written and updated by staff with review by workgroups. These are available in hard and/or soft copy online. **(24/7)**

VIDEOCONFERENCE TRAINING—Videoconferencing is linking two or more locations (up to 8) by two-way video, allowing participants to communicate with each other and faculty during the course. Best designed for small numbers in multiple locations and short formats (1–2 hours). Currently only available at the Appellate Courts and the AOC Regional Offices.

WEBINARS—Short for Web-based seminar. These are courses transmitted over the Internet, consisting of a shared group environment online that includes live audio and video communication with an audience that is in a remote location from the faculty. Webinars may include video, PPT, chat capability with faculty, faculty feedback, and polling for audience participation. (*i.e.*, WebEx)

Each of these delivery options can be part of a blended learning plan. For example, a face to face course might require participants to complete an online course before attending the course, or a Webinar might follow a studio video as a way to expand the learning.

JOB AID: Relative Costs of Education Delivery Methods

According to “Developing the Judicial Branch Education Plan: Objectives, Roles and Responsibilities,” approved by the CJER Governing Committee in November 2009, the primary role and responsibility of the Curriculum Committee is to develop a two-year education plan for its respective curriculum area, in partnership with CJER staff, for approval by the Governing Committee. Curriculum Committees determine what content should be addressed in a two-year plan, prioritize that content, and also make recommendations about the appropriate way to deliver the content. Curriculum Committee members have knowledge about the variety of delivery methods available to CJER. This job aid provides information about the relative cost of the various delivery methods so that committee members can weigh the costs and benefits of particular delivery methods and make informed decisions about which delivery method is the most effective, cost-effective and appropriate to use. Committee members should carefully consider the cost and benefit of choosing a high cost delivery method (items 1-5 on the attached summary), and work with CJER staff to document their rationale for doing so for review by the CJER Governing Committee.

Below are summaries of the primary methods of providing education, a chart of relative costs, and a set of individual charts that provide greater detail about the costs associated with each of the delivery methods.

Live, face-to-face education programs can involve the highest number of cost elements to the courts and the AOC, and some forms of this delivery method incur the highest aggregate costs among the various options available. They range in format from half-day local courses to multi-day programs held at a conference or hotel venue.

Distance Education (Satellite Broadcast) typically entails very little direct cost beyond faculty travel and meals unless video production is required (for development of vignettes or interviews of subject matter experts shown during the broadcast). In that case, standard direct costs such as staff and faculty travel and lodging are incurred and indirect staff time costs are significantly increased. The other standard cost is satellite broadcast transmission, which costs approximately \$1,000 per hour. There are also annual costs associated with maintenance and repair and occasional installation charges for downlinks in new facilities.

Distance Education (Online Video) costs vary depending on the complexity of production. Only the *video simulations*, which entail the creation of vignettes, require a great deal of faculty and staff time and various direct costs. *Video lectures* from live programs incur direct costs for staff travel to record at a program and staff time to edit the videos, but they leverage faculty in a cost effective fashion. *Videos* created in the studio typically incur only costs for faculty travel and staff time.

Distance Education (Videoconference) typically entails very little direct cost beyond faculty travel and meals. There may be some indirect costs for faculty and staff preparation depending upon the complexity of the faculty and participant materials that must be developed and the technical challenges incorporating multiple sites. Because the signal is transmitted over the AOC and Appellate Court computer network, it is reliable and does not entail any transmission costs. There are some annual costs associated with equipment maintenance and repair.

Distance Education (Webinars) typically entails very little direct cost beyond faculty travel and meals. There are some indirect costs for faculty and staff preparation depending upon the complexity of the faculty and participant materials that must be developed. There are some annual costs associated with the software and some associated telecommunication charges.

Distance Education (Online Courses) involves preparation from staff writers and faculty reviewers similar to CJER publications. They require a greater level of instructional design than publications and the added element of media production staff to create the web pages and their various elements. They vary significantly in length and complexity and the indirect cost of CJER staff time varies proportionately.

Publications currently provided by CJER are available in print or online. The bench books and handbooks are the only publications remaining solely in print form, and most of the costs for printing are funded by legal publisher partners. The primary costs are indirect, and are associated with the staff that write and edit the publications and the faculty time to review that work. The largest publication product, the Civil Bench Book series, is written by contractors and funded almost entirely from grant money. CJER's bench guides are provided only online. As with online course development, publications vary in length and complexity and the staff time required varies proportionately.

Direct cost factors and how they are funded:

- Faculty Lodging and Meals (Trial Court Improvement and Modernization Fund or IMF)
- Faculty Travel (IMF)
- Contract faculty and contract publications writers (IMF, other Special Fund money or Grant Funding)
- Participant Lodging and Meals (IMF)
- Meeting room rental costs (IMF)
- Satellite broadcast transmission time (IMF)
- Participant Travel (Individual Court)

CJER Staff Lodging, Meals, and travel (AOC General Funds)

Relative Cost Summary Chart: Education Delivery Methods

	Delivery type	Delivery Method Category	Direct Cost	Indirect Cost	Cost relative to other delivery methods
1	<ul style="list-style-type: none"> Statewide events Two or more days Hotel meeting facility 	Live, face to face education	Very High	High	Very High
2	<ul style="list-style-type: none"> Bench Books (new and updates) 	Publications and resources	High	High	High
3	<ul style="list-style-type: none"> Statewide events Two or more days AOC Meeting Facility 	Live, face to face education	High	High	High
4	<ul style="list-style-type: none"> Unique online courses on complex subjects 	Online courses	Low	High	Medium
5	<ul style="list-style-type: none"> Bench Guides (new and updates) 	Publications and resources	Low	High	Medium
6	<ul style="list-style-type: none"> Complex broadcast program 	Satellite broadcast	Medium	Medium	Medium
7	<ul style="list-style-type: none"> Regional events One day or less AOC or court meeting facility Offered in more than one region 	Live, face to face education	Medium	Medium	Medium
8	<ul style="list-style-type: none"> Video simulations online 	Online video	Medium	Medium	Medium
9	<ul style="list-style-type: none"> Video lectures from live programs online 	Online video	Medium	Medium	Medium
10	<ul style="list-style-type: none"> 10-minute Mentor 	Online video	Low	Medium	Low
11	<ul style="list-style-type: none"> Simple broadcast 	Satellite broadcast	Low	Medium	Low
12	<ul style="list-style-type: none"> Bench Tool and staff job aids 	Publications and resources	Low	Medium	Low
13	<ul style="list-style-type: none"> Online judicial articles 	Online courses	Low	Medium	Low
14	<ul style="list-style-type: none"> Encore broadcasts (reruns) 	Satellite broadcast	Low	Low	Low
15	<ul style="list-style-type: none"> Video lectures (Produced in the AOC studio) 	Online video	Low	Low	Low
16	<ul style="list-style-type: none"> Local court location One day or less Court meeting facility 	Live, face to face education	Low	Low	Low
17	<ul style="list-style-type: none"> Videoconferences (1-3 hours) 	Videoconferences	Very Low	Low	Very Low
18	<ul style="list-style-type: none"> Webinars (1-2 hours) 	Webinars	Very Low	Low	Very Low

Definitions of Relative Cost Categories

	Direct Costs	Indirect Costs
Very High	<p>High participant food and beverage costs at off-site venues, and high staff travel costs at programs such as the Judicial College (\$100,000-330,000) and Judicial Institutes (\$45,000-\$75,000).</p> <p>Ranges from \$45K – 400K per event or product</p>	<ul style="list-style-type: none"> • Multiple days of faculty time in preparation and teaching • Multiple days of participant time away from court • Large number of staff required • Large amount of staff time required (including site contracts)
High	<p>Reduced costs of participant food and beverage, and staff travel costs, due to holding a program at an AOC or court location; for example, the Winter Primary Assignment Orientations, which typically includes 5-6 different courses (\$75,000). Also, the Civil Law Bench Book (\$100,000/year).</p> <p>Ranges from \$45K – \$100K per event or product</p>	<ul style="list-style-type: none"> • Multiple days of faculty time in preparation and teaching • Multiple days of participant time away from court • Large number of staff required • Moderate amount of staff time required (including site contracts)
Medium	<p>Few direct costs, usually faculty travel and lodging, and/or CJER staff travel; for example, regional courses, complex video products.</p> <p>Less than \$5,000 per event or product</p>	<ul style="list-style-type: none"> • Two days or less of faculty time away from court • Two days or less of participant time away from court • Some appreciable staff time for content development, production and delivery logistics
Low	<p>Few direct costs, usually faculty travel and lodging; for example, local courses at courts, or distance education such as bench tools and simple broadcasts.</p> <p>Less than \$2,500 per event or product</p>	<ul style="list-style-type: none"> • One day or less of faculty time away from court • One day or less of participant time away from court • Small amount of staff time content development • Small amount of staff time for production or delivery logistics
Very Low	<p>Very few or no direct costs; for example, webinars or videoconferences.</p> <p>Less than \$1,000 per event or product</p>	<ul style="list-style-type: none"> • No staff time for content development, production, or delivery logistics

Live, Face-to-Face Education

Primary forms of live, face-to-face education	Primary cost factors, designated as High (H), Medium (M) or Low (L) Cost	Example	Cost relative to other delivery methods
Statewide multi-day program with multiple courses held at a hotel conference facility	<p><i>Direct Costs</i></p> <ul style="list-style-type: none"> • Faculty lodging & meals (H) • Faculty travel (H) • Participant lodging (H) • Participant meals (H) • Participant travel (H) • CJER staff lodging & meals (H) • CJER staff travel (H) <p><i>Indirect Costs</i></p> <ul style="list-style-type: none"> • Faculty & Participant time away from court (H) • CJER staff time* (H) 	<i>Juvenile Law Institute</i>	Very High
Statewide multi-day program with multiple courses held at an AOC meeting facility	<p><i>Direct Costs</i></p> <ul style="list-style-type: none"> • Faculty lodging & meals (H) • Faculty travel (H) • Participant lodging (H) • Participant meals (L) • Participant travel (H) • CJER staff lodging & meals (H) • CJER staff travel (H) <p><i>Indirect Costs</i></p> <ul style="list-style-type: none"> • Faculty & Participant time away from court (H) • CJER staff time* (H) 	<p><i>Primary Assignment Orientation Program</i></p> <p><i>Civil & Criminal Evidence Course</i></p>	High
Regional program of one day or less held at an AOC or court facility	<p><i>Direct Costs</i></p> <ul style="list-style-type: none"> • Faculty lodging & meals (H) • Faculty travel (H) 	<p><i>Parole revocation hearings</i></p> <p><i>Hot topics in Decedents</i></p>	Medium

and offered in more than one region	<ul style="list-style-type: none"> • Participant lodging (L) • Participant meals (L) • Participant travel (L) • CJER staff lodging & meals (H) • CJER staff travel (H) <p><i>Indirect Costs</i></p> <ul style="list-style-type: none"> • Faculty time away from court (M) • Participant time away from court (L) • CJER staff time* (H) 	<i>Estates & Trusts</i>	
Local program of one-day or less held in a court facility	<p><i>Direct Costs</i></p> <ul style="list-style-type: none"> • Faculty lodging & meals (H) • Faculty travel (H) • Participant lodging (None) • Participant meals (L) • Participant travel (None) • CJER staff lodging & meals (None) • CJER staff travel (None) <p><i>Indirect Costs</i></p> <ul style="list-style-type: none"> • Faculty time away from court (M) • Participant time away from court (L) • CJER staff time* (L) 	<i>Local training catalog courses</i>	Low

* CJER staff typically involved in the development of live face-to-face education may include the following classifications: Attorney or education specialist, education coordinator(s), meeting planner (RFPs & contracts), registration coordinator, secretary, 1–3 AV technicians, copy editor, and other staff performing minor support functions. Depending on the complexity, length and size of the event, staff on site typically include: Attorney or education specialist responsible for the content area, education coordinator, hotel meeting planner, (one day), registration coordinator (one day), AV Technicians 1–7 days.

Distance Education: Satellite Broadcasts

Primary forms of broadcasts	Primary cost factors, designated as High (H), Medium (M) or Low (L) Cost	Example	Cost relative to other delivery methods
<p>Complex Broadcast: Complex subject Matter and/or using video vignettes or other pre-broadcast video production combined with lecture and panel discussion</p>	<p><i>Direct Costs</i></p> <ul style="list-style-type: none"> • Faculty lodging & meals (M) • Faculty travel (M) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (L) • CJER staff travel (L) • Broadcast transmission time <p><i>Indirect Costs</i></p> <ul style="list-style-type: none"> • Faculty time away from court (M) • Participant time away from court (L) • CJER staff time* (H) 	<p><i>Continuing the Dialog broadcast: Implicit Bias</i></p>	<p>Medium</p>
<p>Simple broadcast: Single subject and/or Live Panel Discussion</p>	<p><i>Direct Costs</i></p> <ul style="list-style-type: none"> • Faculty lodging & meals (L) • Faculty travel (L) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (None) • CJER staff travel (None) • Broadcast transmission time <p><i>Indirect Costs</i></p> <ul style="list-style-type: none"> • Faculty time away from court (M) • Participant time away from court (L) • CJER staff time* (L) 	<p><i>Small Claims Processing for court staff</i></p>	<p>Low</p>

<p>Encore broadcasts (reruns)</p>	<p><i>Direct Costs</i></p> <ul style="list-style-type: none"> • Faculty lodging & meals (None) • Faculty travel (None) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (None) • CJER staff travel (None) • Broadcast transmission time <p><i>Indirect Costs</i></p> <ul style="list-style-type: none"> • Faculty time away from court (None) • Participant time away from court (L) • CJER staff time* (L) 	<p><i>Court staff broadcasts: Customer Services</i></p>	<p>Low</p>
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* CJER staff typically involved in the development of broadcast education may include the following classifications: Attorney or education specialist, media production specialist, copy editor, education coordinator, web developer, 1–5 AV/Video technicians, and other staff performing minor support functions.

Distance Education: Online Videos

Primary forms of online video education	Primary cost factors, designated as High (H), Medium (M) or Low (L) Cost	Example	Cost relative to other delivery methods
Video simulations	<p><i>Direct Costs</i></p> <ul style="list-style-type: none"> • Faculty lodging & meals (M) • Faculty travel (M) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (L) • CJER staff travel (M) <p><i>Indirect Costs</i></p> <ul style="list-style-type: none"> • Faculty time away from court (M) • Participant time away from court (L) • CJER staff time* (H) 	<i>Continuing the Dialog broadcast: Implicit Bias</i>	Medium
Video lectures from live programs	<p><i>Direct Costs</i></p> <ul style="list-style-type: none"> • Faculty lodging & meals (None additional) • Faculty travel (None additional) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (M) • CJER staff travel (H) <p><i>Indirect Costs</i></p> <ul style="list-style-type: none"> • Faculty time away from court (None additional) • Participant time away from court (L) • CJER staff time* (M) 	<i>Appellate Judicial Attorneys Institute Lectures</i>	Medium

10-minute mentor	<p><i>Direct Costs</i></p> <ul style="list-style-type: none"> • Faculty lodging & meals (L) • Faculty travel (L) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (None) • CJER staff travel (None) <p><i>Indirect Costs</i></p> <ul style="list-style-type: none"> • Faculty time away from court (M) • Participant time away from court (L) • CJER staff time* (H) 	<i>Expedited Jury Trials</i>	Low
Video Lectures (Produced in the AOC Studio)	<p><i>Direct Costs</i></p> <ul style="list-style-type: none"> • Faculty lodging & meals (L) • Faculty travel (L) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (None) • CJER staff travel (None) <p><i>Indirect Costs</i></p> <ul style="list-style-type: none"> • Faculty time away from court (M) • Participant time away from court (L) • CJER staff time* (L) 	<i>Hearing DV Cases: Avoiding Pitfalls</i>	Low

* CJER staff typically involved in the development of online videos may include the following classifications: Attorney or education specialist, media production specialist, copy editor, web developer/analyst, education coordinator, registration coordinator, secretary, 1–3 AV technicians, video editor, and other staff performing minor support functions.

Distance Education: Online Courses

Primary forms of Online education	Primary cost factors, designated as High (H), Medium (M) or Low (L) Cost	Example	Cost relative to other delivery methods
Unique Online Courses on complex subjects that take from 1- 6 hours to complete	<p><i>Direct Costs</i></p> <ul style="list-style-type: none"> • Faculty lodging & meals (None) • Faculty travel (None) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (None) • CJER staff travel (None) <p><i>Indirect Costs</i></p> <ul style="list-style-type: none"> • Faculty time away from court (reviewing and writing) (M-L) • Participant time away from court while taking the course (L) • CJER staff time *(H) 	<p><i>Juvenile Dependency Hearings;</i></p> <p><i>Preliminary Hearings Primer</i></p>	Medium

* CJER staff typically involved in the development of self-paced online courses may include the following classifications: Attorney or education specialist, copy editor, media production specialist, web developer/analyst, education coordinator, AV/Video Technicians and other staff performing minor support functions.

Education Publications & Resources

Primary forms of education publications	Primary cost factors, designated as High (H), Medium (M) or Low (L) Cost	Example	Cost relative to other delivery methods
<p>Bench Books and Handbooks (new writing and ongoing updates)</p>	<p><i>Direct Costs</i></p> <ul style="list-style-type: none"> • Faculty lodging & meals (None) • Faculty travel (None) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (None) • CJER staff travel (None) <p><i>Indirect Costs</i></p> <ul style="list-style-type: none"> • Faculty time away from court (M-L) • Participant time away from court (L) • CJER staff time)* (H) 	<p><i>Civil Proceedings Bench Book</i></p> <p><i>Mandatory Jury Instructions</i></p> <p><i>Small Claims</i></p>	<p>High</p>
<p>Bench Guides & Bench Handbooks, new practice and job aids (new writing and ongoing updates)</p>	<p><i>Direct Costs</i></p> <ul style="list-style-type: none"> • Faculty lodging & meals (None) • Faculty travel (None) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (None) • CJER staff travel (None) <p><i>Indirect Costs</i></p> <ul style="list-style-type: none"> • Faculty time away from court (M-L) • Participant time away from court (L) • CJER staff time)* (H) 	<p><i>Right to Counsel Issues</i></p> <p><i>DUI Proceedings</i></p>	<p>Medium</p>

<ul style="list-style-type: none"> • Bench Tools • Job aid resources available online • Development and updating 	<p><i>Direct Costs</i></p> <ul style="list-style-type: none"> • Faculty lodging & meals (None) • Faculty travel (None) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (None) • CJER staff travel (None) <p><i>Indirect Costs</i></p> <ul style="list-style-type: none"> • Faculty time away from court (L) • Participant time away from court (None) • CJER staff time* (L) 	<p><i>Case initiation in Probate;</i></p> <p><i>Confidentiality and sealing records</i></p>	<p>Low</p>
<ul style="list-style-type: none"> • Online Judicial Articles 	<p><i>Direct Costs</i></p> <ul style="list-style-type: none"> • Faculty lodging & meals (None) • Faculty travel (None) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (None) • CJER staff travel (None) <p><i>Indirect Costs</i></p> <ul style="list-style-type: none"> • Faculty time away from court (None) • Participant time away from court (None) • CJER staff time* (L) 	<p><i>Introduction to California Land Use Law</i></p>	<p>Low</p>

* CJER staff typically involved in the development of education publications and resources may include the following classifications: Attorney or education specialist, copy editor, other staff performing minor support functions. When writing is performed by grant-funded consultants (Civil Proceedings Bench Book), those costs are considered direct costs.

Distance Education: Videoconferences

Primary form of videoconferencing education	Primary cost factors, designated as High (H), Medium (M) or Low (L) Cost	Example	Cost relative to other delivery methods
1-3 hour program held at 2-4 AOC or appellate court sites and occasionally including a trial court site	<p><i>Direct Costs</i></p> <ul style="list-style-type: none"> • Faculty lodging & meals (M) • Faculty travel (M) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (L) • CJER staff travel (L) <p><i>Indirect Costs</i></p> <ul style="list-style-type: none"> • Faculty time away from court (M) • Participant time away from court (L) • CJER staff time* (M) 	<p><i>Appellate Court Staff</i></p> <p><i>Appellate Justices Qualifying Ethics</i></p>	Very Low

* CJER staff typically involved in the development of educational videoconferences may include the following classifications: Attorney or education specialist, education coordinator, registration coordinator, secretary, AV Systems Technical Analyst, 1–2 AV technicians, and other staff performing minor support functions

Distance Education: Webinars

Primary form of webinar education	Primary cost factors, designated as High (H), Medium (M) or Low (L) Cost	Example	Cost relative to other delivery methods
1-2 hours Webinars	<p><i>Direct Costs</i></p> <ul style="list-style-type: none"> • Faculty lodging & meals (L) • Faculty travel (L) • Participant lodging (None) • Participant meals (None) • Participant travel (None) • CJER staff lodging & meals (None) • CJER staff travel (None) • Broadcast transmission time <p><i>Indirect Costs</i></p> <ul style="list-style-type: none"> • Faculty time away from court (M) • Participant time away from court (L) • CJER staff time* (M) 	<i>Current Issues in Criminal Law</i>	Very Low

* CJER staff typically involved in the development of educational webinars may include the following classifications: Attorney or education specialist, education coordinator, administrative secretary, AV technician, and other staff performing minor support functions.

Education Committee Delivery Method Selection: Cost Benefit Analysis Form

Curriculum Committees determine what content should be addressed in a two-year plan, prioritize that content, and also make recommendations about the appropriate way to deliver the content. Curriculum Committee members have knowledge about the variety of delivery methods available to CJER. Committee members should carefully consider the cost and benefit of choosing a high cost delivery method (items 1-5 on the Relative Cost Summary Chart) and work with CJER staff, using this form, to document their rationale for doing so for review by the CJER Governing Committee.

Note: Use this form only when proposing use of delivery methods that have a high cost element (Items 1-5 on the Relative Cost Summary Chart: Education Delivery Methods)

CONTENT AREA	DELIVERY METHOD SELECTED	CURRICULUM COMMITTEE COST BENEFIT RATIONALE	STAFF NOTES	GOVERNING COMMITTEE NOTES

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/5/2012
PREPARED BY	Dr. Diane Cowdrey
OFFICE NAME	<u>Office of Education/CJER</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	87
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>This recommendation has actually been in effect for some time and will be ongoing.</p> <p>For several years, CJER has promoted and provided local education and training to both the trial and appellate courts and has increased those efforts in the past two years. CJER currently maintains a local training catalogue in judicial education containing over 80 courses and which covers substantive law areas (civil, criminal, family, juvenile, probate and mental health) as well as access, collaborative courts, computer training, court security, domestic violence, fairness, judicial ethics, and self-represented litigants. Courts can choose to offer a course in their local court either on their own or with nearby courts. CJER pays for faculty expenses to the requesting court(s). A copy of the catalogue is attached. In addition, CJER provides local training and education to both court staff and court management as requested.</p> <p>Also, CJER has established a network of training coordinators at the local trial and appellate courts. They are a critical conduit regarding judicial education and staff training needs. This structure enables CJER to provide support to the courts and for them to share training with one another. CJER has also developed a website, LINC (Linking Individuals and Networking Courts), which enables courts to share educational content amongst themselves as well as post live training opportunities from court to court.</p> <p>CJER supports local training in other ways. To better serve courts with both local and regional training, CJER has identified several locations that serve well as regional locations for training multiple courts. In 2006, some of these courts agreed to serve as regional centers for training, and were enhanced with audio visual equipment, provided by CJER, which greatly improved the learning environment of these rooms. All courts have been equipped with satellite downlink infrastructure which allows them to receive broadcasts from the AOC, and receive valuable education from CJER. Satellite broadcasts are a critical means for providing education, particular to court staff. With the new building projects, CJER continues to work with courts in identifying areas of the state that can serve as regional training centers, and provides technical assistance to ensure these</p>	

large training rooms are built to standards that support local and regional education.

Another way in which CJER supports education and training in local courts is by assisting courts in establishing their own local education programs.

Establishing the Judicial Education Services (JES) program at the Superior Court of Los Angeles

In early 2000, the Superior Court of Los Angeles County contacted CJER and expressed an interest in establishing a local judicial education program modeled after CJER and requested assistance to that end. Specifically, the court asked CJER to work with it to develop policies and procedures for the establishment and maintenance of an education Governing Committee, to assist the court in identifying, developing, and training a pool of qualified judicial faculty, and to train court attorneys to support this Governing Committee and its judicial faculty similar to how CJER attorneys support the CJER Governing Committee and its curriculum committees and judicial faculty. CJER agreed to provide all of these services, and more.

CJER provided, on a regular basis, faculty development training specifically for this court's judicial faculty (CJER paid a consultant to conduct these trainings in Los Angeles). CJER also trained the staff attorneys working with the court's Governing Committee and met with them individually regarding course design as well as detailing the support they were to provide to faculty. For several years, CJER's Managing Attorney for Judicial Education attended every meeting of the court's Governing Committee (usually on a six week cycle) and consulted more frequently via phone calls and emails with the committee and its chair, basically functioning as auxiliary staff to this committee. CJER also assisted the court in developing publicity procedures and in designing brochures and other publicity pieces. CJER also consulted on a variety of other issues and topics (e.g., ways to express appreciation to the faculty, how to deal with videotaping requests and requests for non judicial faculty to attend judicial courses) which CJER itself has to deal with on a regular basis. CJER continues to serve as a consultant for JES.

The following examples illustrate recent local programming developed and delivered over the past year:

Judicial Education in Criminal Realignment

Andrea McCann, Education Attorney, worked with a judicial workgroup to develop education and training for the Criminal Justice Realignment implementation effort. Because of the time sensitive nature of this legislative enactment and the fact that how courts were going to implement it would vary, the training had to be both generic and tailored to address many of the courts' unique situations. Andrea therefore developed regional and local court courses that could be custom designed to fit the needs of particular courts (e.g., identification of local practices, resources, and services).

To date, local court courses have been requested by the Superior Courts in Shasta, San Luis Obispo, San Bernardino, Plumas, and Monterey counties while other local courses have evolved into larger regional offerings (e.g., San Luis Obispo requested their course be held in Santa Barbara County so that adjoining counties could attend). Additional regional courses have been scheduled in San Diego, Santa Clara, Sacramento, and Los Angeles counties. These locations were selected due to interest expressed by judges in those counties or adjoining counties. The First District Appellate Court also requested a local course on this subject and Rod Cathcart, Senior Attorney, complied and the course eventually evolved into a 2-part, statewide video conference for all appellate courts that had to be offered twice to accommodate all the registrants. It was so well received, an update was recently requested and is scheduled for October.

Online Course dealing with the Americans with Disabilities Act (ADA)

Eddie Davis, Sr. Education Specialist, collaborated with a local court to create an online course to satisfy an ADA lawsuit settlement. The content was provided by the court and Eddie created the course that includes video, quizzes, lecture, and several links to websites and documents related to, and referenced in, the Americans With Disabilities training. Eddie provided the technical and education consulting necessary to develop this course. The course is now being modified to be posted to COMET and Serranus for the benefit of all courts.

Computer Classes in Local Courts

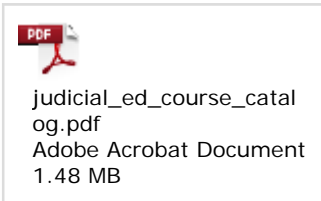
Mike Walsh, Senior Education Specialist, is available to provide computer training in local courts, as requested.

Excel Basics (2 sessions) in 6DCA/San Jose
 Excel Data Analysts and Word Reports/Forms in 4DCA/Riverside
 Excel (multiple) and Access (multiple) in Fresno
 Basic Excel (2 sessions) in Sonoma
 Advanced Excel (2 sessions) in Sonoma

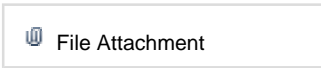
Leadership Classes for Court Management

Rhonda Sharbono, Senior Education Specialist, has taught courses locally on leadership and supervisory skills. Recently, she developed a course, Preparing for Leadership, in response to a request from the El Dorado court for education on developing staff level employees to take on lead responsibilities or promotion to supervisor positions (El Dorado had recently posted a lead position and none of the staff level clerks who interviewed seemed to understand what the court was looking for or what qualities were important.). She has taught this class twice in El Dorado County for clerks from El Dorado and surrounding counties.

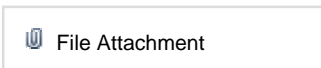
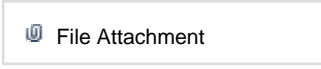
Preparing for Leadership (for staff) in El Dorado
 Core Leadership and Training Skills (for Leads/Seniors) in Fresno
 Core 40: Basic Training for Supervisors in Orange County



This directive is forwarded to the Judicial Council with options for consideration:










Other:



TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	<input type="text" value="Already implemented and ongoing"/>
RESOURCES REQUIRED FOR IMPLEMENTATION	<input type="text"/>

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)	
<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>
<input checked="" type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<div style="border: 1px solid black; padding: 2px;">Please see attached document, above.</div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>
<input checked="" type="checkbox"/> SAVINGS	<div style="border: 1px solid black; padding: 2px;">Providing education and training locally is less expensive for the courts because they do not have to expend funds traveling to statewide events as is being able to attend programs sponsored by nearby courts, which CJER facilitates via its LINC website.</div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>
<input checked="" type="checkbox"/> COST	<div style="border: 1px solid black; padding: 2px;">CJER pays for judicial faculty to teach local judicial education programs and staff time is expended on working with faculty on these courses and, when they directly teach, to travel to local courts as faculty.</div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>
<input checked="" type="checkbox"/> EFFICIENCIES	<div style="border: 1px solid black; padding: 2px;">Training is provided on an as requested basis, so CJER knows that a specific court needs and desires a particular type of training and can deliver that specifically to the court.</div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<div style="border: 1px solid black; padding: 2px;">A very high level of service is provided. Convenience to the local court, less expensive for the court, scheduling for the court's convenience, and education tailored to the court's specific needs. Furthermore, the training coordinator network ensures that CJER is aware of local courts needs in a timely manner.</div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>
<input type="checkbox"/> OTHER	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>

JUDICIAL EDUCATION COURSE CATALOG



ADMINISTRATIVE OFFICE OF THE COURTS
Education Division/CJER

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JUDICIAL COUNCIL OF CALIFORNIA

GOVERNING COMMITTEE OF THE CENTER
FOR JUDICIAL EDUCATION AND RESEARCH

GOVERNING COMMITTEE OF THE CENTER FOR JUDICIAL EDUCATION AND RESEARCH

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Associate Justice of the Court of Appeal
Third Appellate District

Hon. Robert L. Dondero, Vice Chair
Associate Justice of the Court of Appeal
First Appellate District, Division One

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Judge of the Superior Court of California,
County of Fresno

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County of Los Angeles

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County of Alameda

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Judge of the Superior Court of California,
County of Sonoma

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Interim Administrative Director
Executive Office
Administrative Office of the Courts

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Judge of the Superior Court of California,

Liaison From Judicial Council

Mr. Frederick K. (Fritz) Ohlrich
Clerk of the California Supreme Court

Liaison From Court Technology Advisory Committee

Hon. Glen M. Reiser
Judge of the Superior Court of California,
County of Ventura

Liaison From AOC Office of Governmental Affairs

Ms. Tracy Kenny
Attorney, Office of Governmental Affairs
Administrative Office of the Courts

AOC Staff to the Committee

Dr. Diane E. Cowdrey
Director, Education Division/CJER
Administrative Office of the Courts

Mr. Bob Lowney
Senior Manager, Education Division/CJER
Administrative Office of the Courts

Ms. Suzette LaCivita
Executive Secretary, Education Division/CJER
Administrative Office of the Courts

Local Education: Convenient and Fiscally Prudent

Dear Colleagues:

The CJER Governing Committee is pleased to make this second edition of our catalog of courses available to local courts. Severe budget limitations continue and these courses provide high-quality judicial education at less cost. Sending faculty to local courts rather than having participants and faculty travel to a single site is both cost effective and provides small group interactive education.

One of the Judicial Council's highest priorities is to provide high-quality judicial education to ensure that our state maintains a professional judiciary that offers fair and impartial justice to all Californians. The goal is to ensure that, regardless of the court, judge, or type of case, the public will have access to the highest levels of expertise and service in all parts of the state.

The courses in this catalog are designed to give you as judges the resources to stay current with the law and procedure relating to your assignment without requiring you to take a lot of time away from the bench.

The Committee thanks the faculty members who give significant time to developing and teaching these courses. Without them we could not offer so many courses of such high quality at such great savings in costs.

As chair of the CJER Governing Committee, I look forward to receiving your comments and suggestions.

Sincerely,



Hon. Ronald B. Robie, Chair
CJER Governing Committee



Hon. Ronald B. Robie
Chair
CJER Governing Committee

OVERVIEW

The Education Division/Center for Judicial Education and Research (CJER) of the Administrative Office of the Courts (AOC) is proud to continue the Local Court Judicial Education Initiative, which we hope enhances your ability to provide high-quality judicial education to your bench officers by partnering with us. Courts can host judicial education classes locally by selecting the course(s) in this catalog and contacting the AOC with a proposed date. The Education Division/CJER recruits the faculty and works with the court to provide written materials for the course. Local courts will typically arrange for an appropriate classroom for the course and handle the participant attendance and registration aspects for the course, unless otherwise requested. As funds allow, the AOC pays for faculty travel expenses and course materials and will provide audiovisual support as requested.

Courses and Faculty

Statewide budget reductions over the past few years have necessitated that the Education Division/CJER offer a number of programs and institutes less frequently. This catalog contains some of the content that would have been provided at statewide events, and represents an alternative way to deliver the material. The courses listed in the catalog were taken from the many classes offered in our statewide programs as well as from some trial court programs and they are uniquely appropriate

for local delivery. The courses offer effective judicial education in substantive areas of law, as well as access, collaborative courts, computer training, court security, domestic violence, fairness, judicial ethics, and self-represented litigants. The faculty members who teach the courses are very experienced in the areas they teach and they are trained in adult learning principles.

Statewide programs provide invaluable educational experiences and opportunities for interaction and discussions with your colleagues across California. These programs are still being held, but during these difficult budget times, they cannot be scheduled as frequently as in the past. We hope that this partnership between the local courts and the Education Division/CJER to deliver judicial education courses locally will help to bridge the educational gaps caused by the severely reduced statewide program schedule.

Judicial Council of California ▪ Administrative Office of the Courts
455 Golden Gate Avenue, San Francisco, California 94102-3688

www.courts.ca.gov ▪ <http://serranus.courtinfo.ca.gov/education/LocalMaterials.htm>

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Partnering to Enhance Educational Opportunities

I am pleased to present the second edition of the Judicial Education Course Catalog. The Education Division/CJER supports local and regional education so that judges, commissioners, and referees can obtain needed education without travel and time away from the bench. We have found that partnering with local courts allows us to provide education that is cost-effective, timely, and convenient for your bench. All of these courses can be offered at your court, with a certain number of participants. As funds allow, the Education Division/CJER will pay for faculty travel costs as well as provide support for logistics.

We had a good response to this new initiative in its first year. Courses have been held in counties of all sizes from Lake to Los Angeles. I am very pleased to announce that the second edition of the Judicial Education Course Catalog includes 26 new courses. We are extremely grateful to the faculty who volunteer to teach these courses, and appreciative of the many courses in this catalog that were developed by the Los Angeles County Superior Court Judicial Education Seminars (JES) Committee, chaired by Judge Emilie Elias. I also appreciate the work of the CJER Governing Committee members and Justice Ronald Robie, Chair, who have been instrumental in leading the effort to develop local education.

There is extraordinary value in live programs; learning in community offers the opportunity for sharing ideas and practices, learning from others in the class, and having a highly qualified subject matter expert available to answer questions and discuss issues. This catalog offers administrative presiding justices and presiding judges the opportunity to hold a live program in the court without the associated burdens of travel costs and extensive time away from the bench.



Diane E. Cowdrey
Director, Education Division/CJER

We are very excited to be able to continue to offer the courts this educational resource.

Sincerely,

A handwritten signature in black ink that reads "Diane E. Cowdrey". The signature is fluid and cursive, with a long horizontal flourish at the end.

Diane E. Cowdrey, Ed.D., Director
Education Division/
Center for Judicial Education & Research

BRINGING A JUDICIAL EDUCATION COURSE TO YOUR COURT

Requesting a Course

Please fill out the Course Request Form (see page 7) and send it to Lina Kravetskiy, Program Coordinator for the Education Division/CJER. The application must be signed by the administrative presiding justice or presiding judge and clerk/administrator or court executive officer. Please submit one application for each course.

Ideally, please give the AOC Education Division/CJER 90 days' advance notice to allow ample time for faculty to be confirmed and for them to schedule time away from court. The minimum class size is 20 unless noted otherwise in the course description. Courts may invite judges and subordinate judicial officers from surrounding counties in order to meet the minimum number.

Courses are designed for a judicial audience, but the course description will indicate if specified court staff may attend the program. Practicing attorneys serving as temporary judges are not eligible to attend these classes.

Applications will be processed on a first-come, first-served basis. The number of courses that can be supported in a fiscal year will depend on budget limitations and the availability of faculty and audiovisual support.

Expenses Related to a Course

The AOC Education Division will pay the costs for faculty to travel to teach the course and will also pay for the production and shipping of the course materials to the course site. Courts will be requested to provide the number of participants to the program coordinator 30 days before the course so that the materials can be reproduced and mailed in a timely fashion. If the county does not have audiovisual support, CJER will also provide an audiovisual support person and equipment.

Costs to the local court should be minimal—expenses for participant travel, the meeting room, and any catering. Local access to a computer classroom is necessary for the computer courses.

Choosing a Course

Please review the course descriptions to determine the best course that meets the needs of your local court. If you would like to discuss the content of the courses or would like help in choosing the best course for your needs, please contact Lina Kravetskiy at 415-865-4548, Lina.Kravetskiy@jud.ca.gov.

Los Angeles Judicial Education Seminars Courses

The Judicial Education Governing Committee for the Los Angeles Judicial Education Seminars (JES) has agreed to include some of the JES courses in this catalog. We thank the Los Angeles Superior Court and the committee for their support of this local court judicial education effort.

COURSE REQUEST FORM

Please provide the following information and send the completed form by e-mail, fax, or mail to: Ms. Lina Kravetskiy, Program Coordinator CJER ■ Education Division/CJER ■ Administrative Office of the Courts CJER ■ 455 Golden Gate Avenue ■ San Francisco, California 94102-3688
415-865-4548 ■ 415-865-4335 fax ■ lina.kravetskiy@jud.ca.gov

Ideally, please give 90 days' advance notice to allow ample time for faculty to be confirmed and for them to schedule time away from court. The minimum number of participants is 20.

Today's Date		
Court		
Contact		
Title		
Address		
City	California	Zip
Phone	Fax	
E-mail		
Course Information (one application for each course)		
Course Title		
Proposed Date(s) & Time*		
Location		
Est. number of participants: (20 minimum)		

Approval of Administrative Presiding Justice OR Presiding Judge and Clerk/Administrator OR Court Executive Officer

The court's administrative presiding justice or presiding judge and clerk/administrator or court executive officer must approve any request for resources for a local judicial education course before the request can be made. I support the provision of resources for local education in my court. We will provide follow-up information about the course as requested by the AOC.

_____ DATE

PRINT NAME _____

_____ DATE

PRINT NAME _____

* Funding for faculty overnight expenses is not available.

A SPECIAL THANK YOU

We want to thank the faculty who have taught local courses for their hard work and expertise. Without their talent and dedication, the Local Court Judicial Education Initiative would not have been possible.

Judge Steven K. Austin
Superior Court of California, County of Contra Costa

Judge Mark A. Juhas
Superior Court of California, County of Los Angeles

Judge Griffin M. J. Bonini
Superior Court of California, County of Santa Clara

Judge Frances A. Kearney
Superior Court of California, County of Placer

Judge James R. Brandlin
Superior Court of California, County of Los Angeles

Judge Kent M. Kellegrew
Superior Court of California, County of Ventura

Judge Daniel J. Buckley
Superior Court of California, County of Los Angeles

Commissioner Michael Knish
Superior Court of California, County of San Bernardino

Commissioner Michael J. Convey
Superior Court of California, County of Los Angeles

Mr. Bob Lowney
Administrative Office of the Courts

Judge Joyce M. Cram
Superior Court of California, County of Contra Costa

Judge Cynthia Ann Ludvigsen
Superior Court of California, County of San Bernardino

Judge Charles S. Crandall
Superior Court of California, County of San Luis Obispo

Judge William McKinstry (Ret.)
Superior Court of California, County of Alameda

Judge David J. Danielsen
Superior Court of California, County of San Diego

Judge Vernon K. Nakahara
Superior Court of California, County of Alameda

Judge Becky Lynn Dugan
Superior Court of California, County of Riverside

Judge Michael J. Naughton
Superior Court of California, County of Orange

Judge Lynn Duryee
Superior Court of California, County of Marin

Ms. Kimberly Papillon
Administrative Office of the Courts

Commissioner Michelle E. Flurer
Superior Court of California, County of Los Angeles

Judge Richard Edward Rico
Superior Court of California, County of Los Angeles

Judge Donna Groman
Superior Court of California, County of Los Angeles

Justice Paul Turner
Court of Appeal, Second Appellate District, Division Five

Ms. Sherri Gulino
Superior Court of California, County of San Bernardino

Mr. Dennis Winners
Orange County Sheriff's Office

Judge Mary Thornton House
Superior Court of California, County of Los Angeles

ACCESS

AMERICANS WITH DISABILITIES ACT

Access Laws

Learn about the many different laws covering persons with disabilities, including the Americans With Disabilities Act, state statutes, California Rules of Court, and controlling case law. Find out the differences between federal and state laws. Participants will become familiar with disability symbols and will also learn about employee accommodations and the responsibilities of the court as well as accommodations for public court users. There are two versions of the course—one qualifies for ethics elective credit for judges, commissioners, and referees and the other version qualifies for elimination of bias MCLE credit.

1 hour ■ Either 1 hour elimination of bias MCLE credit or 1 hour Qualifying Ethics elective credit depending on audience

How to Communicate and Interact With Persons With Disabilities

Learn the appropriate way to communicate and interact with a person with a disability. How do you talk to someone with a hearing loss? What do you do when you see a person who is blind? Should you kneel when talking to someone in a wheelchair? Find out the answers to these and more in this fun interactive course. Participants will be provided with tip sheets on how to communicate with a person who is hard of hearing and a person who is blind. Participants will also learn the 10 tips for interacting with a person with a mental health disability.

1 hour

How to Have Accessible Meetings

This course is designed to assist judges and subordinate judicial officers and anyone who plans, arranges, or coordinates meetings for the court. How do you know if a conference location is accessible to persons with disabilities? Which table arrangements best accommodate attendees who use a wheelchair or participants with a hearing impairment? What are the alternative formats you could use for participants who are visually impaired? Are there guidelines for speakers? In this course, participants will discuss the answers to these questions and more. Attendees will also learn about the use of assistive listening devices and the TDD/TTY equipment. This course provides participants with the tools and resources to have a successful and accessible meeting for everyone.

2 hours

ACCESS, continued

How to Provide Access to the Courts for Persons With Disabilities

Find out what you must do to provide accommodations for persons with disabilities. Participants will learn about the California Rules of Court and how to complete the Judicial Council form for requesting an accommodation. Learn about the different types of accommodations the court may provide and what accommodations the court may deny.

1 hour ■ 1 hour of elimination of bias MCLE credit

Service and Comfort Animals in Your Court

Learn the difference between service and comfort animals. Find out the different types of animals that may be considered a service or comfort animal. Which ones must be allowed into the courthouse? What questions are you allowed to ask? What questions are you prohibited from asking? When can you remove an animal from your court? May you charge extra fees? Can you separate the animal and owner from others in the court? Participants will learn the answers to these questions and more in this class.

1 hour ■ 1 hour of elimination of bias MCLE credit

CIVIL

Civil Expert Witnesses

Learn about frequently encountered expert witness issues in civil cases, including proper use of *Kelly-Frye* and how to determine whether there is a reasonable basis for an opinion under Evid C §801(b). Other topics may include qualification of witnesses, discovery disputes, and hearsay.

3 hours ■ Los Angeles JES course

Civil Harassment

Explore the Dos, Don'ts, and Best Practices for Civil Harassment Restraining Orders. From the TRO to final orders, learn how to conduct hearings, issue orders, prepare forms, and everything in between. Elder Abuse and Workplace Violence Restraining Orders will also be discussed.

3 hours ■ Los Angeles JES course

Civil Law Update

A legal update on civil law designed to provide experienced civil judges with practical analysis and a discussion on how recent changes in the law affect the trial judge.

1 hour

Issues in Employment Law

This course highlights emerging issues in employment law litigation, such as enforcement of arbitration clauses, wage-and-hour issues, summary judgment issues, issues resulting from layoffs and reduced workweeks, stating wrongful termination claims based on violation of public policy, and proving hostile environment sexual harassment claims.

1.5 hours

Large Topics in Small Claims

Explore both routine and esoteric small claims issues using video vignettes and focused instruction. Share and discuss successful techniques for conducting small claims hearings.

3 hours ■ Los Angeles JES course

Unlawful Detainers

This course arms participants with the knowledge to successfully negotiate the minefield of unlawful detainers. It is a unique area of law characterized by nitpicky details that are better understood in the context of its limited purpose and summary nature. Foreclosure evictions now dominate the unlawful detainer calendar, as well as bankruptcy issues unique to evictions. Specific areas of interest are jurisdiction/venue, notice requirements, habitability defenses, foreclosures, bankruptcy, and postjudgment issues.

1.5 hours

CIVIL, continued

INSURANCE

Insurance Law—Basic

This course reviews various coverage principles and general key issues such as the duty to defend, bad faith, and settlement options.

3 hours

Insurance Law—Advanced

This course for experienced civil law judges focuses on complicated topics such as policy interpretation, multiple years of coverage, additional insured, reservation of rights, stacking, indemnity agreements, accident versus occurrence, and the genuine dispute doctrine.

3 hours

STRATEGIC LAWSUIT AGAINST PUBLIC PARTICIPATION (SLAPP)

Recent Developments in SLAPP Motions

This course includes an update on the latest issues affecting Special Motions to Strike under CCP §§425.16 and 425.17, including attorney fees, CCP §425.18, public issues, and the *Noerr-Pennington* doctrine.

1.5 hours

Please also see...

Civil Jury Instructions With LexisNexis HotDocs

See course description under Computer Training, page 14.

Improving Skills and Practices in Cases Involving
Self-Represented Litigants

See course description under Self-Represented Litigants, page 40.

Evidentiary Issues Involving Social Media for the
Trial Court Judge

See course description under Interdisciplinary, page 33.

COLLABORATIVE COURTS

Drug Case Disposition

Discuss practical ways to manage the disposition of drug cases and their impact on your calendar. Learn the mechanics of drug diversion statutes and the continuum of handling drug cases. Topics discussed include alternative case management, assessing a drug program using current treatment protocol, mental health diversion, and community-based and treatment-oriented sentencing.

1.5–2 hours

Incorporating Collaborative Court Principles

Don't want to see the same defendants and clients over and over again throughout your career? Integrate highly effective collaborative court principles and practices into your current assignment and improve the lives of those who come before you while increasing your own personal job satisfaction at the same time.

This course is available in several versions. The full two-day course is for judges and subordinate judicial officers who have not sat in a collaborative justice court. A one-day course is available for judges who have previously sat in a problem-solving court. Additionally, a short 3.5-hour course can be requested to give an overview of the area. Judges in policymaking roles can request a 3.5-hour version that is adapted to their interests and includes an expanded discussion of costs, recidivism, benefits, and current and future trends.

Course length will be determined in consultation with local court.

COMPUTER TRAINING

Civil Jury Instructions With LexisNexis HotDocs

Learn about the Judicial Council's civil jury instructions (CACI) using LexisNexis® HotDocs® software. LexisNexis® has custom-designed its user-friendly HotDocs® program to easily insert names and gender references and to automatically select many other variables. Participants will learn how to use HotDocs® to create a case file, view instruction sets and use notes, assemble a set of jury instructions for a hypothetical civil case, use features of the software to enhance instruction discussions during trial conferences, edit or add instructions as necessary, and print instructions in alternate formats.

3 hours ■ Class size 15–18

Criminal Jury Instructions With LexisNexis HotDocs

Learn about the Judicial Council's criminal jury instructions (CALCRIM) using LexisNexis® HotDocs® software. LexisNexis® has custom-designed its user-friendly HotDocs® program to easily insert names and gender references and to automatically select many other variables. Participants will learn how to use HotDocs® to create a case file, view instruction sets and use notes, assemble a set of jury instructions for a hypothetical criminal case, use features of the software to enhance instruction discussions during trial conferences, edit or add instructions as necessary, and print instructions in alternate formats.

3 hours ■ Class size 15–18

Internet Resources for Legal Information

What began as a research tool for scientists has blossomed into something unanticipated. In a very short time, the Internet has changed the way most of us do business, the way we communicate, and even the way we learn. Participants will become familiar with the basic functions of the Microsoft Internet Explorer® Web browser and will explore the AOC's Serranus Web site and other law-related sites of interest to judges and subordinate judicial officers.

3 hours ■ Class size 15–18

Introduction to Microsoft Word and Windows

Learn the basics of Microsoft Word® and its everyday application to the tasks of judges and subordinate judicial officers. Participants will learn to open and save documents; use toolbar icons and shortcuts to make word-processing tasks easier; move text in a document by cutting and pasting; create a table; and use features like find and replace, autocorrect, and symbols. In addition, participants will become familiar with functions of the Microsoft Windows® environment, including being able to launch programs; create folders; copy, move, and delete files; and employ computer first-aid techniques.

3 hours ■ Class size 15–18

LexisNexis Research

Participants will become familiar with the basic functions of the Lexis® online legal research system and will learn to search legal topics by case names and statutes, as well as by keywords using natural language and term connectors. The faculty are trainers from LexisNexis®.

2 hours ■ Maximum class size 15–18

PowerPoint for Trial Judges

Microsoft PowerPoint® is a powerful software tool that can be used to create professional-looking presentations and slide shows. Participants learn to create slides, insert and edit text, and work with audiovisual elements such as the slide color scheme and adding graphics and video to slides.

Examples of how trial judges use PowerPoint will be shown.

3 hours ■ Class size 15–18

COURT SECURITY

Personal Security and Judicial Privacy Protection

What steps can or should judges take to preserve their personal safety and the safety of their families and court staff, both at and away from the courthouse? In this course, participants will enhance their abilities to assess potential threats and learn avoidance techniques. Participants will also learn about tools to maximize privacy protection in both public records and nonpublic personal records.

1.5 hours

Stalking Cases and Court Security

National events and an increase in the number of cases have heightened awareness about both stalking cases and favorable practices for improving courtroom security. This course identifies stalking behavior, dynamics, and types and includes discussion of case management techniques in stalking cases. Additional issues include threat and violence assessment, cyberstalking, stalking law, firearms and court orders, and evidentiary issues in stalking cases. This course also touches on practical ways to increase court security.

1.5 hours

CRIMINAL

COURTROOM AND TRIAL MANAGEMENT

Contempt

Courtroom control is essential to the administration of justice. Judges have the legal and inherent power to employ all means necessary to maintain order. Contempt is the ultimate tool of control, but must be a tool of last resort. The faculty will discuss sanctions and direct, indirect, and hybrid contempt and when it is appropriate to resort to sanctions or contempt. Using checklists, participants will learn the requirements regarding notice and the opportunity to be heard, and how to hold a contempt hearing, make a record, issue an order, and avoid common errors.

1.5 hours ■ 1 hour Qualifying Ethics elective credit

Disruptive Defendants and Problem Pro Pers

This course provides participants with problem-solving techniques and procedures for handling disruptive defendants and problem pro pers in criminal cases. Participants will be given examples of courtroom situations, suggestions for practical and legal solutions, and relevant case law.

3 hours ■ Los Angeles JES course

Mental Health and the Courts

This is an introductory course about dealing with mentally ill litigants in court. Although focused on criminal law, the class will address issues that occur throughout the justice system. The goal of this course is to increase judges', commissioners', and referees' awareness of the special challenges presented by cases involving mental illness. After a brief examination of the types of mental illness and the differences between the various types of mental health litigation (competency, insanity, civil commitment, etc.), students will explore ways of combating stereotypes and treating the mentally ill effectively and with dignity in the courtroom. The instructors will also discuss resources and programs a court can use to help mentally ill litigants.

3 hours

Mental Health Issues in Criminal Courts

This course is an overview of the contexts in which mental health issues arise in criminal courts. Proceedings under Pen C §1026 (Not Guilty by Reason of Insanity) and Pen C §1367 (Incompetent to Stand Trial) are covered as well as:

- Mentally Disordered Offenders (Pen C §§2960 et seq)
- Mentally Disordered Sex Offenders (Welf & I C §§6300 et seq, repealed 1981)
- Sexually Violent Predators (Welf & I C §§6600 et seq)
- Mental Retardation Commitments (Welf & I C §§6500 et seq)
- CYA Commitments (Welf & I C §§1800 et seq)
- CRC Commitments (Welf & I C §§3050 et seq)
- *Murphy* Conservatorships (Welf & I C §5008h(1)(b))

Course length will be determined in consultation with local court

CRIMINAL, continued

CRIMINAL JUSTICE REALIGNMENT

Criminal Justice Realignment: Judicial Issues Roundtable

During this facilitated roundtable judges and commissioners from neighboring counties will have an opportunity to discuss issues and local strategies relating to felony sentencing and postrelease community supervision. The requesting court may request specific topics be included or may select from the following:

- Felony Sentencing
- Adaptation of
 - Arraignment scripts
 - Plea scripts
 - Plea forms
 - Plea negotiations
- Evidence-based Practices
- Postrelease Community Supervision Revocation
 - Case management
 - Hearing procedures
- The Judge's Role in Determining County Implementation Strategy
 - Identification of judicial interests and ethical quandaries
 - Comparison of various counties' implementation strategies
 - Collaborative courts approach to implementation

Criminal Justice Realignment: Justice Partners Roundtable

A similar facilitated discussion to the one described above but altered to accommodate a combined audience of judicial officers and justice partners. The audience, to be determined by the requesting court, may include Judges, Commissioners, Hearing Officers, District Attorneys, Public Defenders, and Probation Officers from the requesting county and from neighboring counties.

Death Penalty

Advanced Capital Case Roundtable

This course is designed to provide the periodic update recommended by rule 10.469(d) of the California Rules of Court and two hours of qualifying ethics credit. Led by judges with extensive experience in high profile and death penalty cases, this course will consist of roundtable discussion during which participants will share their experiences and discuss effective courtroom practices.

REQUIRED COURSE PREREQUISITES

Eligible applicants must have taken the AOC Education Division's two-day Death Penalty Trials course.

COURSE TOPICS

Case law update

Voir dire—avoiding jury bias and selecting a fair jury

Jury death qualification

Individualized and sequestered questioning

Logistics of voir dire and the impact on jurors' comfort and willingness to reveal important information

Effective procedural practices

Use of questionnaires

Jury innovations

Evaluating hardships

Unique issues jurors face in a death penalty case and whether this does or should affect the jury selection process.

Difficult defendants

Pro pers and standby counsel

Handling disruptive defendants

Courtroom control

Media and cameras in the courtroom

Scope of public right of access and permissible limitations

Security

Personal and courtroom security measures a judge may consider

Maintaining fairness in process to the attorneys, the families and friends of the parties, the defendant, the victim, and the public.

Ethics

Ethical or moral issues that a judge may struggle with when handling this type of case. Increasingly, electronic evidence is becoming part of a criminal trial. Attorneys want to use technology to enhance their presentations to juries. Evidentiary foundation questions arise regarding the admissibility of information from social networks, e-mails, texts, and other electronic sources. This course examines discovery, pretrial, and trial implications associated with that trend.

1.5 days 2 hours of Qualifying Ethics elective credit

EVIDENCE

Admissibility of Technological Evidence in Criminal Cases

Increasingly, electronic evidence is becoming part of a criminal trial. Attorneys want to use technology to enhance their presentations to juries. Evidentiary foundation questions arise regarding the admissibility of information from social networks, e-mails, texts, and other electronic sources. This course examines discovery, pretrial, and trial implications associated with that trend.

1.5–2 hours

Discovery Issues—Advanced

This course takes an in-depth look at complex discovery issues. Topics include reciprocal discovery under Pen C §§1054 et seq. including impeachment evidence and oral statements of a witness not reduced to writing; the District Attorney's duty to investigate; attorney notes regarding interviews of witnesses; motions to access officer personnel records (*Pitchess*) and for disclosure of confidential informants; sanctions for discovery violations and compliance orders; and issues surrounding subpoenas duces tecum including limited disclosure per *Teal*, claims of privilege, and in camera reviews.

1.5 hours

CRIMINAL, continued

Evidence Hot Topics

Brush up on complex areas of evidence in this fast-paced and interactive course. Topics include the admissibility of evidence of other crimes in sex offense, domestic violence, elder abuse, and child abuse cases (Evid C §§1108, 1109), and the implications of the U.S. Supreme Court's decision in *Melendez–Diaz v Massachusetts* to the analysis of hearsay and the Sixth Amendment right to confront witnesses.

1.5 hours

Expert Witness Issues in Complex Criminal Cases

Explore evidentiary issues arising in cases involving expert witness testimony. Learn to rule on objections to the admissibility and scope of expert testimony regarding gangs, new scientific techniques or devices, and mental disorders.

3 hours ■ Los Angeles JES course

Forensic DNA Evidence

Forensic DNA testing technologies have presented the criminal justice system with powerful and unique tools in the solution of crime. Small, often invisible, biological material can successfully be obtained from evidence items previously thought to be useless in criminal investigations. The creation of local, state, and national databases of DNA profiles of previously convicted offenders has similarly resulted in the solution of otherwise suspectless cases. Of greater importance is the now-common use of DNA typing technologies to examine older cases in which inmates have frequently served lengthy terms in prisons or penitentiaries. In excess of 240 inmates in the United States have been exonerated by modern DNA analysis of samples seized prior to the availability of DNA testing.

1.5 hours

Search and Seizure

This program provides judges and subordinate judicial officers with an overview of search and seizure law and procedure in California with an emphasis on major U.S. Supreme Court cases in areas such as standing, exceptions to the warrant requirement, temporary detention, good faith, and the evaluation of search warrant applications. It prepares them for not only the responsibility of reviewing a search warrant but also gives them the tools necessary to confidently and correctly rule on motions to suppress evidence pursuant to Penal Code §1538.5.

4–6 hours

Search and Seizure Update

This hypothetical-driven course focuses on recent changes in search and seizure law that directly impact the evaluation of suppression motions and warrant applications.

2 hours

Search Warrant Basics

This course covers the fundamentals of issuing search warrants. The objective of the class is to increase the skill level and confidence of new judges in evaluating search warrant applications. The course will cover the legal structure of search warrant practice, permissible communications with police and prosecutors on an ex parte basis, the components of probable cause, and common types of search warrants. The course is open to all judges, but its content assumes only limited or no prior experience in search warrant practice.

2.5–3 hours

Witness Testimony: Special Issues in Criminal Trials

Unexpected issues concerning witness testimony can derail a trial schedule and create appealable issues difficult to cure. Faculty will introduce effective pretrial conference strategies that can avoid common pitfalls and reduce delays related to witness issues during trial. Topics include the procedure for handling a witness's invocation of the Fifth Amendment right against self-incrimination, use and transactional immunity, witnesses who testify under a plea bargain, marital and spousal privileges, and accomplice testimony.

1 hour

JURY ISSUES

Juror Misconduct

An experienced criminal trial court judge discusses ways that juror misconduct is discovered, effective admonitions that aid in preventing misconduct, and the law controlling the judge's duty to investigate and remedy the situation.

1.5 hours

Jury Selection in Complex Felony Cases

This course focuses on procedural techniques that can increase the efficiency of jury selection in complex felony cases while reducing jury bias. Topics include a discussion of the pros and cons of various procedural practices such as the size of the venire and attorney time limits; the evaluation of hardships and techniques to reduce the number of hardship requests; the use of questionnaires and mini-opening statements; the management of large jury panels and selection of multiple juries; unique issues jurors face in lengthy or high profile trials, or emotionally intense cases and whether this does or should impact the jury selection process; Batson/ Wheeler issues; and procedural techniques that improve jurors' comfort and willingness to reveal important information.

3.5 hours

PLEAS

Criminal Case Settlement

Explore ethical considerations and learn strategies for settling criminal cases; participants learn techniques for conducting plea bargain negotiations through role-playing, interactive discussion of hypotheticals, and the application of relevant canons of judicial ethics and CJP cases.

3 hours ■ 1 hour of Qualifying Ethics elective credit ■ Los Angeles JES course

Criminal Mediation:

Negotiating the Resolution of a Criminal Case: Ethical, Legal, and Practical

Considerations of Judicial Participation in Plea Bargaining

As opposed to the civil courtroom, plea negotiation and settlement in the criminal courtroom is fraught with ethical land mines. Judges must be diligent in protecting the rights of a defendant, the rights of a victim, and striving to achieve justice while facing the pressures of handling impossible caseloads. Learn techniques that other judges have developed to successfully strike this balance in this roundtable-style course

3 hours ■ 2 hours of Qualifying Ethics elective credit

SENTENCING

Doing More With Less: Sentencing and Probation Considerations in the New Millennium

The parameters of probation reform in SB 678 are analyzed and “evidence based practices” are defined. “Evidence Based” sentencing practices are discussed as well as methods and criteria judges might consider in seeking to implement such practices in their courts.

1 hour

Introduction to Felony Sentencing

This course covers all the basic sentencing concepts you need to know to complete almost every felony sentence. The course begins with an overview of the basic probationary sentence and a single-count state prison sentence. You learn how to conduct a sentencing hearing; determine eligibility for probation; impose an appropriate custody term; and make other necessary fines, assessments, and orders to conclude the sentence. The course also covers multiple count and multiple case sentencing, application of Penal Code §654, calculation of custody credits with multiple cases, indeterminate sentences, sentences after violation of probation, recall of sentences, *Cruz* waivers, and correction or modification of sentences.

6 hours

CRIMINAL, continued

Misdemeanors: Procedures and Sentencing (Including DUI Sentencing)

This course is for judges, commissioners, and referees handling any type of misdemeanor cases. The goal of the course is to provide an understanding of mandates in misdemeanor sentencing, as well as the fundamental principles of effective sentencing. The course starts by covering mandated sentencing in the areas of DUI, drug offenses, and domestic violence. The research on effective behavior modification and how that can be used in misdemeanor sentencing to increase success, reduce recidivism, and increase public safety are also discussed.

2 hours

Sentencing Considerations in Gang Cases

This course teaches judges how to sentence defendants in cases involving gang allegations. Topics include plea bargaining; rights of the victims to be heard; detailed, step-by-step analysis of gang enhancements and sentence calculation; calculation of credits; conditions of probation; and restitution, fines, and fees.

2 hours

Three Strikes

This workshop reviews the basic sentencing structure of this law, with emphasis on the mechanics of imposing a strike sentence. You learn which previous convictions constitute strikes, strike sentencing rules, and what sentencing options are available to the court in applying the law. You gain a working knowledge of the Three-Strikes law through class discussion, written materials, and practical sentencing hypotheticals.

3.5 hours

Treatment-Based Sentencing for Drug Offenders

This course explores the options for diverting drug offenders to treatment-based sentences. Topics include Deferred Entry of Judgment, Proposition 36, probation supervised inpatient or outpatient treatment, Drug Court, and state-level programs through the Department of Corrections. This course provides a continuum of sentencing alternatives available for the drug offenders.

1.5 hours

SPECIAL CRIMES

Assessing Dangerousness in Criminal Domestic Violence Cases

This course features a review of important research conducted by nationally recognized experts on assessing dangerousness and lethality in domestic violence incidents. The course discusses the assessment tools that were developed as part of the research. Building on this research overview, the course uses a sample case file to discuss the practical application of this information. The course highlights and analyzes the judicial decisions that require risk assessment in criminal domestic violence cases. Additional key topics include examining criminal history and other case information, ethical limitations on assessing risk, and using calendar management to enhance safety.

3 hours

Criminal Domestic Violence Cases

This course enables judges and subordinate judicial officers to handle a criminal domestic violence case from the arraignment stage through supervision on probation. Pretrial issues, such as protective orders and witness body attachments, are addressed. The course covers the complex evidentiary problems that often arise when victims are either absent or recanting, including impeachment with prior inconsistent statements; admission of spontaneous statements; use of absent victim statements under Evid C §1370 after *Crawford v Washington*; admission of prior domestic violence incidents under Evid C §1109; Battered Women's Syndrome evidence; and victims' assertion of the Fifth Amendment privilege. The mandatory sentencing provisions for these cases and how they may affect proposed plea dispositions are also covered.

3 hours

Gang Issues in Criminal Cases

Explore strategies for handling legal and practical issues arising in gang cases from arraignment to sentencing. Topics include courtroom security, witness protection, assuring witness attendance, discovery, admissibility of gang evidence and expert testimony, technical requirements of the STEP Act (Pen C §186.22), jury selection, and sentencing.

3 hours ■ Los Angeles JES course

Handling Sexual Assault Cases

Sexual assault cases require the judge to be familiar with a unique body of substantive and procedural law that is not necessarily applicable in other criminal cases. The judge must also be aware of and understand the dynamics of sexual assault cases, the needs of the victim and specially mandated accommodations, and myths and misconceptions about sexual assault victims and offenders. This course emphasizes these key issues and guides the judge through managing a sexual assault trial from arraignment through sentencing and postsentencing procedures. The course, or a part of it, may be delivered in one- to two-hour stand-alone modules. Key topics include:

- Voir dire/jury issues
- Experts
- Offender characteristics
- Special protection for victims
- Impact of DNA on sexual assault cases
- Managing the media in high-profile sexual assault cases
- Sentencing
- Postsentencing for sexual violence predators/mentally disordered sex offenders

1-2 hour modules

CRIMINAL, continued

Please also see these courses in the Domestic Violence section...

Adjudication of Stalking Cases, page 26.

Immigration Issues in Criminal Domestic Violence Cases, page 27.

Stalking in Cyberspace: What a Judge Needs to Know, page 27.

Please also see this course in the Court Security section...

Stalking Cases and Court Security, page 16.

Please also see this course in the Computer Training section

Criminal Jury Instructions With LexisNexis HotDocs, page 14.

Please also see these courses in the Interdisciplinary section

Difficult Conversations, page 32.

Mental Health and the Science of Addiction, page 33.

Evidentiary Issues Involving Social Media for the Trial Court Judge, page, 33.

DOMESTIC VIOLENCE

ELDER ABUSE

Handling Elder Abuse Issues

Elder abuse cases can arise in virtually any department of the court. This course helps the judge or subordinate judicial officer become familiar with elder abuse in its various court settings and the relevant underlying law and procedure. The course also provides an awareness and understanding of the dynamics of elder abuse cases, the needs of the victim and appropriate accommodations, and myths and misconceptions about elder abuse victims and offenders. This course emphasizes these key issues and guides the participant through managing the complexities of elder abuse cases. The course contains a series of modules that can be delivered in one- to two-hour workshops that can be combined for longer courses. Key topics include:

- Aging and the dynamics of elder abuse
- Statutory framework in which elder abuse cases arise
- Domestic violence in later life
- Evidence in elder abuse cases
- Decisionmaking skills
- Elder abuse in probate and conservatorship proceedings
- Justice system agencies in elder abuse cases
- Judicial ethics in elder abuse cases

1–2 hours for each segment ■ Segments may be combined for longer courses

Restraining Orders in Elder Abuse Cases

This course focuses on restraining orders designed to protect elders from abuse. Key topics include how to recognize and understand the dynamics of elder abuse, identifying the statutory scheme and the legal requirements for issuing a restraining order under Welf & I C §15657.03; identifying what should be in a proper order under the Welfare and Institutions Code and comparing the results with the Domestic Violence Prevention Act; identifying the gaps in remedies, requirements, and what can be ordered; and discussing suggestions for options to fill the gaps.

1.5 to 3 hours

STALKING

Adjudication of Stalking Cases

This course focuses on a “nuts and bolts” approach to judicial decisionmaking in stalking cases. Topics will include the statutory basis for stalking cases, stalking behavior and dynamics, threats and threat assessment, special evidentiary issues, victim protections, and crafting effective court orders.

1.5 hours

Stalking in Cyberspace: What a Judge Needs to Know

This course provides practical information about the ways in which perpetrators of domestic violence and stalking may use technology, such as global positioning systems (GPS), cell phones, and handheld computers to control or track their victims. The course also focuses on how this issue might affect the terms of restraining and protective orders and other implications for judicial decisionmaking.

1.5 hours

Domestic Violence and Ethics

Judges and commissioners are expected and encouraged to engage in community activities and outreach within the limits of the law and ethical standards. This is especially true in cases involving allegations of domestic violence because of the presence of justice system partners and services. This course provides a forum to discuss these issues in the context of domestic violence cases, using a series of hypotheticals highlighting media inquiries, legislative activities, educational activities, and membership in domestic violence prevention councils. The course also includes an exploration of questions relating to handling cases that often involve self-represented litigants.

2 hours ■ 2 hours of Qualifying Ethics elective credit

Domestic Violence and Fairness Issues

Using a case scenario and practical applications for judges, subordinate judicial officers, and family dispute professionals, this course delineates a methodology for analyzing cultural issues as they occur in domestic violence cases. The goal of the course is not to provide a handy guide to cultural characteristics, but rather to present a practical way of thinking about culture that will assist in mediating and adjudicating cases involving a diverse population.

3 hours

Evaluating the Effects of Domestic Violence on Children

Research reveals that children suffer when they are exposed to domestic violence. This presentation provides an overview of the effects of domestic violence on children and the implications for judicial decisionmaking.

1.5 hours

Immigration Issues in Criminal Domestic Violence Cases

Immigration issues increasingly affect judicial decisionmaking, the nature of the information presented to the court, and safety issues in criminal domestic violence cases. This course provides a broad overview of the elements of immigration law that may affect decisionmaking in these cases and an understanding of the challenges facing victims of domestic violence as a result of the immigration concerns and status of the parties. Course topics include immigration concerns of immigrant victims of domestic violence; myths about immigration status; basic elements of immigration law relevant to adjudication of criminal domestic violence cases; consequences of adult criminal convictions; and protective orders and their impact on the safety of immigrant victims.

3 hours

DOMESTIC VIOLENCE, continued

Restraining Orders in Multiple Court Settings

This course focuses on the nuts and bolts of issuing restraining and protective orders in multiple court settings. It provides an overview of the statutory requirements relating to these orders and compares and contrasts the underlying statutory provisions. Using a series of both common and complex fact patterns, participants will distinguish among the various types of orders, analyze difficult or borderline cases, and discuss how to craft clear and enforceable orders.

1.5–3 hours

Domestic Violence-related courses in other sections...

- Assessing Dangerousness in Criminal Domestic Violence Cases, page 23.
- Criminal Domestic Violence Cases, page 24.
- Domestic Violence and Custody—Assessing the Risk, page 31.
- Domestic Violence Issues in Family Law Cases, page 31.
- Domestic Violence Issues in Juvenile Cases, page 36.
- Ethics and Self-Represented Litigants in Domestic Violence Cases, page 40.
- Handling Sexual Assault Cases, page 24.
- Reasonable Efforts in Dependency Cases Involving Domestic Violence, page 37.
- Science of Aging, page 34.
- Stalking Cases and Court Security, page 16.
- Use of Technology in Domestic Violence Cases, page 31.

FAIRNESS

A Crash Course on Fairness in the Courts

Learn to recognize access and fairness issues in the court and implement practical solutions and strategies for dealing with them. This interactive small-group seminar uses thought-provoking clips from the Academy Award-winning movie *Crash* to raise issues and stimulate discussion.

3 hours ■ 2 hours of Qualifying Ethics elective credit ■ Los Angeles JES course

Micro-Aggressions and Fairness

This highly interactive course explores the ways in which unconscious bias manifests in verbal communications and nonverbal behavior. The course demonstrates scientifically proven methods for dismantling this bias.

2 hours ■ 2 hours of Qualifying Ethics elective credit

The Neuroscience and Empirical Psychology of Decisionmaking, Credibility Assessment, and Demeanor

In this interactive course, judges and subordinate judicial officers are provided with information on emerging research on how physiological and unconscious processes affect credibility assessments, and related conclusions that we draw about the character, veracity, and proclivity to engage in behavior. The course explores social cognition, in-group/out-group interactions as well as verbal and nonverbal communication. The course explains how Magnetic Resonance Imaging (MRI) of the brain may show instantaneous assessments of people as threatening or benign. The exercises and studies also add insight into the ways in which our courts interact with court users. The course provides tools for increasing the public's trust and confidence in the courts.

3 hours ■ 2 hours of Qualifying Ethics elective credit

Sexual Orientation Curriculum

This interactive course provides judges and subordinate judicial officers with tools to increase the public's trust and confidence in the courts, as well as effective communication with lesbian, gay, bisexual, and transgender court users. The course uses the latest research on fairness in decisionmaking, including neuroscientific and psychological studies. The course reviews interesting statistics and thoughtful discourse on avoiding pitfalls in communication.

3 hours

Please also see...

Domestic Violence and Fairness Issues

See course description under Domestic Violence, page 27.

FAMILY

Attacks on the Judgment in Family Law

This course is designed for the less experienced family law judge or subordinate judicial officer. It also serves as a refresher for those more experienced in family law. This course explores the various means used to set aside, modify, or reverse judgments and orders short of the appellate process.

1.5 hours

Attorneys Fees and Costs

This course reviews the recent changes to the law regarding attorney fees, including: the findings required when there is a disparity in access to funds to retain counsel, new forms and how they are likely to be used by self-represented litigants, how to assess the adequacy of a request for attorney fees, and factors to consider in awarding attorney fees.

2.5 hours

Basic Income Issues: Earning Capacity and Imputing Income

This course is designed for the less experienced family law judge or subordinate judicial officer. It also serves as a refresher for those more experienced in family law. This course examines the statutory and case law basis for allowing the court to use an income amount, other than a party's actual income, in setting support and making an order for attorney fees and costs; when and under what circumstances it is appropriate to impute income or a capacity to earn; and imputing income from various assets.

1.5 hours

Basic Spousal Support

This seminar is designed for family law judicial officers who have already completed the Family Law Primary Assignment Orientation. The faculty will review the Family Code 4320 factors using hypothetical case scenarios and explore in depth the factors that are particularly problematic given the current economy and the rise in self-represented litigants, who may be unfamiliar with burdens of proof or admissible evidence when seeking to establish or modify spousal support.

2.5 hours

Claims of Exemption and Defenses to Enforcement of Support Orders

This course examines ways to enforce support orders, deal with claims of exemption and defenses to enforcement, and handle requests that are not made in the proper form or procedure.

1.5 hours

Difficult Custody Modifications and the Role of the Court

Requests for modifications of custody and visitation can be challenging and difficult. In a discussion format, this course examines difficult case scenarios as a way of exploring how to think about and resolve the toughest cases. Topics include requests to separate siblings and to modify out-of-state orders, cases involving military families and deployment, and more.

1.5 hours

FAMILY, continued

Domestic Violence and Custody—Assessing the Risk

This course, designed for judges, subordinate judicial officers, and family court services professionals, presents an analytical process for assessing risk in custody cases in which domestic violence is a factor. Using a series of case scenarios that reflect a variety of domestic violence fact patterns arising in different contexts, the course focuses on the role of family court services, the role of the court, and statutory requirements and considerations. The course includes an interactive discussion about how to determine what is actually happening in the family and what the court should do.

1.5–3 hours

Domestic Violence Issues in Family Law Cases

This course alerts judges and subordinate judicial officers about the domestic violence issues that arise in family law cases. Topics emphasized are the statutory presumption based on a history of domestic violence under Fam C §3044 and crafting custody and visitation orders in the best interest of the child when domestic violence is an issue.

1.5–3 hours

Family-Centered Case Resolution

A discussion of best practices for using the new family law forms, implementing new case management rules, and other tips for resolving the issues presented in family law courts.

1.5 hours

Live Testimony at Hearings

Under new Family Code §217, absent a stipulation of the parties or finding of good cause, the court must receive any live, competent testimony that is relevant and within the scope of the Order to Show Cause or notice of motion hearing and the court may ask questions of the parties. This course examines how this can be done given the high volume of cases in our courts.

1.5 hours

Use of Technology in Domestic Violence Cases

This course will focus on the use of technology as an element of abuse in family law cases when domestic violence is alleged. Topics relating to social media and others methods of electronic communication will be addressed. Faculty will also discuss the evidentiary issues raised by the use of technology, making a record in these cases, and the role of the judge when the parties are not represented by counsel.

1.5 hours

Please also see...

Evaluating the Effects of Domestic Violence on Children

See course description under Domestic Violence, page 27.

Improving Skills and Practices in Cases Involving Self-Represented Litigants

See course description under Self-Represented Litigants, page 40.

Difficult Conversations

See course description under Interdisciplinary, page 32.

INTERDISCIPLINARY

Cognitive Fallacies—Fundamental Errors in Decision-Making

Classical economics assumes logical, rational behavior in decision making. However over the past 30 years, a new field has developed known as behavioral economics which observes that many of our decisions are not, in fact, rational. The focus of this course is on cognitive fallacies—errors our minds make as we reach decisions. These errors are based on the brain’s structure, and generally all people (including judges) are subject to them. We tend to make up stories to explain connections among events that are unconnected (narrative fallacy). We believe more expensive goods, such as wines, taste better in blind taste tests, and often consider only evidence that supports previously made decisions (cognitive dissonance). We believe that our success is a result of our talent and our failures are explained by other reasons (attribution bias). We tend to make judgments of value (such as prices of goods or settlements) based on entirely unrelated “priming” numbers we were exposed to just before making the decision (anchoring). Experiments discussed in the course reveal that many decisions are made entirely unconsciously, and the conscious mind is often employed in creating post hoc rationalizations of these decisions.

This course is useful for judges handling settlement conferences, helping them to evaluate why parties take certain positions and helping them to modify the parties’ behavior. It is also designed for those wishing to be sensitive to their unconscious biases in their approach to people, and in decision-making generally. Participants will learn techniques to evaluate the decisions of lawyers and the testimony of witnesses, including eyewitnesses. The course includes in-class work with the participants, allowing them to observe themselves falling prey to some of these fallacies. This course is open to research attorneys and judicial officers.

1-2 hours, as requested

Difficult Conversations

This course provides participants with problem-solving techniques for handling difficult litigants and lawyers in a variety of cases, including civil, criminal, and family, as well as in a variety of settings, both in and outside of court. Common personality disorders are discussed as well as techniques for identifying those traits and communicating with people who have them. Contempt adjudication is included but the goal of the course is to provide participants with tools for maintaining the decorum of the court (and the sanity of the judge) without contempt.

1.5 hours ■ 1 hour of Qualifying Ethics elective credit

E-business

Learn about the various successful e-business projects that are in place across California courts and become familiar with how these implementations have improved access to justice for justice partners and the public. These new electronic ways of doing business create efficiencies while providing judicial officers, justice partners and the public greater access to critical information in a timely and effective manner. In this course, the attendees will also learn about many different statutes and rules that define court electronic business such as electronic filing, servicing, and access, and find out how these rules and statutes differ from paper based court operations.

2 hours

Evidentiary Issues Involving Social Media for the Trial Court Judge

During this fast-paced, hypothetical-driven evidence course designed for both civil and criminal trial judges, faculty will delve into issues surrounding electronic evidence. Topics will include discovery issues and the admissibility and foundational issues associated with Facebook, Twitter, and other social network evidence.

3 hours

Improving on Excellence: Enhancing Your Judicial Skills for the Next Decade

This highly interactive course allows judges and subordinate judicial officers to identify their skill sets as judges. The course defines ways to enhance those skills sets so that judges can effectively and efficiently use their analytical skills on the bench.

1.5 hours

Mental Health and the Science of Addiction

Substance use disorders as well as other mental health concerns are implicated in the vast majority of criminal cases, a large majority of child abuse and neglect cases, and are found in numerous other cases before the court. As a result of this course you will be better able to craft court orders to increase compliance and reduce violations. We explore a basic understanding of alcohol and other drug use as well as mental health diagnoses the court is likely to see. Understanding addiction and addressing recovery as well as medication compliance lead to more effective judging.

3.5 hours

Myers-Briggs Type Indicator for Judges, Commissioners, and Referees

What is the MBTI and what can it do for judges? Knowledge of one's own personality type and key concepts of the MBTI can be useful when they are applied to fact-finding and decision-making, communication style, leadership, and other aspects of a judge's role in the courtroom. Judges, commissioners, and referees will be able to take the MBTI and receive a detailed report and analysis. After taking the course, participants will understand why different people such as attorneys, judges, parties, and staff, interact and react differently. There is a participant cost to take the MBTI (please contact CJER to discuss the number of participants and the associated cost.)

2 hours

The Pleasures of Case Flow Management

Regional California judicial workshops and site visits since 2005 have generated practical information about the principles of case flow management in criminal, family, and civil courts, and techniques for applying them. In one medium-sized county (Solano) these applications resulted in estimated local annual savings of \$50,000 to \$100,000.00 in family law alone, plus other clear benefits, including reduced trips to court for litigants. This course will focus on the principles of case flow management and the application of these principles to courts with an eye to cost savings. The content of this course can be tailored by the requesting court or region to include criminal, family, or civil law, or any combination of those areas.

1.5 hours

INTERDISCIPLINARY, continued

Science of Aging

Elders, particularly those over 85, are the fastest growing segment of our society. They are susceptible to personal and financial abuses that are directly related to their diminishing capacities and their inability to protect and manage themselves and their affairs. This course focuses on the science of aging and the types of issues that come before the courts due to the vulnerabilities of the aging population.

1.5 hours

JUDICIAL ETHICS

Qualifying Ethics Core Course

All experienced judges and subordinate judicial officers must take the three-hour Qualifying Ethics core course as part of their Qualifying Ethics training requirement. The course has a set curriculum that covers a wide range of judicial ethics issues. The QE4 cycle runs through 2012. The minimum enrollment for this class is 20 judges and subordinate judicial officers.

3 hours

Social Networking and Judicial Ethics

Online social networking is changing the way millions of people communicate with each other. This course will introduce you to the basics of social networking sites. Learn the risks, benefits and ethical issues that arise if a judge or subordinate judicial officer chooses to participate in an online social community.

2 hours ■ 1 hour of Qualifying Ethics elective credit

Qualifying Ethics Electives

The following courses qualify for judicial ethics elective credit. Please see the course descriptions under the designated category.

Access

- Access Laws, page 9.

Criminal Law

- Contempt, page 17.
- Criminal Case Settlement, page 22.
- Criminal Mediation—Negotiating the Resolution of a Criminal Case: Ethical, Legal, and Practical Considerations of Judicial Participation in Plea Bargaining, page 22.

Domestic Violence

- Domestic Violence and Ethics, page 27.

Fairness

- Crash Course on Fairness in the Courts, page 29.
- The Neuroscience and Empirical Psychology of Decisionmaking, Credibility Assessment, and Demeanor, page 29.

Interdisciplinary

- Difficult Conversations, page 32.

Probate

- Judicial Ethics in Probate, page 39.

Self-Represented Litigants

- Ethics and Self-Represented Litigants in Domestic Violence Cases, page 40.
- Improving Skills and Practices in Cases Involving Self-Represented Litigants, page 40.

JUVENILE

Dependency Jurisdiction

This course will take an in-depth look at the role current risk plays in jurisdictional analyses. Participants will discuss cases in which appellate courts have differed in their interpretations of current risk. Specifically, the class will examine situations such as: the current risk to the surviving children when the parents have caused the death of a sibling; whether boy children are at risk when a perpetrator has molested the female siblings; what current risk might look like in a contentious family court custody battle; whether medicinal marijuana use can be a basis to find current risk; and what role a parent might play in creating current risk to a teenager who is out of control. At the conclusion of the course, participants will understand how to analyze current risk as it applies to the cases that come before them.

2.5 hours

Domestic Violence Issues in Juvenile Cases

This course is designed for judges and subordinate judicial officers who hear juvenile dependency or juvenile delinquency matters. The course focuses on ways in which domestic violence arises in juvenile cases both overtly as a disclosed issue in the case and as an underlying issue that may affect the lives of the children who come before the court. Course topics include understanding domestic violence and its prevalence in families; the effects of domestic violence on children; restraining and exit orders; dispositions; the role of the juvenile court and the juvenile court judge; safe procedures, services, and orders; and crossover issues relating to the family court.

1.5 hours

In-Depth Delinquency Dispositional Hearings

This class will provide an in-depth analysis of the case law and practices related to disposition hearings as well as a discussion of frequently used placement options and the use of "evidence-based practices" in formulating disposition orders. The course is meant to assist judges and subordinate judicial officers, regardless of assignment experience or access to programs and resources, in learning legal nuances, evaluating assessment information, and formulating individualized disposition orders for offenders across the risk/need spectrum.

2.5 hours

Issues Regarding Incarcerated Parents

This course discusses existing law concerning incarcerated parents and statewide programs available at the California Department of Corrections regarding issues of visitation, transportation, case plans, and services.

1.5 hours

Primer on Fitness Hearings

After taking this course, participants will be able to conduct a fitness hearing and render appropriate findings. Two case studies are used to examine the fitness criteria and whether the burden of proof is met or rebutted.

1.5 hours

JUVENILE, continued

Reasonable Efforts in Dependency Cases Involving Domestic Violence

This course presents a new tool for dependency court judges and others who participate in the dependency court system, to assist in identifying factors that should be considered when making reasonable efforts determinations in cases involving domestic violence. The course focuses on the importance of understanding domestic violence when handling dependency cases, the family context of these cases, how domestic violence affects parenting, the interrelationships between domestic violence and mental health and substance abuse, the legal framework for making reasonable efforts findings, the types of reasonable efforts that should be made in dependency cases involving domestic violence, and suggestions to help improve the availability and quality of services for families experiencing domestic violence.

1.5 hours

Ruling on Welf & I C §827 Motions

This course examines how to balance the interests of the minor with those of the public, and how to promote more effective communication between juvenile courts and other interested persons and entities.

1.5 hours

Tools for Dealing With Teen Parents

Participants learn effective ways to connect and communicate with both dependent and delinquent teens, and their parents and caretakers, on issues of reproductive health, pregnancy, and parenting; what tools are available to assist dependency and delinquency judges to address these issues; and who are the stakeholders who should be included in these considerations.

1.5 hours

Understanding Education Rights in Juvenile Court

This course provides a basic overview of educational rights, including the nuts and bolts of educational representative appointment, followed by a single case study. Participants will learn what the minor's attorney, Court Appointed Special Advocate (CASA), agency, parents, and courts need to do to ensure that a minor's education rights are being met. The case study deals with transfer of rights, transfer of records (ensuring all earned school credits are recorded), and best practices for handling JV 535s.

1.5 hours

What You Can Do to Expand Services for Minors

California Rules of Ct, Standards of J Admin 5.40 encourages juvenile court judges to be proactive in working with social service agencies, mental health agencies, justice partners, and the community to develop and coordinate services for youth. This course provides information about expanding services through grants and partnerships with community service providers. Participants will also learn about AOC resources available to find grants administered by the AOC and other state and federal agencies.

1.5 hours

JUVENILE, continued

Please also see...

Evaluating the Effects of Domestic Violence on Children

See the course description under Domestic Violence, page 27.

Difficult Conversations

See course description under Interdisciplinary, page 32.

PROBATE & MENTAL HEALTH

Basic Accountings

This course provides a basic overview of the probate court's review of accounts filed by guardians, conservators, personal representatives, and trustees under Prob C §§1060 et seq. Topics include the filing of inventory and appraisals, the role of the probate referee, the purpose and format of accountings, and judicial remedies when fiduciaries fail to comply. Participants will learn both qualitative and quantitative techniques for revealing any problems and red flags. This course qualifies for education credit under Cal Rules of Ct 10.468 pertaining to judges and subordinate judicial officers regularly assigned to hear probate proceedings and qualifies for education credit under Cal Rules of Ct 10.478 pertaining to probate attorneys and probate examiners.

3.25 hours

Judicial Ethics in Probate

This course examines judicial ethics issues that probate judges, commissioners, attorneys, and examiners encounter, including ex parte communications, dealing with self-represented litigants, confidentiality, contempt, interpreters, judicial appointments, and cultural issues. This course is open to judges, commissioners, probate attorneys, and probate examiners.

2 hours ■ 2 hours of Qualifying Ethics elective credit

LPS Holds and Conservatorships

This course provides an introduction and overview of commitment laws. Topics include a discussion of the Lanterman-Petris-Short Act, LPS holds and conservatorship procedures, *Murphy* conservatorships, *Hop* and *Riese* hearings, and writs of habeas corpus. This course is open to judges, commissioners, and hearing officers assigned to LPS cases.

3.5 hours

Selected Issues in Probate Proceedings

This program covers a wide array of topics, such as estate distributions without administration, minor's compromises, special needs trusts, blocking and bonding, HIPAA, contracts to make a will, *Heggstad* petitions, and enforcing orders to account. This course qualifies for education credit under Cal Rules of Ct 10.468 pertaining to judges and subordinate judicial officers regularly assigned to hear probate proceedings and qualifies for education credit under Cal Rules of Ct 10.478 pertaining to probate attorneys and probate examiners. This course is open to judges, commissioners, probate attorneys, and probate examiners.

2 hours

Please also see...

Handling Elder Abuse Issues

See the course description under Domestic Violence, page 26.

Science of Aging

See the course description under Interdisciplinary, page 34.

Difficult Conversations

See course description under Interdisciplinary, page 32.

Mental Health and the Science of Addiction

See course description under Interdisciplinary, page 33.

SELF-REPRESENTED LITIGANTS

Ethics and Self-Represented Litigants in Domestic Violence Cases

This course focuses on both general judicial ethics issues that arise in domestic violence cases such as disqualification, disclosure, ex parte communication and community outreach, as well as application of the canons in the context of the increasing numbers of self-represented litigants that judges and subordinate judicial officers are seeing in domestic violence cases. New commentary to Cal Rules of Ct, Code of Judicial Ethics, Canon 3B(8) provides that when a litigant is self-represented, the judge has the discretion to take reasonable steps, appropriate under the circumstances and consistent with the law and the canons, to enable the litigant to be heard.

Half or full day ■ 2 hours of Ethics elective credit

Improving Skills and Practices in Cases Involving Self-Represented Litigants

Regardless of assignment, judges and subordinate judicial officers are seeing increasing numbers of self-represented litigants. New commentary to Cal Rules of Ct, Code of Judicial Ethics, Canon 3B(8) provides that when a litigant is self-represented, the judge has the discretion to take reasonable steps, appropriate under the circumstances and consistent with the law and the canons, to enable the litigant to be heard. This course provides judges and subordinate judicial officers with an opportunity to develop skills and practices designed to give self-represented litigants the same access to justice as represented parties.

Half or full day ■ 2 hours of Ethics elective credit

Please also see...

Difficult Conversations

See course description under Interdisciplinary, page 32.

TRAIN-THE-TRAINER

Model Curriculum for Temporary Judges on Bench Conduct and Demeanor (Updated Summer 2009)

In this course participants will learn how to teach the 3-hour live course that temporary judges must complete per CRC 2.812(c)–(d), 2.813, 2.815. Judges and subordinate judicial officers who serve as faculty are eligible for 2 hours of qualifying ethics elective credit. During this highly interactive workshop, participants will become familiar with a model curriculum for temporary judge education on ethical obligations relating to fairness, demeanor, and self-represented litigants. Participants will be encouraged to adapt the curriculum to their individual teaching styles. They will learn methods for making the course the one they have “always wanted to teach.”

6.5 hours ■ 2 hours of Ethics elective credit

MINIMUM EDUCATION EXPECTATIONS AND REQUIREMENTS for California Justices, Judges, and Subordinate Judicial Officers

NEW COURT OF APPEAL JUSTICES

- New Appellate Judge Orientation Program (within six months)
Provider: National provider or Education Division/CJER

NEW JUDGES & SUBORDINATE JUDICIAL OFFICERS

- New Judge Orientation (within six months)
- Primary Assignment Orientation ¹ (within one year)
- Judicial College (within two years)
Provider: Education Division/CJER

CHANGE TO PRIMARY ASSIGNMENT

- Experienced judges (expected)
- Subordinate judicial officers (required) (within six months)
- Orientation or Refresher Course in New Assignment ²
Provider: Local court, the CJA, or Education Division/CJER

NEW SUPERVISING JUDGE

- Orientation to Administrative Role (within one year)
Provider: Education Division/CJER
- Orientation to Calendar Management (if determined appropriate by local court)
Provider: Local court or Education Division/CJER

NEW PRESIDING JUDGE

- Presiding Judges Orientation and Court Management Program (within one year)
Provider: Education Division/CJER

CONTINUING EDUCATION

- Experienced justices (required)
- Experienced judges (expected)
- Subordinate judicial officers (required)
- 30 hours of continuing education in a three-year cycle ³
Provider: multiple providers

Notes

¹ Assignments are defined as civil, criminal, family, juvenile dependency, juvenile delinquency, probate, and traffic.

² If new to the assignment or returning to that assignment after two years or more.

³ Includes any hours earned in overview or refresher courses regarding a new assignment, supervising judge orientation, and presiding judge orientation.

COURSE LISTINGS, ALPHABETICAL

Access Laws	9	Doing More With Less: Sentencing and Probation Considerations in the New Millennium.....	22
Adjudication of Stalking Cases	26	Domestic Violence and Custody— Assessing the Risk	31
Admissibility of Technological Evidence in Criminal Cases	19	Domestic Violence and Ethics	27
Advanced Capital Case Roundtable.....	18	Domestic Violence and Fairness Issues	27
Assessing Dangerousness in Criminal Domestic Violence Cases.....	23	Domestic Violence Issues in Family Law Cases	31
Attacks on the Judgment in Family Law.....	30	Domestic Violence Issues in Juvenile Cases.....	36
Attorneys Fees and Costs.....	30	Drug Case Disposition.....	13
Basic Accountings.....	39	E-Business.....	32
Basic Income Issues: Earning Capacity and Imputing Income.....	30	Ethics and Self-Represented Litigants in Domestic Violence Cases.....	40
Basic Spousal Support.....	30	Evaluating the Effects of Domestic Violence on Children	27
Civil Expert Witnesses	11	Evidence Hot Topics	20
Civil Harassment.....	11	Evidentiary Issues Involving Social Media for the Trial Court Judge.....	33
Civil Jury Instructions With LexisNexis HotDocs.	14	Expert Witness Issues in Complex Criminal Cases	20
Civil Law Update	11	Family-Centered Case Resolution	31
Claims of Exemption and Defenses to Enforcement of Support Orders	30	Forensic DNA Evidence	20
Cognitive Fallacies-Fundamental Errors in Decision- Making.....	32	Gang Issues in Criminal Cases.....	24
Contempt	17	Handling Elder Abuse Issues.....	26
Crash Course on Fairness in the Courts, A.....	29	Handling Sexual Assault Cases	24
Criminal Case Settlement	22	How to Communicate and Interact With Persons With Disabilities	9
Criminal Domestic Violence Cases.....	24	How to Have Accessible Meetings	9
Criminal Jury Instructions With LexisNexis HotDocs	14	How to Provide Access to the Courts for Persons With Disabilities	10
Criminal Justice Realignment: Judicial Issues Roundtable	18	Immigration Issues in Criminal Domestic Violence Cases.....	27
Criminal Justice Realignment: Justice Partners Roundtable	18	Improving on Excellence: Enhancing Your Judicial Skills for the Next Decade.....	33
Criminal Mediation: Negotiating the Resolution of a Criminal Case: Ethical, Legal, and Practical Considerations of Judicial Participation in Plea Bargaining	22	Improving Skills and Practices in Cases Involving Self-Represented Litigants.....	40
Dependency Jurisdiction	36	In-Depth Delinquency Dispositional Hearings	36
Difficult Conversations.....	32	Incorporating Collaborative Court Principles.....	13
Difficult Custody Modifications and the Role of the Court	30	Insurance Law—Advanced.....	12
Discovery Issues—Advanced.....	19	Insurance Law—Basic.....	12
Disruptive Defendants and Problem Pro Pers	17	Introduction to Felony Sentencing	22
		Introduction to Microsoft Word and Windows	14
		Internet Resources for Legal Information.....	14

(Continued on page 44)

COURSE LISTINGS, ALPHABETICAL, continued

Issues in Employment Law.....	11	Reasonable Efforts in Dependency	
Issues Regarding Incarcerated Parents.....	36	Cases Involving Domestic Violence.....	37
Judicial Ethics in Probate	39	Recent Developments in SLAPP Motions	12
Juror Misconduct.....	21	Restraining Orders in Elder Abuse Cases.....	26
Jury Selection in Complex Felony Cases.....	21	Restraining in Multiple Court Settings	28
Large Topics in Small Claims	11	Ruling on Welf & I C §827 Motions.....	37
LexisNexis Research.....	15	Science of Aging	34
Live Testimony at Hearings	31	Search and Seizure	20
LPS Holds and Conservatorships	39	Search and Seizure Update	20
Mental Health and the Courts	17	Search Warrant Basics	21
Mental Health and the Science of Addiction	33	Selected Issues in Probate Proceedings.....	39
Mental Health Issues in Criminal Courts	17	Sentencing Considerations in Gang Cases.....	23
Micro-Aggressions and Fairness	29	Service and Comfort Animals in Your Court.....	10
Misdemeanors: Procedures and Sentencing		Sexual Orientation Curriculum	29
(Including DUI Sentencing)	23	Social Networking and Judicial Ethics.....	35
Model Curriculum for Temporary Judges on Bench		Stalking Cases and Court Security.....	16
Conduct and Demeanor		Stalking in Cyberspace: What a Judge	
(Updated Summer 2009).....	41	Needs to Know	27
Myers-Briggs Type Indicator for Judges,		Three Strikes	23
Commissioners, and Referees	33	Tools for Dealing With Teen Parents.....	37
Neuroscience and Empirical Psychology of		Treatment-Based Sentencing for Drug Offenders .	23
Decisionmaking, Credibility Assessment, and		Understanding Education Rights	
Demeanor, The.....	29	in Juvenile Court.....	37
Personal Security and Judicial Privacy		Unlawful Detainers	11
Protection	16	Use of Technology in Domestic Violence Cases....	31
Pleasures of Case Flow Management.....	33	What You Can Do to Expand	
Primer on Fitness Hearings.....	36	Services for Minors.....	37
PowerPoint for Trial Judges	15	Witness Testimony: Special Issues in	
Qualifying Ethics Core Course.....	35	Criminal Trials.....	21
Qualifying Ethics Electives	35		

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	11/30/2012
PREPARED BY	Dr. Diane Cowdrey
OFFICE NAME	<u>Office of Education/CJER</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	88
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>Attached please find a report and chart detailing the review of the education and training course offerings to AOC management and staff. This report details how CJER re-evaluated its existing AOC trainings and revised them in order to match reduced resources and changed priorities. The changes can be summarized as follows:</p> <ul style="list-style-type: none"> ▶ The elimination of several live AOC Education courses determined not to be core to the mission of the AOC. This includes some of the following courses: <ul style="list-style-type: none"> ● AOC Brown Bag Lunch Series (e.g., "Tribal Nations," "Judicial Workload Assessment," "Internal Audit Service," and "What the Court is Doing to Respond to the Needs of Self-Represented Litigants in California's Courts") ● AOC Forum Series (e.g., How the Courts Failed Germany and Women in Justice) ● The Science of Communication ● Several courses on "Green Office Practices" (e.g., "Go Green: Energy and Conservation," "Go Green: Kitchen and Workstation," and "Go Green: Paper, Paper, Paper") ● Several courses on safety (e.g., "Preventing Workplace Violence," "Laugh Yourself Safe," "Planning for Unexpected Emergency," "Earthquake Preparedness," "Emergency Response" and "Crime Prevention") ▶ An increase of online safety related courses (through an outside vendor), representing a 116% increase in the number of online safety courses, including: <ul style="list-style-type: none"> ● Fall Protection ● Hearing Conservation ● Respiratory Protection ● Ladder Safety 	

- EHS @ Work
- Back Injury Prevention
- Slip, Trip, and Fall Prevention

▶ A reduction of live computer training courses for the AOC of approximately 46%. These courses are determined by staff need:

- Access courses (e.g., "Forms, Access Queries, Access Reports")
- Excel Formulations
- PowerPoint Basics and PowerPoint Quickstart
- Publisher Basics
- Windows 7 Basics
- Word Sections & Page Layout, Word Styles & Templates

▶ An increase in the number of combined AOC/Court audience computer classes:

- Americans with Disabilities Update
- Excel Charting (class was delivered multiple times)
- Excel Data Analysis
- Word Report Features (class was delivered multiple times)
- Word Tips & Tricks (class was delivered multiple times)

▶ Increasing the number of courses available to AOC employees related to court operations by approximately 162%. This was accomplished in two ways; the first is an online course that was developed specifically for AOC staff entitled "The Work of the Courts," and the second means to accomplish this was done by leveraging existing court (both trial and appellate) staff education and making these courses available to AOC staff. With minimal staff resources, the following broadcasts and online courses were made available to all AOC staff:

- Select online broadcasts (e.g., Everyday Court Practices – Exhibits, Domestic Violence, Probate fundamentals, Appeals 101, ICWA 101, Traffic Counter)
- Online courses (e.g., "Handling Fee Waiver Applications," "Intro to Family Law Procedure")

▶ Increasing the number of courses available to AOC managers and supervisors in the area of management and leadership development, and in providing greater orientation and development of understanding of court functions. This was accomplished by in several ways, detailed below:

- Certifying a CJER staff member to teach Achieve Global (an outside vendor) courses and use the class materials that had been purchased several years ago and been held in storage. These courses include "Successful Delegation," "Strategies to Help you Build a Unified Team," "Tools to Lead your Team through Change," and "The principles and Qualities of Genuine Leadership."
- Developing management training AOC supervisors and managers using existing court education courses (CORE 40 Court Supervisor Training). These courses will be rolled out to AOC staff beginning in January 2012.
- Developing court related education for AOC management using the curricula from the Institute for Court Management certification program, including courses in the following areas:
 - * Court Community Communications (e.g., "Purpose and Communication"
 - * Fundamentals, "Understandable Courts," and "The Media and Media Relations")
 - * Leadership (e.g., "Be Credible in Action," "Create Focus through Vision," and "Manage Interdependencies")
 - * Court Operations and Orientation (e.g., "Introduction to CourTools," and "Purposes and Responsibilities of Courts")
 - * Introduction to Project Management
 - * Visioning and Strategic Planning (e.g., "Strategic Thinking," "Organizational Foundations," and "Planning: Change & Alignment")

This restructuring to match reduced resources and changed priorities allows many more options for AOC staff to learn about the courts and increases the AOC's overall effectiveness in providing service to the courts. CJER was able to accomplish this, in part, by leveraging court education resources that had been originally developed and produced for court personnel. This enables CJER to devote the majority of its resources to developing education for the trial and appellate courts while still providing relevant education to AOC employees.



Judicial Council Report
EP Rec 88 (2).docx
Microsoft Office Word
Document
32.2 KB



Updated
Recommendation 88
chart (2) FINAL.docx
Microsoft Office Word
Document
36.0 KB

This directive is forwarded to the Judicial Council with options for consideration:

File Attachment

Other:

The report is being drafted.

File Attachment

File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

**IMPLEMENTATION
DATE OR
PROJECTED
IMPLEMENTATION
DATE**

The review of AOC education has been implemented and will be an ongoing review.

**RESOURCES
REQUIRED FOR
IMPLEMENTATION**







ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

**PROCEDURES/
POLICIES UPDATED
OR DEVELOPED**

File Attachment

**TRAINING
UPDATED OR**

Please see attached report which details the current training and educational opportunities for AOC staff and management, and includes training that was updated and/or developed.

DEVELOPED	 File Attachment
<input checked="" type="checkbox"/> SAVINGS	<p>There has been a substantial reduction in the number of educational offerings to AOC staff which did not further the core mission of the AOC. The personnel cost savings were then redirected to education and training development for the courts as well as to creating and teaching additional management training for AOC staff. Education offerings developed for the courts have been leveraged for AOC staff with no extra expenditures. Costs have been neutral.</p>  File Attachment
<input type="checkbox"/> COST	 File Attachment
<input checked="" type="checkbox"/> EFFICIENCIES	<p>Leveraging existing education developed for court audiences for use by AOC staff is an increase in efficiency. Certifying a staff member to teach Achieve Global classes and use materials that were purchased several years ago is an increase in efficiency.</p>  File Attachment
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>The more court focused education which is developed for AOC staff will increase the capability of AOC staff to better serve the courts.</p>  File Attachment
<input type="checkbox"/> OTHER	 File Attachment
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="11/30/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="12/7/2012"/>

Report for Judicial Council Recommendation #88

Judicial Council Recommendation 88

E&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.

Summary

In 2012, the Office of Education/Center for Judicial Education and Research (CJER) re-evaluated existing AOC Education courses and reduced them in order to match reduced resources and changed priorities. The review resulted in the elimination of courses that are not core to the mission of the Administrative Office of the Courts. In tandem, CJER increased the amount of education offerings for AOC staff that are more court focused, and believe this will increase the AOC's overall effectiveness in providing service to the courts. Court-related class offerings in 2012 were *increased by 162%*. CJER has accomplished this, in part, by making available to AOC staff broadcast programs and online classes originally developed and produced for court personnel. This leveraging of court related education enables CJER to devote the majority of its resources to developing education for the trial and appellate courts while still providing relevant education to AOC employees. In addition, some AOC Education courses are offered jointly to both AOC and trial and appellate court personnel.

Review of the Content of Current Training Offered to AOC Employees

At the end of 2011, CJER led a review of the current compliance requirements for AOC employees. As part of this review, CJER held meetings with representatives from the Human Resources Services Office, Legal Services Office, Risk Management Unit, Office of Emergency Response and Security, and the Injury and Illness Prevention Plan (IIPP) Working Group. The IIPP Working Group is responsible for identifying specific training for each job classification category of AOC staff, based upon a safety assessment conducted for each employee. The resultant changes primarily affected safety-related requirements. In 2012, the number of non-safety compliance classes offered was *reduced by 12%* in response to a decreased need for new employee education.

Safety Training. As part of the AOC compliance requirement changes, job specific safety-training is now identified as part of the IIPP, the majority of which is provided via online education. As a result of these changes, the number of live safety-related class offerings was reduced by 69%. Seven new safety-related online courses provided by the AOC online vendor Syntrio were added in January 2012; this represents a 116% increase in the number of online safety-related

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training options. The Office of Education/CJER will continue to provide compliance classes and to partner with the IIPP Working Group to provide safety-related education.

Computer Training. In addition to changes in compliance education, CJER also *reduced computer class offerings by 46%* from 2011. At the end of this calendar year, CJER will review computer class attendance to determine the number of computer classes to be offered to AOC employees next year. Of those classes that were offered in 2012, seven sessions were offered to a combined audience of AOC and trial and appellate court employees. Combined audience classes offer a meaningful way for AOC and court employees to interact together. Further, offering classes to a combined audience allows the Education Division to focus more of its resources on developing education for the courts.

Court-Related Education: ICM Classes. Utilizing curriculum provided by the Institute for Court Management (ICM), CJER is able to efficiently develop education for AOC employees which focuses on the work of the courts. This national curriculum is owned by CJER, which enables CJER to create multiple separate courses, using the curriculum from each of the 2.5 day classes. These separate courses are developed with AOC staff in mind as the intended audience. Another advantage of these courses is that for some classes, court staff serves as faculty. The use of the ICM curriculum for this purpose began in 2010 and resulted in several classes for AOC employees. This effort has been accelerated this year. Courses now available for AOC staff and managers include the following:

- Court Community Communications: Purpose and Communication Fundamentals (new)
- Court Community Communications: Understandable Courts (new)
- Court Community Communications: The Media and Media Relations (new)
- Leadership: Be Credible in Action (new)
- Leadership: Create Focus through Vision (new)
- Leadership: Purposeful Planning; and Manage Interdependencies - Work Beyond Boundaries (new)
- Courts-Introduction to CourTools
- Courts-Purposes and Responsibilities
- Introduction to Project Management
- Visioning and Strategic Planning: Strategic Thinking
- Visioning and Strategic Planning: Organizational Foundations
- Visioning and Strategic Planning: Change & Alignment

Court-Related Education: Online Course. In addition, working with subject matter experts from the AOC and the courts, CJER developed an online course for AOC employees called “The Work

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of the Courts.” This class provides a general overview of court work and processes and is currently under final review by trial court employee subject matter experts. Court-related class offerings for AOC employees increased by 162% in 2012.

Training Offered to AOC Managers and Supervisors

CJER continues to leverage existing resources to support and develop manager and supervisor education at the AOC. In addition to the training and resources already available to managers and supervisors at the Administrative Office of the Courts, there were several new initiatives during the past year.

Management Training: Achieve Global Courses. During the 2012 – 2013 education period, CJER will provide courses for managers and supervisors using curriculum purchased from Achieve Global (a world-renowned international provider of leadership training programs) in 2004. AOC Office of Education/CJER employee, Rhonda Sharbono, completed the Achieve Global faculty training to enable the AOC to utilize this previously purchased curriculum. Utilizing the Achieve Global courses will allow the AOC to provide education for up to 80 managers and supervisors with no additional financial investment, in four areas:

- Successful Delegation
- Strategies to Help You Build a Unified Team
- Tools to Lead Your Team through Change
- The Principles and Qualities of Genuine Leadership

Management Training: Leveraging Court Programs. A key area of focus for AOC management training is the development of courses that address knowledge, skills, and abilities to effectively manage staff performance through increased communication, clear performance expectations, and achievement of goals. CJER, Legal Services Office, and Human Resources Services Office began the process of identifying broad objectives and desired results for AOC management training. This involved leveraging content and objectives already developed as part of CORE 40 Supervisor Training for trial and appellate court supervisors and managers. Additionally, content from other programs including court management programs will be reviewed for inclusion in the overall course offerings. Multiple separate courses will be provided starting in January 2013 with subsequent courses being offered every other month. The initial vision is to offer these courses in a live, face-to-face environment, with videoconference capabilities for AOC staff in regional offices.

Management Training: Online Training. An online orientation course (series) for new supervisors, highlighting essential AOC policies, is being discussed as part of the training described in the previous section. Workgroups comprising AOC subject matter experts will

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begin the design and development of the new courses under the combined direction of CJER, HR, and the Legal Services Office, with some subject matter experts also serving as faculty.

The Means by Which Training is Delivered

CJER strives to hold AOC Education classes in the most cost-effective way. For some classes, such as AOC Preventing and Responding to Sexual Harassment for supervisors and managers, the AOC has subject matter experts in San Francisco, Sacramento and Burbank who are able to serve as faculty which minimizes travel. Videoconference technology is utilized at both the Sacramento and Burbank locations, with an emphasis on the Burbank location. This allows the relatively small number of AOC employees in Burbank to participate in classes without traveling; this also allows CJER to maximize the number of class attendees while efficiently utilizing faculty time.

Computer classes are currently offered only in San Francisco and Sacramento; however, this year CJER piloted computer training via WebEx to the trial courts. On July 23, a webinar was provided for trial court employees in Contra Costa on the topic of Word Report Features. Employees in Alpine County have also requested computer training, and a pilot webinar training for Microsoft Excel is currently being planned for early 2013.

Online education is also a significant resource for AOC employees. CJER provides online education for AOC employees through a variety of sources, including utilization of an online course vendor (Syntrio), development of online classes specifically for AOC employees (The Work of the Courts), and utilizing online classes developed by CJER for trial and appellate court employees.

Training Related to Increased Understanding of Court Functions

In addition to increased classes available to AOC staff resulting from the use of the ICM curriculum as previously described in this report, CJER began other ways to implement the recommendation that AOC staff receive greater orientation and development of understanding of court functions. Without the advantage of increased staff or resources, AOC Education staff was best able to accomplish this by leveraging existing education developed for court staff.

Court-Related Education: Leveraging Court Staff Education. In addition to live classes, this year CJER began to provide select broadcasts and online classes designed for the trial and appellate courts to AOC employees. These broadcasts and classes provide AOC employees with additional orientation to the courts. By utilizing existing education designed for court employees, CJER can devote the majority of its resources to developing education for the trial and appellate courts while still providing relevant education to AOC employees. The following broadcasts and online

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classes are available to AOC employees via the AOC's Human Resources Employee Management System (HREMS):

- Appeals 101
- Appellate Court Records and Files
- Domestic Violence
- Everyday Court Practices: Exhibits
- Everyday Court Practices: Felony Minute Orders
- Everyday Court Practices: File Stamping
- Exploring the Code of Ethics
- Family Adoption of Minors
- How is a California Rule of Court Created?
- ICWA 101: Fundamentals of the Indian Child Welfare Act
- Juvenile Procedures: Confidentiality and Sealed Records
- A Practical Look at Probate Court Investigator Responsibilities
- New Court Investigator Responsibilities for Conservatorships
- Probate, Conservatorship, and Guardianship Video—A Look at Elder Abuse from the Perspective of Law Enforcement
- Probate Fundamentals
- Protective Orders: The Basics
- Traffic Counter Fundamentals
- Unlawful Detainers—the Basics

In addition to broadcast programs, several online courses designed for trial court employees are also available to AOC employees:

- The Courtroom Clerk in the Felony Courtroom (2 hrs)
- Handling Fee Waiver Applications (1.5 hrs)
- Introduction to Family Procedure (4 hrs)
- Requests for Domestic Violence Restraining Orders (2.5 hrs)

This cost-effective approach allows the Education Division to significantly increase the amount of court-related education provided to AOC employees while continuing to focus resources on developing and delivering education for the trial and appellate courts.

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AOC Education: Overview of Current Courses

Course & Description	Intended Audience	Courses & Location of Courses in 2012	Means of Delivery
ADA Update: Addresses ADA law, interacting with court users and jurors with disabilities and appropriate terminology. Also includes a Q&A session.	All branch employees (combined audience)	2 sessions San Francisco	Live
Basic WebEx Meetings: an introduction to the tools and functionality of the WebEx tool.	AOC employees	2 sessions San Francisco Sacramento	Live Via WebEx
Building Team Pride and Purpose: An Achieve Global course addressing team development.	AOC Management	To be offered in 2013.	Live
Delegating for Shared Success: An Achieve Global course addressing effective delegation.	AOC Management	To be offered in 2013.	Live
Developing Team Agility, Day-to-Day Tools: An Achieve Global course addressing change management specific to teams.	AOC Management	To be offered in 2013.	Live
Emergency Response Team Training: safety training for division safety representatives.	AOC employees	2 sessions San Francisco Burbank	Live Live
[ICM] Court Community Communications: Purpose and Communication Fundamentals based on the Institute for Court Management Curriculum.	AOC employees	To be offered in 2013.	Live
[ICM] Court Community Communications: Understandable Courts based on the Institute for Court Management Curriculum.	AOC employees	To be offered in 2013.	Live
[ICM] Court Community Communications: The Media and Media Relations based on the Institute for Court Management Curriculum.	AOC employees	To be offered in 2013.	Live
[ICM] Leadership: Be Credible in Action: based on the Institute for Court Management Curriculum, addresses appropriate actions for effective leadership.	AOC Management	1 session San Francisco Sacramento	Live Videoconference
[ICM] Leadership: Create Focus through Vision based on the Institute for Court Management Curriculum.	AOC Management	To be offered in 2013.	Live
[ICM] Leadership: Purposeful Planning; and Manage Interdependencies - Work Beyond Boundaries based on the Institute for Court Management Curriculum.	AOC Management	To be offered in 2013.	Live
[ICM] Courts-Introduction to CourTools based on the Institute for Court Management Curriculum.	AOC employees	To be offered in 2013.	Live

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AOC Education: Overview of Current Courses

[ICM] Courts-Purposes and Responsibilities based on the Institute for Court Management Curriculum.	AOC employees	To be offered in 2013.	Live
[ICM] Visioning and Strategic Planning: Strategic Thinking based on the Institute for Court Management Curriculum.	AOC Management	To be offered in 2013.	Live
[ICM] Visioning and Strategic Planning: Organizational Foundations based on the Institute for Court Management Curriculum.	AOC Management	To be offered in 2013.	Live
[ICM] Visioning and Strategic Planning: Change & Alignment based on the Institute for Court Management Curriculum.	AOC Management	To be offered in 2013.	Live
Integrated Disability Management: a compliance class which addresses medical leaves, workplace injury and reasonable accommodation.	AOC Management	1 session San Francisco Sacramento Burbank	Live Videoconference Videoconference
Introduction to Project Management: a full-day class which includes AOC-relevant processes as well as established project management principles.	AOC employees	1 sessions San Francisco	Live
Leadership, Change, and Group Dynamics: AOC Management training in development.	AOC Management	To be offered in 2013.	Live
Managing Conflict - including giving and receiving effective feedback: AOC Management training in development.	AOC Management	To be offered in 2013.	Live
New Employee Orientation: for new AOC employees.	AOC employees	1 session San Francisco Burbank	Live Videoconference
New Manager/Supervisor Orientation: for new AOC management.	AOC Management	1 session San Francisco Burbank	Live Videoconference
Preventing and Responding to Sexual Harassment: two-hour course that meets the compliance requirements of California Government Code 12950.1.	AOC Management & Leads	Every 6 months in San Francisco Sacramento Burbank	Live Live Live
Performance Evaluation Process: AOC Management training in development.	AOC Management	To be offered in 2013.	Live
Performance Management: Identifying and Addressing Performance Gaps: AOC Management training in development.	AOC Management	To be offered in 2013.	Live

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AOC Education: Overview of Current Courses

Principles and Qualities of Genuine Leadership: An Achieve Global course addressing leadership.	AOC Management	1 session scheduled in 2012	Live
Setting Expectations and Documenting Performance: AOC Management training in development.	AOC Management	To be offered in 2013.	Live
Successful Email Communication: addresses effective written communication using email.	AOC employees	1 session San Francisco	Live
The At-Will Environment and Other Legal Issues: AOC Management training in development.	AOC Management	To be offered in 2013.	Live
The Work of the Judicial Council: outlines the responsibilities and processes of the California Judicial Council.	AOC employees	1 session San Francisco Sacramento Burbank	Live Videoconference Videoconference
Computer Skills Classes			
Access Basics: computer skills class.	AOC employees	1 session San Francisco	Live
Access Queries: computer skills class.	AOC employees	1 session San Francisco	Live
Access Quickstart: computer skills class.	AOC employees	1 session San Francisco	Live
Access Tables: computer skills class.	AOC employees	1 session San Francisco	Live
Acrobat Binder Building: computer skills class.	AOC employees	1 session San Francisco	Live
Enterprise Vault: computer skills class.	AOC employees	1 session San Francisco	Live
Excel Basics: computer skills class.	AOC employees	2 sessions San Francisco Sacramento	Live Live
Excel Charting: computer skills class.	AOC employees	2 sessions San Francisco Sacramento	Live Live
Excel Data Analysis: computer skills class.	AOC employees	2 sessions	

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AOC Education: Overview of Current Courses

		San Francisco Sacramento	Live Live
Excel Formulations: computer skills class.	AOC employees	1 session San Francisco	Live
Getting the Best of Excel: computer skills class.	AOC employees	1 session San Francisco	Live
Getting the Best of Outlook: computer skills class.	AOC employees	1 session San Francisco	Live
Getting the Best of Word: computer skills class.	AOC employees	1 session San Francisco	Live
OneNote in One Hour: computer skills class.	AOC employees	3 sessions San Francisco (1) Sacramento (2)	Live Live
Outlook Basics: computer skills class.	AOC employees	1 session San Francisco	Live
Outlook Meeting Planner: computer skills class.	AOC employees	1 session San Francisco	Live
Outlook Tips and Tricks: computer skills class.	AOC employees	1 session San Francisco	Live
Publisher Basics: computer skills class.	AOC employees	1 session San Francisco	Live
Visio Basics: computer skills class.	AOC employees	3 sessions San Francisco (1) Sacramento (2)	Live Live
Word Front and Back: computer skills class.	AOC employees	1 session San Francisco	Live
Word Report Features: computer skills class.	AOC employees	2 sessions San Francisco Sacramento	Live Live
Word Revision Features: computer skills class.	AOC employees	2 sessions San Francisco Sacramento	Live Live

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AOC Education: Overview of Current Courses

Word Styles and Templates: computer skills class.	AOC employees	1 session San Francisco	Live
Word Tips and Tricks: computer skills class.	AOC employees	1 session Sacramento	Live
Additional computer skills classes will be offered in 2013 based on an assessment of the 2012 courses offered, attendance, and resources available.	AOC employees	To be offered in 2013.	Live
Online Education (including court programming offered to AOC employees)			
Appeals 101: An introduction to the appeals process.	Trial/Appellate employees and offered to AOC employees	N/A	DVD broadcast
Appellate Court Records & Files: introduction to appellate records.	Trial/Appellate employees and offered to AOC employees	N/A	DVD broadcast
Domestic Violence: providing customer service to victims of domestic violence.	Trial court employees and offered to AOC employees	N/A	DVD broadcast
Everyday Court Practices-Exhibits: addresses the handling of trial court exhibits.	Trial court employees and offered to AOC employees	N/A	DVD broadcast
Everyday Court Practices-Felony Minute Orders: details the minute order process in the felony courtroom.	Trial court employees and offered to AOC employees	N/A	DVD broadcast
Everyday Court Practices-File Stamping: addresses file stamping.	Trial court employees and offered to AOC employees	N/A	DVD broadcast
Exploring the Code of Ethics: discussed the Code of Ethics for California Court Employees.	Trial/Appellate employees and offered to AOC employees	N/A	DVD broadcast
Family Adoptions of Minors: outlines the adoptions process.	Trial court employees and offered to AOC employees	N/A	DVD broadcast
How is a Rule of Court Created?: explains the process of creating a California Rule of Court.	Trial/Appellate employees and offered to AOC employees	N/A	DVD broadcast
ICWA 101-Fundamentals of ICWA: an introduction to the Indian Child Welfare Act.	Trial court employees and offered to AOC employees	N/A	DVD broadcast
Investigator Responsibilities in Conservatorships: an introduction to the	Trial court employees and	N/A	DVD broadcast

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AOC Education: Overview of Current Courses

responsibilities of a probate court investigator working on a conservatorship.	offered to AOC employees		
Juvenile Procedures-Confidentiality & Sealed Records: an introduction to the confidentiality of juvenile court records.	Trial court employees and offered to AOC employees	N/A	DVD broadcast
Probate Fundamentals: an introduction to a trial court probate department.	Trial court employees and offered to AOC employees	N/A	DVD broadcast
Probate Investigator Responsibilities: an introduction to the responsibilities of a probate court investigator.	Trial court employees and offered to AOC employees	N/A	DVD broadcast
Protective Orders-The Basics: an overview of protective orders.	Trial court employees and offered to AOC employees	N/A	DVD broadcast
Traffic Counter Fundamentals: an introduction to the responsibilities of clerks working at a trial court traffic counter.	Trial court employees and offered to AOC employees	N/A	DVD broadcast
Unlawful Detainers-The Basics: an introduction to unlawful detainers.	Trial court employees and offered to AOC employees	N/A	DVD broadcast
AOC Ethics/Conflict of Interest: satisfies the requirement for AOC employees in designated categories who are required to submit Form 700 or similar.	AOC employees	N/A	Online
Are You Really Listening?: addresses active listening skills.	AOC employees	N/A	Online (Syntrio)
Back Injury Prevention: safety training.	AOC employees	N/A	Online (Syntrio)
Basic Safety Training: introduction to basic safety practices in the workplace.	All branch employees	N/A	Online
Customer Service Success: tips for effectively providing customer service.	AOC employees	N/A	Online (Syntrio)
Defensive Driving: safety training.	AOC employees	N/A	Online (Syntrio)
Delegating for Success: effective delegation skills.	AOC employees	N/A	Online (Syntrio)
Requests for Domestic Violence Restraining Orders: roles and responsibilities of clerks in handling requests for restraining orders.	Trial court employees and offered to AOC employees	N/A	Online
Effective & Appropriate E-mail: strategies for successful email communications.	AOC employees	N/A	Online (Syntrio)
Environmental Health and Safety at Work: safety training.	AOC employees	N/A	Online (Syntrio)

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AOC Education: Overview of Current Courses

Ergonet-A Personal Assessment: safety training.	AOC employees	N/A	Online (Syntrio)
Ergonet-Training Guide: safety training.	AOC employees	N/A	Online (Syntrio)
Excel Online-Fundamentals: introductory class addressing Microsoft Excel.	All branch employees	N/A	Online
Excel Online-Formulas & Functions: class addressing one aspect of Microsoft Excel.	All branch employees	N/A	Online
Excel Online-Charts: class addressing one aspect of Microsoft Excel.	All branch employees	N/A	Online
Excel Online-Analysis of Data: class addressing one aspect of Microsoft Excel.	All branch employees	N/A	Online
Fall Protection: safety training.	AOC employees	N/A	Online (Syntrio)
Foster Drug Free Workplace-Supervisors Edition: compliance training.	AOC Management	N/A	Online (Syntrio)
Fostering Drug-Free Workplace-Staff Edition: compliance training.	AOC employees	N/A	Online (Syntrio)
Goal Setting in the Workplace: setting effective goals.	AOC employees	N/A	Online (Syntrio)
Handling Conflict: Employee Guide: dealing with conflict in the workplace.	AOC employees	N/A	Online (Syntrio)
Handling Fee Waiver Applications: roles and responsibilities for court clerks when processing fee waiver applications.	Trial court employees and offered to AOC employees	N/A	Online
Hearing Conservation: safety training.	AOC employees	N/A	Online (Syntrio)
High Impact Visual Aids: creating effective visual aids for presentations.	AOC employees	N/A	Online (Syntrio)
HREMS Tutorial: explains how to use the AOC's Human Resources Employee Management System.	AOC employees	N/A	online
Interpersonal Communication: effective communication skills.	AOC employees	N/A	Online (Syntrio)

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AOC Education: Overview of Current Courses

Introduction to Family Procedure: explanation of procedures in family court.	Trial court employees and offered to AOC employees	N/A	Online
It's About Time!: time management skills.	AOC employees	N/A	Online (Syntrio)
Ladder Safety: safety training.	AOC employees	N/A	Online (Syntrio)
Lose The Meeting Blues: effective meeting preparation and management.	AOC employees	N/A	Online (Syntrio)
Managing Conflict-Collaboration: effective collaboration in the workplace.	AOC employees	N/A	Online (Syntrio)
Managing Information Overload: effectively prioritizing in the workplace.	AOC employees	N/A	Online (Syntrio)
Maximizing Employee Performance: performance management skills.	AOC Management	N/A	Online (Syntrio)
Negotiation-Road to Success: introduction to successful negotiation skills.	AOC employees	N/A	Online (Syntrio)
Participating in High Performing Team: effective team work.	AOC employees	N/A	Online (Syntrio)
Personal Leadership Power: leadership skills for all employees.	AOC employees	N/A	Online (Syntrio)
Personal Protective Equipment (PPE) General Overview: safety training.	AOC employees	N/A	Online (Syntrio)
Power Speaking: effective public speaking.	AOC employees	N/A	Online (Syntrio)
PPE: Eye & Face Protection: safety training.	AOC employees	N/A	Online (Syntrio)
PPE: Foot Protection: safety training.	AOC employees	N/A	Online (Syntrio)
PPE: Hand & Arm Protection: safety training.	AOC employees	N/A	Online (Syntrio)
PPE: Head Protection: safety training.	AOC employees	N/A	Online (Syntrio)

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AOC Education: Overview of Current Courses

Preventing Employment Discrimination: compliance training.	AOC Management	N/A	Online (Syntrio)
Preventing Workplace Violence: compliance training.	AOC employees	N/A	Online (Syntrio)
Proaction: Change, Innovation & Opportunity: handling change in the workplace.	AOC employees	N/A	Online (Syntrio)
Requests for Domestic Violence Restraining Orders: roles and responsibilities of court clerks when responding to requests for restraining orders.	Trial court employees and offered to AOC employees	N/A	Online
Respiratory Protection: safety training.	AOC employees	N/A	Online (Syntrio)
The Work of the Courts: introduction to the trial and appellate courts and to court operations. Designed for any employee who is new to the Judicial Branch.	AOC employees and offered to Trial/Appellate employees	Will be launched in 2013	Online

ACTIVITY REPORTING AND PROPOSAL FORM


JUDICIAL COUNCIL DIRECTIVE
AOC RESTRUCTURING AND REALIGNMENT

DATE	10/5/2012
PREPARED BY	Burt Hirschfeld
OFFICE NAME	<u>Office of Real Estate and Facilities Management</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	22
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>With respect to Judicial Council Approved Recommendation No. 22, the following lease transactions and exercised options have been completed (by location):</p> <p>Sacramento North: lease cancellation option exercised at 2880 Gateway Oaks Blvd.; leases at 2850 and 2860 Gateway Oaks Blvd. renegotiated mid-term; lease cancellation option exercised on fourth floor lease at 2850 Gateway Oaks Blvd.</p> <p>Burbank: 11,992 SF of space on first floor sublet; lease to be terminated by electing not to exercise renewal option.</p> <p>San Francisco: several lower cost options in San Francisco's Civic Center and Financial districts were identified. Depending upon which points in time are used for comparison purposes, comparable lease space in the same submarket of San Francisco was listed for 25% to 40% lower than the rate paid by the AOC to DGS in Fiscal Year (FY) 2011/12.</p> <p>The AOC sought out potential interest from other state agencies to occupy a surplus of space equal to the 7th floor of the San Francisco building, approximately 38,575 SF.</p> <p>DGS did not permit the AOC to relinquish the space because the occupying agency we identified, the state Public Utilities Commission (PUC), requires the space only until December, 2015, when renovations to their current facility are scheduled to be completed. The AOC executed an inter-branch agreement "subleasing" the 7th floor to the PUC. State-managed renovation projects of this magnitude often fall behind schedule, so PUC's occupancy of the 7th floor may continue into 2016.</p> <p>The AOC re-initiated contact with another state agency which previously expressed interest in relocating to AOC space when their lease expires in March, 2013. However, the space program</p>	

reported by the San Francisco Bay Conservation Development Commission (BCDC) doubled from their earlier requirement. A new test-fit and restack plan, assuming use of all AOC workspaces, indicated that accommodation of BCDC was no longer feasible.


Implementation of the cancellations, terminations, contractions, renegotiations, relocations, and subleases will result in a \$1.52 million rent reduction through this fiscal year, and approximately \$2.35 million through the next fiscal year.

Attachments: Chapter 10 of SEC final report as submitted to JCC and amended with revised data and explanatory footnotes by Real Estate and Asset Management (now Office of Real Estate and Facilities Management); Financial Summary of AOC space and rent reductions submitted by Real Estate and Asset Management to AOC Executive Office.


 22_SEC_Final_Report_May_2012_Chapter_10_Footnotes_(BCDC_rev).pdf
Adobe Acrobat Document
170 KB

 22_Executive Committee Report 2012-10-17 (BCDC rev).pdf
Adobe Acrobat Document
88.2 KB

This directive is forwarded to the Judicial Council with options for consideration:

 File Attachment









Other:

 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	Implementation completed.
RESOURCES REQUIRED FOR IMPLEMENTATION	AOC Real Estate staff and commercial brokerage services were utilized in the Sacramento lease renegotiations and the Burbank sublease.

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>
<input checked="" type="checkbox"/> SAVINGS	<p>For FY 2011/12 and FY 2012/13, \$1,523,814 in cost reduction is being realized as a result of implementation of this recommendation.</p> <p>Note: FY 2010/11 total AOC rent was \$13,813,699. SEC report uses \$14,049,738 without reference dates; difference may be attributable to use of calendar or lease year, versus fiscal year in attached analysis.</p> <p>By inclusion of Burbank lease termination, relinquishment and assignment of space in San Francisco, cumulative AOC rent reductions will total approximately \$2.35 million by FY 2013/14.</p> <p>Supporting documentation attached above.</p> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>
<input checked="" type="checkbox"/> COST	<p>Commission paid by AOC for Burbank sublease (excluded from reported cost reduction).</p> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>
<input checked="" type="checkbox"/> EFFICIENCIES	<p>Through exercising cancellation options and renegotiation of Sacramento North leases; contraction of Sacramento Governmental Affairs premises; sublease in Burbank; and sub-assignment of space in San Francisco, the AOC has reduced its real estate occupancy by a total of 68,122 square feet (SF) of space for FY 2011/12 and FY 2012/13. Total contraction will increase to approximately 82,149 SF upon relocation of Burbank office for FY 2013/14 (see AOC Space and Rent Reduction attachment).</p> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>
<input type="checkbox"/> SERVICE LEVEL IMPACT	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>
<input type="checkbox"/> OTHER	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	

E&P REVIEW	Executive and Planning Review Date: 10/19/2012
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Chapter 10

Other Issues

This chapter presents a review of several additional issues, including lease costs and location of AOC facilities.

Leases

The AOC leases office space in San Francisco, Burbank, and Sacramento. The SEC has considered concerns that have been raised about the cost of the leases.

Background

The AOC conducts its business from four leased spaces, including its main offices in San Francisco, regional offices located in Burbank and Sacramento, and a separate office in Sacramento housing the Office of Governmental Affairs. The regional offices house staff from multiple AOC divisions.

San Francisco

The AOC occupies office space at 455 Golden Gate Avenue, San Francisco. BANCRO and the Judicial Council Conference Center are located in the building. The AOC occupies a portion of the first floor, all of the third, fifth, sixth, and seventh floors, and part of the eighth floor.

This office building at 455 Golden Gate Avenue is owned and operated by the State of California and managed by the Department of General Services (DGS). Apparently, there is no formal lease, as DGS has assigned the space to a governmental entity and assesses a fair market rental value¹. This office space contains 207,845 square feet and is leased at \$4.27² per square foot per month, and 10,655 square feet of storage space in the building is rented at a monthly rate of \$1.43 per square. The lease amount is adjusted usually every fiscal year. The total annual lease costs for the leased office and storage space is \$10,832,816.80³. There is no expiration date under the lease arrangement with DGS.

¹ The rate charged by DGS includes a bond repayment component. Market rent for Class A office space in the Civic Center Area is approximately \$3.17 per square foot per month as of the second quarter of 2012.

² \$4.29 as of July 1, 2012

³ \$9,428,383.97 for FY 12/13

Moving from this office would be problematic, since the AOC most likely would be required to negotiate a release from DGS or find an acceptable sublessor to take over the leased space.

Burbank Lease

The Burbank facility is located at 2255 North Ontario Street. This office building is located near the Burbank Airport, with 37,347 square feet of office space over two floors. The first floor is occupied primarily by OCCM personnel.⁴ The second floor is occupied primarily by SRO and CCMS personnel.⁵

The lease term is \$3.17 per square foot per month.⁶ There is an additional \$100 per month cost for the first floor relating to the existing HVAC system. Annualized, the expense is \$3.19 per square foot each month.⁷ The lease rate for the second floor is \$3.1827 per square foot each month.⁸ The lease agreement specifies the annual lease cost is \$459,203.28 for the first floor and \$968,368.32 for the second floor.⁹ The total annual lease cost for the Burbank facility is \$1,427,571.60.¹⁰ The lease cost for each floor increases to \$3.28 per square foot as of June 1, 2012,¹¹ with one option to renew for an additional five-year term extending through June 30, 2018. There is a “no early termination” condition in the lease agreement. The current lease term ends June 30, 2013.

Sacramento

The downtown office space, occupied by the Office of Governmental Affairs, is located within walking distance of the State Capitol, at 770 L Street. This office space, referred to as the Sacramento-Central facility, comprises 6,578 square feet on one floor, occupied exclusively by OGA. In February 2012¹² the AOC renegotiated the lease and reduced the leased footage. The total annual lease cost for this lease space is \$177,606¹³. The current lease term ends August 31, 2017. There is one three-year option to extend the lease, with the rental rate to be set at 95 percent of the fair market value as of the end of the initial lease term.

The North facilities consist of space located in two office buildings located at 2850 and 2860 Gateway Oaks, Sacramento. The lease of office space at 2850 Gateway Oaks consists of 36,368 square feet and is used by the Finance and TCAS divisions. The rental rate is \$2.10 per square foot per month.¹⁴ The current lease term ends July 31, 2016. There are two three-year options with rent at fair market value.

⁴ OCCM relocated to 2nd floor to accommodate sublease of space for the last year of the lease term, reducing rent expenses by a total of \$329,082.

⁵ ISD, OGC, OCCM

⁶ \$3.28 effective as of July 1, 2012

⁷ \$3.29 effective as of July 1, 2012; this rate includes \$100/mo HVAC charge

⁸ \$3.28 effective as of July 1, 2012

⁹ \$471,743.40 for the 1st floor; \$997,419.48 for the 2nd floor

¹⁰ \$1,422,273.60

¹¹ \$3.28 effective as of July 1, 2012

¹² October 2011

¹³ \$180,895.00 for FY 12/13

¹⁴ \$2.15 effective as of August 1, 2012

The leased office space at 2860 Gateway Oaks consists of 28,263 square feet and is occupied by NCRO and OCCM. The rental rate is \$2.05 per square foot per month.¹⁵ There are two three-year options with rent at fair market value. The combined annual lease cost for 2850 and 2860 Gateway Oaks is \$1,611,743.40.¹⁶ The lease for this space includes a credit for one month's rent and a \$200,000 tenant improvement allowance, which was taken upfront as a rent credit during the 2011–2012 fiscal year.¹⁷

Previously, the AOC leased additional space at 2880 Gateway Oaks. That lease was terminated in May 2011.¹⁸ AOC employees working at that office were relocated to the 2850 Gateway Oaks office building.¹⁹ The leases for space at 2850 and 2860 Gateway Oaks were renegotiated,²⁰ resulting in a reduction of \$0.49 per square foot for space at 2850 Gateway Oaks and \$0.27 per square foot for space at 2860 Gateway Oaks.²¹

The comparative costs of the AOC-leased spaces are shown on the following chart.

LOCATION	AOC - LEASEHOLDS				
	AOC Divisions Using Leased Space	Square Feet Leased	Monthly Lease Cost Per Square Foot	Annual Lease Cost	Lease Expiration Date
Burbank					
1st Floor	OCCM	11,992	3.191039	459,203.28	June 30, 2013
2nd Floor	SRO & CCMS	25,355	3.1827	968,368.32	June 30, 2013
TOTAL		37,347		1,427,571.6	
Sacramento–North					
2850 Gateway Oaks	Finance & TCAS	36,368	2.1	916,473.6	July 31, 2016
2860 Gateway Oaks	NCRO & OCCM	28,263	2.05	695,269.8	July 31, 2016
2880 Gateway Oaks	–	0	0	0	Terminated
TOTAL		64,631		1,611,743.4	

¹⁵ \$2.10 effective as of August 1, 2012

¹⁶ \$1,526,989.77 for the 2012-2013 fiscal year; includes termination of 4th floor at 2850 Gateway Oaks

¹⁷ One month's rent in the amount \$57,939.15 and a \$197,841 TI Allowance (\$7/psf) for a total rent abatement of \$255,780.15.

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²⁰ Combined savings of \$1,744,206.06 over the terms of both leases; includes one free month's rent and TI Allowance

²¹ Savings of \$0.41/psf for 2850 Gateway Oaks and \$0.20/psf for 2860 Gateway Oaks

Sacramento–Central					
770 L Street	OGA	6,578	2.25	177,606	August 31, 2017
San Francisco					
Office Space	All	207,845	4.27	10,649,977	None
Storage Space	All	10,655	1.43	182,839.8	None
TOTAL		218,500		10,832,816.8	
TOTAL FOR AOC LOCATIONS		327,056		14,049,737.80	

Updated chart for FY 12/13 as of August 2012

LOCATION	AOC Divisions Using Leased Space	Square Feet Leased	Monthly Lease Cost Per Square Foot	FY 12/13 Annual Lease Cost	Lease Expiration Date
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1st Floor	None (occupied by subtenant)	0*	1.028	149,159.40	June 30, 2013
2nd Floor	OCCM, OGC & ISD	25,355	3.278	997,419.48	June 30, 2013
TOTAL		25,355		1,146,578.88	
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Office Space	All	169,269 ²³	4.1839 ²⁴	9,490,447.72	None
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TOTAL		179,924		9,672,698.85	
TOTAL FOR AOC LOCATIONS					
		269,632		12,527,162.50	

²² At the start of FY 12/13, the relocation or contraction of the current space at lease expiration on June 30, 2013 will result in a reduction in rent to \$305,856.00 for FY 13/14.

²³ At end of FY 12/13.

²⁴ Average for FY 12/13.

Discussion

The AOC spends more than \$1,150,000²⁵ per month on leased office space — an annual total of \$13,866,898²⁶ — plus an additional annual charge of \$182,839.8²⁷ for storage space for its San Francisco space.

Comparatively, the rental rates for the leased office spaces in Sacramento (\$2.10 per square foot at 2850 Gateway Oaks²⁸; \$2.05 per square foot for 2860 Gateway Oaks²⁹; and \$2.25³⁰ per square feet at 770 L Street) are approximately half the \$4.27³¹ per square foot rental rate assessed for the government-owned building in San Francisco. This is consistent with historically lower commercial and residential lease rates found in Sacramento, compared with those in San Francisco.

Additionally, it is apparent from site visits to the leased spaces that not all lease space is utilized. If recommendations for reducing staffing levels are followed, the need for leased space will decrease.³²

AOC Headquarters Location

The AOC has operated from headquarters in San Francisco since 1961. Its offices are located in the same building as the California Supreme Court.

It is usual for most enterprises, public or private, to consider their costs of operation and location. Given the comparative lease costs discussed above, there is reason for the AOC to reevaluate its office locations, including its headquarters space in San Francisco. Such review should be part of the organization's long-term business planning. In this case, the considerations should include a consideration of costs and benefits, both economic and political.

From a strictly economic standpoint, lease costs are generally lower in Sacramento than San Francisco. Labor costs generally are lower as well. the AOC partly recognizes this through its geographic pay differential system, whereby some Sacramento region employees are paid 7 percent less than San Francisco-based employees performing the same type of work.

²⁵ \$1,028,742.61 monthly average for FY 12/13

²⁶ \$12,344,911.37 for FY 12/13

²⁷ \$182,251.13 for FY 12/13

²⁸ \$2.15

²⁹ \$2.10

³⁰ \$2.30 as of September 1, 2012

³¹ \$4.29 as of July 1, 2012

³² Current AOC occupied square footage is 310,493, reduced by 11,992 square feet in Burbank. As of July 1, 2013, AOC occupied square footage is scheduled to be reduced further by 54,888 to 255,605.

From a political standpoint, relocating AOC operations to Sacramento may be beneficial by placing the judicial branch administration closer to the Legislature, the executive branch, and governmental agencies. The importance of a strong political and legislative presence at the capital cannot be understated. Future success of the judicial branch in obtaining funding, and in advancing legislative goals, will be based partly on establishing strong relationships and credibility with legislators, legislative staff, and the Governor's Office. Access and interactions with key executive branch agencies, such as the Department of Finance, may be improved with AOC headquarters located in Sacramento.

One current legislative proposal would require all state agencies and the judicial branch to relocate their headquarters to Sacramento by 2025 (Assembly Bill 2501).

While no recommendation is offered concerning legislative proposals, possible relocation of AOC headquarters should be considered in the course of long-term planning for the judicial branch. That planning should be based on a cost-benefit analysis, taking into account economic, political, and other relevant factors.

Recommendations

The following recommendations are made regarding leases and location of operations.

Recommendation No. 10-1: The AOC should renegotiate or terminate its lease in Burbank. The lease for the Sacramento North spaces should be reviewed and renegotiated to reflect actual usage of the office space. The AOC should explore lower-cost lease options in San Francisco, recognizing that DGS would have to find replacement tenants for its space.³³

Recommendation No. 10-2: As part of its long-term planning, the AOC should consider relocating its main offices, based on a cost-benefit analysis of doing so.

³³ In FY 11/12, the Sacramento North leases were negotiated mid-term for rent reduction. The AOC also exercised a termination option to relinquish a portion of the space under one lease, which will become effective in October 2012. The lease for the OGA office was renegotiated in FY 11/12 to contract the space mid-term. In FY 12/13, the AOC negotiated an Interagency Agreement with the California Public Utilities Commission for temporary occupancy of the entire 7th floor. In FY 12/13, the AOC entered into a sublease for a tenant to occupy the entire first floor of the Burbank office; upon the expiration of the lease, the office will move into a space that is approximately one-third of the current leased space.

AOC SPACE AND RENT REDUCTION

AOC Office	FY 2011/12		FY 2012/13		FY 2013/14	
	SF	Rent	SF	Rent	SF	Rent
NCRO	64,631	\$ 1,376,627	57,775	\$ 1,526,990	57,775	\$ 1,505,413
OGA	6,578	\$ 192,172	6,578	\$ 180,895	6,578	\$ 184,842
SRO	37,347	\$ 1,422,274	25,355	\$ 1,146,579	11,328	\$ 305,856
San Francisco	218,500	\$ 10,822,626	179,924	\$ 9,672,699	179,924	\$ 9,698,880
FY Total	327,056	\$ 13,813,699	269,632	\$ 12,527,162	255,605	\$ 11,694,991
Change from Prior Yr	(10,698)	\$ (237,277)	(57,424)	\$ (1,286,537)	(14,027)	\$ (832,171)
Cummulative Change	(10,698)	\$ (237,277)	(68,122)	\$ (1,523,814)	(82,149)	\$ (2,355,985)

Notes:

1. FY 2010/11 total AOC rent was \$13,813,699 (SEC/JCC report uses \$14,049,738 without reference dates; difference may be attributable to use of calendar or lease year versus fiscal year in this analysis).
2. Exercised option to terminate 2850 Gateway Oaks, 4th floor space effective 10/26/2012.
3. NCRO rent increases in FY 2012/13 due to majority portion of negotiated rent reduction taken in one month of FY 2012/13 and smaller annual reductions taken over balance of lease term.
4. OGA office relocated to smaller premises at lower negotiated rate in FY 2011/12; no ability further reduce and sublease portion of premises.
5. SRO 1st floor (11,992 SF) sublease and consent executed 6/15/2012; occupancy commenced 6/28/2012.
6. Assumes SRO Relocation to 11,328 SF upon 6/30/2013 lease expiration; prelim. headcount verified by Exec. Office May, 2012.
7. Agreement on business terms of assignment of San Francisco 7th floor to State Public Utilities Commission on 6/13/2012; MOU with DGS signed.
8. FY 2013/14 San Francisco rent estimated to increase 3% over FY 2012/13.
9. Tenant improvement expenses, if any, and brokerage commissions not included.
10. Previously-reported space and rent reduction in San Francisco no longer feasible due to increase in BCDC programmatic requirement.

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/5/2012
PREPARED BY	Burt Hirschfeld
OFFICE NAME	<u>Office of Real Estate and Facilities Management</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	127
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>With respect to Judicial Council Approved Recommendation No. 127, the following lease transactions and exercised options have been completed (by location):</p> <p>Sacramento North: lease cancellation option exercised at 2880 Gateway Oaks Blvd.; leases at 2850 and 2860 Gateway Oaks Blvd. renegotiated mid-term; lease cancellation option exercised on fourth floor lease at 2850 Gateway Oaks Blvd.</p> <p>Burbank: 11,992 SF of space on first floor sublet; lease to be terminated by electing not to exercise renewal option. By implementation of this decision, relocation to smaller premises in another, lower cost building, will yield additional expense reduction starting July 1, 2013.</p> <p>San Francisco: several lower cost options in San Francisco's Civic Center and Financial districts were identified. Depending upon which points in time are used for comparison purposes, comparable lease space in the same submarket of San Francisco was listed for 25% to 40% lower than the rate paid by the AOC to DGS in Fiscal Year (FY) 2011/12.</p> <p>The AOC sought out potential interest from other state agencies to occupy a surplus of space equal to the 7th floor of the San Francisco building, approximately 38,575 SF.</p> <p>DGS did not permit the AOC to relinquish the space because the occupying agency we identified, the state Public Utilities Commission (PUC), requires the space only until December, 2015, when renovations to their current facility are scheduled to be completed. The AOC executed an inter-branch agreement "subleasing" the 7th floor to the PUC. State-managed renovation projects of this magnitude often fall behind schedule, so PUC's occupancy of the 7th floor may continue into 2016.</p> <p>The AOC re-initiated contact with another state agency which previously expressed interest in relocating to AOC space when their lease expires in March, 2013. However, the space program</p>	

reported by the San Francisco Bay Conservation Development Commission (BCDC) doubled from their earlier requirement. A new test-fit and restack plan, assuming use of all AOC workspaces, indicated that accommodation of BCDC was no longer feasible.


Implementation of the cancellations, terminations, contractions, renegotiations, relocations, and subleases will result in a \$1.52 million rent reduction through this fiscal year, and approximately \$2.35 million through the next fiscal year.

Attachments: Chapter 10 of SEC final report as submitted to JCC and amended with revised data and explanatory footnotes by Real Estate and Asset Management (now Office of Real Estate and Facilities Management); Financial Summary of AOC space and rent reductions submitted by Real Estate and Asset Management to AOC Executive Office.

 127_SEC_Final_Report_May_2012_Chapter_10_Footnotes_(BCDC_rev).pdf
Adobe Acrobat Document
170 KB

 127_Executive Committee Report 2012-10-17 (BCDC rev).pdf
Adobe Acrobat Document
88.2 KB

This directive is forwarded to the Judicial Council with options for consideration:

 File Attachment








Other:

 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	Implementation completed.
RESOURCES REQUIRED FOR IMPLEMENTATION	AOC Real Estate staff and commercial brokerage services were utilized in the Sacramento lease renegotiations and the Burbank sublease.

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>
<input checked="" type="checkbox"/> SAVINGS	<p>For FY 2011/12 and FY 2012/13, \$1,523,814 in cost reduction is being realized as a result of implementation of this recommendation.</p> <p>Note: FY 2010/11 total AOC rent was \$13,813,699. SEC report uses \$14,049,738 without reference dates; difference may be attributable to use of calendar or lease year, versus fiscal year in attached analysis.</p> <p>By inclusion of Burbank lease termination, relinquishment and assignment of space in San Francisco, cumulative AOC rent reductions will total approximately \$2.35 million by FY 2013/14.</p> <p>Supporting documentation attached above.</p> <div style="border: 1px solid black; padding: 2px; margin-top: 10px;">  File Attachment </div>
<input checked="" type="checkbox"/> COST	<p>Commission paid by AOC for Burbank sublease (excluded from reported cost reduction).</p> <div style="border: 1px solid black; padding: 2px; margin-top: 10px;">  File Attachment </div>
<input checked="" type="checkbox"/> EFFICIENCIES	<p>Through exercising cancellation options and renegotiation of Sacramento North leases; contraction of Sacramento Governmental Affairs premises; sublease in Burbank; and sub-assignment of space in San Francisco, the AOC has reduced its real estate occupancy by a total of 68,122 square feet (SF) of space for FY 2011/12 and FY 2012/13. Total contraction will increase to approximately 82,149 SF upon relocation of Burbank office for FY 2013/14 (see AOC Space and Rent Reduction attachment).</p> <div style="border: 1px solid black; padding: 2px; margin-top: 10px;">  File Attachment </div>
<input type="checkbox"/> SERVICE LEVEL IMPACT	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>
<input type="checkbox"/> OTHER	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>

Chapter 10

Other Issues

This chapter presents a review of several additional issues, including lease costs and location of AOC facilities.

Leases

The AOC leases office space in San Francisco, Burbank, and Sacramento. The SEC has considered concerns that have been raised about the cost of the leases.

Background

The AOC conducts its business from four leased spaces, including its main offices in San Francisco, regional offices located in Burbank and Sacramento, and a separate office in Sacramento housing the Office of Governmental Affairs. The regional offices house staff from multiple AOC divisions.

San Francisco

The AOC occupies office space at 455 Golden Gate Avenue, San Francisco. BANCRO and the Judicial Council Conference Center are located in the building. The AOC occupies a portion of the first floor, all of the third, fifth, sixth, and seventh floors, and part of the eighth floor.

This office building at 455 Golden Gate Avenue is owned and operated by the State of California and managed by the Department of General Services (DGS). Apparently, there is no formal lease, as DGS has assigned the space to a governmental entity and assesses a fair market rental value¹. This office space contains 207,845 square feet and is leased at \$4.27² per square foot per month, and 10,655 square feet of storage space in the building is rented at a monthly rate of \$1.43 per square. The lease amount is adjusted usually every fiscal year. The total annual lease costs for the leased office and storage space is \$10,832,816.80³. There is no expiration date under the lease arrangement with DGS.

¹ The rate charged by DGS includes a bond repayment component. Market rent for Class A office space in the Civic Center Area is approximately \$3.17 per square foot per month as of the second quarter of 2012.

² \$4.29 as of July 1, 2012

³ \$9,428,383.97 for FY 12/13

Moving from this office would be problematic, since the AOC most likely would be required to negotiate a release from DGS or find an acceptable sublessor to take over the leased space.

Burbank Lease

The Burbank facility is located at 2255 North Ontario Street. This office building is located near the Burbank Airport, with 37,347 square feet of office space over two floors. The first floor is occupied primarily by OCCM personnel.⁴ The second floor is occupied primarily by SRO and CCMS personnel.⁵

The lease term is \$3.17 per square foot per month.⁶ There is an additional \$100 per month cost for the first floor relating to the existing HVAC system. Annualized, the expense is \$3.19 per square foot each month.⁷ The lease rate for the second floor is \$3.1827 per square foot each month.⁸ The lease agreement specifies the annual lease cost is \$459,203.28 for the first floor and \$968,368.32 for the second floor.⁹ The total annual lease cost for the Burbank facility is \$1,427,571.60.¹⁰ The lease cost for each floor increases to \$3.28 per square foot as of June 1, 2012,¹¹ with one option to renew for an additional five-year term extending through June 30, 2018. There is a “no early termination” condition in the lease agreement. The current lease term ends June 30, 2013.

Sacramento

The downtown office space, occupied by the Office of Governmental Affairs, is located within walking distance of the State Capitol, at 770 L Street. This office space, referred to as the Sacramento-Central facility, comprises 6,578 square feet on one floor, occupied exclusively by OGA. In February 2012¹² the AOC renegotiated the lease and reduced the leased footage. The total annual lease cost for this lease space is \$177,606¹³. The current lease term ends August 31, 2017. There is one three-year option to extend the lease, with the rental rate to be set at 95 percent of the fair market value as of the end of the initial lease term.

The North facilities consist of space located in two office buildings located at 2850 and 2860 Gateway Oaks, Sacramento. The lease of office space at 2850 Gateway Oaks consists of 36,368 square feet and is used by the Finance and TCAS divisions. The rental rate is \$2.10 per square foot per month.¹⁴ The current lease term ends July 31, 2016. There are two three-year options with rent at fair market value.

⁴ OCCM relocated to 2nd floor to accommodate sublease of space for the last year of the lease term, reducing rent expenses by a total of \$329,082.

⁵ ISD, OGC, OCCM

⁶ \$3.28 effective as of July 1, 2012

⁷ \$3.29 effective as of July 1, 2012; this rate includes \$100/mo HVAC charge

⁸ \$3.28 effective as of July 1, 2012

⁹ \$471,743.40 for the 1st floor; \$997,419.48 for the 2nd floor

¹⁰ \$1,422,273.60

¹¹ \$3.28 effective as of July 1, 2012

¹² October 2011

¹³ \$180,895.00 for FY 12/13

¹⁴ \$2.15 effective as of August 1, 2012

The leased office space at 2860 Gateway Oaks consists of 28,263 square feet and is occupied by NCRO and OCCM. The rental rate is \$2.05 per square foot per month.¹⁵ There are two three-year options with rent at fair market value. The combined annual lease cost for 2850 and 2860 Gateway Oaks is \$1,611,743.40.¹⁶ The lease for this space includes a credit for one month's rent and a \$200,000 tenant improvement allowance, which was taken upfront as a rent credit during the 2011–2012 fiscal year.¹⁷

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³¹ \$4.29 as of July 1, 2012

³² Current AOC occupied square footage is 310,493, reduced by 11,992 square feet in Burbank. As of July 1, 2013, AOC occupied square footage is scheduled to be reduced further by 54,888 to 255,605.

From a political standpoint, relocating AOC operations to Sacramento may be beneficial by placing the judicial branch administration closer to the Legislature, the executive branch, and governmental agencies. The importance of a strong political and legislative presence at the capital cannot be understated. Future success of the judicial branch in obtaining funding, and in advancing legislative goals, will be based partly on establishing strong relationships and credibility with legislators, legislative staff, and the Governor's Office. Access and interactions with key executive branch agencies, such as the Department of Finance, may be improved with AOC headquarters located in Sacramento.

One current legislative proposal would require all state agencies and the judicial branch to relocate their headquarters to Sacramento by 2025 (Assembly Bill 2501).

While no recommendation is offered concerning legislative proposals, possible relocation of AOC headquarters should be considered in the course of long-term planning for the judicial branch. That planning should be based on a cost-benefit analysis, taking into account economic, political, and other relevant factors.

Recommendations

The following recommendations are made regarding leases and location of operations.

Recommendation No. 10-1: The AOC should renegotiate or terminate its lease in Burbank. The lease for the Sacramento North spaces should be reviewed and renegotiated to reflect actual usage of the office space. The AOC should explore lower-cost lease options in San Francisco, recognizing that DGS would have to find replacement tenants for its space.³³

Recommendation No. 10-2: As part of its long-term planning, the AOC should consider relocating its main offices, based on a cost-benefit analysis of doing so.

³³ In FY 11/12, the Sacramento North leases were negotiated mid-term for rent reduction. The AOC also exercised a termination option to relinquish a portion of the space under one lease, which will become effective in October 2012. The lease for the OGA office was renegotiated in FY 11/12 to contract the space mid-term. In FY 12/13, the AOC negotiated an Interagency Agreement with the California Public Utilities Commission for temporary occupancy of the entire 7th floor. In FY 12/13, the AOC entered into a sublease for a tenant to occupy the entire first floor of the Burbank office; upon the expiration of the lease, the office will move into a space that is approximately one-third of the current leased space.

AOC SPACE AND RENT REDUCTION

AOC Office	FY 2011/12		FY 2012/13		FY 2013/14	
	SF	Rent	SF	Rent	SF	Rent
NCRO	64,631	\$ 1,376,627	57,775	\$ 1,526,990	57,775	\$ 1,505,413
OGA	6,578	\$ 192,172	6,578	\$ 180,895	6,578	\$ 184,842
SRO	37,347	\$ 1,422,274	25,355	\$ 1,146,579	11,328	\$ 305,856
San Francisco	218,500	\$ 10,822,626	179,924	\$ 9,672,699	179,924	\$ 9,698,880
FY Total	327,056	\$ 13,813,699	269,632	\$ 12,527,162	255,605	\$ 11,694,991
Change from Prior Yr	(10,698)	\$ (237,277)	(57,424)	\$ (1,286,537)	(14,027)	\$ (832,171)
Cummulative Change	(10,698)	\$ (237,277)	(68,122)	\$ (1,523,814)	(82,149)	\$ (2,355,985)

Notes:

1. FY 2010/11 total AOC rent was \$13,813,699 (SEC/JCC report uses \$14,049,738 without reference dates; difference may be attributable to use of calendar or lease year versus fiscal year in this analysis).
2. Exercised option to terminate 2850 Gateway Oaks, 4th floor space effective 10/26/2012.
3. NCRO rent increases in FY 2012/13 due to majority portion of negotiated rent reduction taken in one month of FY 2012/13 and smaller annual reductions taken over balance of lease term.
4. OGA office relocated to smaller premises at lower negotiated rate in FY 2011/12; no ability further reduce and sublease portion of premises.
5. SRO 1st floor (11,992 SF) sublease and consent executed 6/15/2012; occupancy commenced 6/28/2012.
6. Assumes SRO Relocation to 11,328 SF upon 6/30/2013 lease expiration; prelim. headcount verified by Exec. Office May, 2012.
7. Agreement on business terms of assignment of San Francisco 7th floor to State Public Utilities Commission on 6/13/2012; MOU with DGS signed.
8. FY 2013/14 San Francisco rent estimated to increase 3% over FY 2012/13.
9. Tenant improvement expenses, if any, and brokerage commissions not included.
10. Previously-reported space and rent reduction in San Francisco no longer feasible due to increase in BCDC programmatic requirement.

ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES

DATE	10/27/2014
PREPARED BY	Burt Hirschfeld
OFFICE NAME	<u>Real Estate and Facilities Management</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	136
JUDICIAL COUNCIL DIRECTIVE	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.
SEC RECOMMENDATION	A cost-benefit analysis of the entire scope of OCCM operations is needed.
JC DIRECTIVE TIMELINE	Administrative Director interim update to the council at the June 2013 council meeting and final report at the June 2015 meeting.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the <i>Status Report</i> provided to the Judicial Council)	
<p>Real Estate and Facilities Management (REFM) 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 limited 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 contracting 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 significant 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).</p> <p>The management of REFM has evaluated the scope of former OCCM operations concerning facilities management and is of the opinion that engaging a consultant would not yield the value gained from 10 years of "field-tested" experience of using several contract and delegation models. The projected cost of hiring an outside consultant to perform an analysis would also reduce funding available to support court facilities. This finding will be further evaluated by the Executive Office, and will engage in consultation with the Executive and Planning Committee for further direction.</p>	
STATUS DETAIL	

(check applicable boxes and provide detail regarding status)

This directive has been completed, implemented, or closed:

Supplement information attached.

The management of REFM has evaluated the scope of former OCCM operations concerning facilities management and is of the opinion that engaging a consultant would not yield the value gained from 10 years of "field-tested" experience of using several contract and delegation models. The projected cost of hiring an outside consultant to perform an analysis would also reduce funding available to support court facilities. This finding will be further evaluated by the Executive Office, and will engage in consultation with the Executive and Planning Committee for further direction.



JC Directive 136
Attachment.pdf
Adobe Acrobat Document
84.5 KB

This directive is pending:



File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date: November 18, 2014

Judicial Council Directive 136

Prepared by Gerald Pfab, Senior Manager, Real Estate and Facility Management

Approved: Burt Hirschfeld, Assistant Division Director, Real Estate and Facilities Management

Directive 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 of the entire scope of the Office of Court Construction and Management operations.

Strategic Evaluation Committee (SEC) Recommendation: A cost-benefit analysis of the entire scope of OCCM operations is needed.

Background:

2004 - 2009	<ul style="list-style-type: none">• OCCM’s Real Estate and Asset Management team structured its facility management organization using a partial outsource model:<ul style="list-style-type: none">○ Contracted plant engineers, maintenance professionals and other technicians located state-wide to provide close-proximity support to the courts○ A smaller in-house staff to provide contract and program management, customer services and quality assurance○ Three cost-plus contracts (one for each AOC region) to provide flexibility in managing the variable pace of expansion in the facilities portfolio
2010	<ul style="list-style-type: none">• Following completion of 532 facility transfers, OCCM hosted a roundtable conference on facility service delivery models.<ul style="list-style-type: none">○ Attendees included 12 courts, California Department of General Services, California Department of Corrections, Federal General Services Administration, representatives of the Trial Court Facilities Management Working Group, representation from various AOC Divisions, and a number of facility industry organizations.○ Recommendations included:<ul style="list-style-type: none">▪ Adoption of Firm-Fixed Pricing to reduce administration of cost-plus work and mitigate risk of budget overruns▪ Performance-Based Compensation contracting to incentivize efficient and responsive service. Court-staffed panels directly participate in determination of compensation▪ Rejection of an in-house workforce model.▪ Development a Delegation Model to allow local courts to pilot a

2011
-
2014

program to provide their own services using state-controlled funds.

- AOC Internal Audit Services (IAS) begins an audit of the three regional contracts.
- Strategic Evaluation Committee established in March
- New regional maintenance contracts based on prior-year recommendations and incorporating preliminary audit findings were awarded.
 - Fresno, Napa, and Riverside Courts participated in the contractor selection.

Changes to the Facility Program since the publication of the SEC Report and adoption of Judicial Council Directives:

1. OCCM divided into two offices, Capital Programs (CP) and Real Estate and Facility Management (REFM).
2. Three new regional facility maintenance contracts have resulted in improved performance and better efficiency.
 - a. Firm Fixed Price Model has resulted in predictability for the budgeting process
 - b. Flexible model allows for adding and deleting facilities and facility services.
 - c. Improved scope definition has improved planning and predictability of outcome.
 - d. Court staffed compensation panels demonstrate direct benefit to service providers of high customer satisfaction levels.
3. Working Group elevated to advisory committee status with oversight of all REFM operations.
 - a. Oversees fiscal prudence of program operations, helping ensure process efficiency and focus on identified service needs
 - b. Governs REFM policy development, ensuring maintenance of process transparency and due consideration of stakeholder and constituent interests.
 - c. Advocates for resources necessary to provide full facilities support to court leadership, staff and operations
4. A Delegation Pilot Program has been established for courts desiring to self-perform facility services.
 - a. Four courts (Orange, Riverside, Imperial, and San Luis Obispo) are participating in the program. No other courts have elected to participate at this time.
 - b. In May 2014 the Advisory Committee conducted a review of the program, determining that it was working, but also recognizing that most courts would not want or be able to directly take-on facility management responsibilities.
5. 15 Job Order Contracts and several other construction contracts have been added to the pool of contracting options. Last year, over 40 commercial contractors were used.

6. Standardized processes and procedures have been established for a wide range of functional areas.
 - a. The Internal Audit, conducted largely at the same time period as the SEC study, focused primarily on the original regional contracts.
 - b. As of today 23 of the 53 recommendations have been addressed.
 - c. Of the 30 remaining items, 28 are pending staffing increases to provide additional oversight and auditing of contractors.

Conclusion

The Judicial Council Executive Office has evaluated the scope of former OCCM operations concerning facilities management and determined that engaging a consultant would not yield the value gained from 10 years of "field-tested" experience of using several contract and delegation models. The projected cost of hiring an outside consultant to perform an analysis would also reduce funding available to support court facilities.

STATUS: This Directive is closed.

ACTIVITY REPORTING AND PROPOSAL FORM
JUDICIAL COUNCIL DIRECTIVES

DATE	9/8/2014
PREPARED BY	Burt Hirschfeld
OFFICE NAME	<u>Real Estate and Facilities Management</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	138
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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.
JC DIRECTIVE TIMELINE	Final report at the October 2014 council meeting.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the <i>Status Report</i> provided to the Judicial Council)	
<p>All efforts designed to implement this Directive have now been completed, including:</p> <ul style="list-style-type: none"> ● The renegotiation of rent and generation of revenues, yielding gross expense reductions of over \$8 million during the prior 12-month period. ● Approval of 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. <p>The Judicial Council subsequently approved the recommendation for additional resources to implement budgeted projects.</p>	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:	
<p>All efforts designed to address the components of this Directive have been completed, including:</p> <ul style="list-style-type: none"> ● The renegotiation of rent and generation of revenues, yielding gross expense reductions of over \$8 million during the prior 12-month period. ● Approval of 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.

The Judicial Council approved a recommendation for additional resources in order to implement the budgeted projects.

 File Attachment

This directive is pending:

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:

ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	1/24/2014
PREPARED BY	Cory T. Jaspersen
OFFICE NAME	<u>Office of Governmental Affairs</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	23
JUDICIAL COUNCIL DIRECTIVE	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.
SEC RECOMMENDATION	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.
JC DIRECTIVE TIMELINE	ADOC Report to E&P identifying legislative requirements by December 2013
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the <i>Status Report</i> provided to the Judicial Council)	
<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>	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:	
<p>The Office of Governmental Affairs (OGA), on behalf of and at the direction of the Judicial Council, continues to advocate for the passage of the proposals for efficiency, cost recovery , and new revenue. This includes efficiencies approved for sponsorship as legislation by the Judicial Council in December 2012 and April 2013. Several of the efficiency measures were successful in 2013.</p>	

On December 13, 2013 the Judicial Council adopted the 2014 Legislative Priorities and approved sponsoring a several legislative proposals. OGA staff is working to get final bill language and authors for the approved proposals. Similar to last year, the council's legislative priorities focus mainly on budget and budget-related items: (1) advocating for a robust reinvestment in our justice system to avoid further reductions and to preserve access to justice for all Californians, including a method to provide stable and reliable funding, including growth funding; (2) advocating to secure new judgeships (funding for the 50 approved in AB 159 in 2007 and approval of an additional 50) and ratify the authority of the council to convert vacant subordinate judicial officer positions to judgeships in eligible courts; and (3) advocating for legislation that will expand access to interpreters in civil cases. The legislative priorities include several efficiency proposals that were approved in 2012 and 2013.

Pending sponsorship proposals include:

Sponsor legislation to increase access, fairness, and diversity, as well as the quality of justice and service to the public, by allowing courts to provide interpreters in civil cases for litigants who face challenges accessing the courts due to language barriers and the lack of interpreter services. (Pending approval at the January 23 Judicial Council Meeting).

Seek an additional two justices for Division Two of the Fourth Appellate District (pending approval at the February Judicial Council Meeting).

Sponsor legislation to amend section 827 of the Welfare and Institutions Code to address the issue of tribal access to confidential juvenile court files involving tribal children. The proposed legislation seeks to ensure tribal access to juvenile court files involving tribal children consistent with the mandates of existing federal and state law. Both federal and state law mandate notice to tribes of all juvenile dependency and some juvenile delinquency matters involving tribal children and provide tribes with the right to participate in these proceedings. However, Welf. & Inst. Code § 827, which governs access to confidential juvenile court files, does not mention tribes.

Sponsor legislation to add a new subdivision to Welfare and Institutions Code section 5354 to: Require that when a conservatorship investigation results from a criminal court ordering an evaluation of a defendant's mental condition pursuant to section 5200, the officer conducting the investigation must submit a copy of the report to the defendant or defendant's attorney, who may authorize its distribution to the criminal court, prosecution and probation and establish limits on the distribution and access to the conservatorship report in instances where it is released to the criminal court and justice partners.

Sponsor legislation to amend Penal Code sections 1601(a), 1602(a) and (b), and 1603(a) pertaining to outpatient status for mentally disordered and developmentally disabled offenders. The amendment to section 1601(a) would allow the court, when appropriate, to conditionally release a defendant found incompetent to stand trial to a placement in the community, rather than in a custodial or in-patient setting, to receive mental health treatment until competency is restored.

Sponsor legislation amending Penal Code section 1203.9 to modify intercounty transfer procedures. The proposal would modify those procedures to: (1) require transferring courts to determine the amount of any victim restitution before transfer unless the court is unable to determine the amount within a reasonable time and (2) to prohibit transfers of misdemeanor cases unless: (a) they involve certain sex crimes, firearms, violence, or multiple driving under the influence offenses and (b) the court determines that the continued supervision of the probationer in the county of residence is in the best interests of the public or any victim.

Sponsor legislation to amend Penal Code section 166 to delete a category of juror misconduct that constitutes misdemeanor contempt of court—the willful disobedience by a juror of a court admonishment against any communication or research about a pending trial, including electronic or wireless communications. The proposal was developed at the request of numerous criminal judges who expressed concerns that the provision inadvertently impairs the ability of courts to investigate whether juror misconduct occurred, increasing the risk of mistrial and reversal on appeal.

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.

 File Attachment

This directive is pending:

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:

ACTIVITY REPORTING AND PROPOSAL FORM


JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/1/2012
PREPARED BY	Curt Child
OFFICE NAME	<u>Office of Governmental Affairs</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	61
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>A memorandum was distributed to all Office of Governmental Affairs (OGA) staff on October 1, 2012 to advise staff of the recommendation adopted by the Judicial Council regarding legislative advocacy on behalf of the branch and to repeat the need to ensure that the recommendation is part of OGA advocacy practice.</p> <p>The corresponding SEC report recommendation for this recommendation (No. 7-6) called for ensuring that legislative proposals generated by the Center for Families, Children and the Courts are limited to those required by court decisions and statutory mandates and approved by the Judicial Council Advisory Committees. E&P's recommendation looks more broadly toward ensuring that any legislative proposals generated by the AOC on behalf of the Judicial Council follow the process established by PCLC. That process is set forward in the PCLC Resource materials provided to PCLC as part of their orientation and to the new Judicial Council members as part of theirs. The orientation materials for this upcoming year and Legislative Policy Guidelines were attached to the memorandum distributed to all OGA staff. Also, early in the calendar year Justice Baxter provides a memorandum to the Advisory Committee chairs and staff advising them of the timelines and process for developing Judicial Council-sponsored legislation. Also attached to the memorandum was the memo that was sent out by Justice Baxter on February 2, 2012, and a reminder with timelines went out a few weeks ago.</p> <p>Staff were directed, as they work with their assigned Advisory Committees on legislative proposals, whether they be timely developed proposals or on proposals with more urgent need, to continue to remind the Advisory Committees of the PCLC process and the need to track the process to the greatest extent possible to ensure that legislative proposals are fully developed so that PCLC can make comprehensive and informed recommendations for Judicial Council-sponsored legislation. OGA staff were also directed to remind Advisory Committee staff of the process and continue working with them to coordinate all aspects of the proposal. This will ensure that legislative proposals are fully vetted.</p> <p>Additionally, OGA staff was reminded that when exigent circumstances or legislative positions are</p>	


being formulated as part of the budget process which requires Judicial Council support they need to continue to bring those proposals to Justice Baxter and PCLC for decisions.

 E&P Recomm
09282012.pdf
Adobe Acrobat Document
4.11 MB

This directive is forwarded to the Judicial Council with options for consideration:

 File Attachment




Other:

 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	Immediately and ongoing.
RESOURCES REQUIRED FOR IMPLEMENTATION	No additional resources needed.

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input checked="" type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<p>This recommendation called for ensuring that legislative proposals generated by the AOC follow the process established by PCLC. OGA advocates were reminded of existing procedures established by PCLC and therefore additional procedures were not developed.</p> <p> File Attachment</p>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<p>No additional training was developed.</p> <p> File Attachment</p>
<input type="checkbox"/> SAVINGS	<p>No savings identified.</p> <p> File Attachment</p>
<input type="checkbox"/> COST	<p>No costs identified</p>

	<input type="button" value="File Attachment"/>
<input type="checkbox"/> EFFICIENCIES	<p>No new efficiencies identified.</p> <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>This recommendation will ensure that PCLC processes are followed in developing legislative proposals and will therefore provide consistency in application of processing proposals. This will assist all branch stakeholders in understanding that legislative proposals are approved by the JC.</p> <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> OTHER	<p>Implementation of this recommendation serves to remind OGA and AOC staff of the need for legislative proposals to follow existing PCLC processes to ensure that they are fully vetted by PCLC before action by PCLC and the JC.</p> <input type="button" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>




Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 1240 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

MEMORANDUM

Date	Action Requested
September 28, 2012	Please Review
To	Deadline
Office of Governmental Affairs Staff	None
From	Contact
Curtis Child  Director, Office of Governmental Affairs	Curtis L. Child Office of Governmental Affairs 916-323-3121 phone 916-323-4347 fax curtis.child@jud.ca.gov
Subject	
Executive and Planning Committee Recommendations	

As you are aware, on August 27, 2012, the Judicial Council adopted recommendations proposed by the Executive and Planning Committee (E&P) after considering the recommendations contained in the May 2012 Strategic Evaluation Committee (SEC) report. The specific recommendations that were adopted are outlined in Attachment 1 to the August 27, 2012, E&P report to the Judicial Council and track, for the most part, the SEC recommendations.

There are four recommendations adopted by the Judicial Council that relate to the Office of Governmental Affairs (OGA): No. 23 (identify legislative requirements that impose unnecessary reporting and other mandates on the courts and the AOC and seek revision or repeal of the requirements); No. 61 (direct that legislative proposals follow the process established by the Policy Coordination and Liaison Committee (PCLC)); No. 143 (direct that OGA should represent the interests of the judicial branch on the clear direction from PCLC and ensure that PCLC is fully apprised of the views of the courts before determining legislative positions); and, No. 144 (OGA should draw upon other attorney resources in the AOC to assist OGA with legislative

September 28, 2012

Page 2

demand)¹. Of these four recommendations three are existing OGA requirements that OGA should ensure are part of their ongoing responsibilities. The fourth, No. 23-relief from statutory mandating requirements, will require additional analysis and a report and Judicial Council action to complete.

The purpose of this memo is to note the recommendations adopted by the Judicial Council regarding legislative advocacy on behalf of the branch and to repeat the need to ensure they are part of OGA advocacy practice. Continued adherence to these recommendations will make certain that OGA advocacy on behalf of the branch will be consistent with Judicial Council direction as informed by branch stakeholders. It is my intent to report to the Judicial Council for its October 26, 2012, meeting that the three recommendations noted above have been implemented, are ongoing, and will be monitored by the Administrative Director of the Courts.

Recommendation 61: E&P recommends to the Judicial Council that any legislative proposals generated by the AOC must follow the process established by PCLC.

The corresponding SEC report recommendation for this recommendation (No. 7-6) called for ensuring that legislative proposals generated by the Center for Families, Children and the Courts are limited to those required by court decisions and statutory mandates and approved by the Judicial Council Advisory Committees. E&P's recommendation looks more broadly toward ensuring that any legislative proposals generated by the AOC on behalf of the Judicial Council follow the process established by PCLC. That process is set forward in the PCLC Resource materials provided to PCLC as part of their orientation and to the new Judicial Council members as part of theirs. The orientation materials for this upcoming year and Legislative Policy Guidelines are attached. Also, early in the calendar year Justice Baxter provided a memorandum to the Advisory Committee chairs and staff advising them of the timelines and process for developing Judicial Council-sponsored legislation. The memo that went out on February 2, 2012, is also attached and a reminder to the committee chairs with timelines went out a few weeks ago.

As you work with your Advisory Committees on legislative proposals, whether they be timely developed proposals or on proposals with more urgent need, please continue to remind the Advisory Committees of the PCLC process and the need to track the process to the greatest extent possible to ensure that legislative proposals are fully developed so that PCLC can make comprehensive and informed recommendations for Judicial Council-sponsored legislation. Importantly, please remind Advisory Committee staff of the process and continue working with

¹ A fifth recommendation, No. 142—AOC organizational staffing changes including the reporting line of responsibility for OGA, was adopted by the Judicial Council at its August 31, 2012, meeting. That action established a revised organization structure for the AOC which placed OGA as a direct report to the Administrative Director of the Courts.

them to coordinate all aspects of the proposal. This will ensure that legislative proposals are fully vetted prior to submission to PCLC.

Additionally, when exigent circumstances or legislative positions are being formulated as part of the budget process which requires Judicial Council support we need to continue to bring those proposals to Justice Baxter and PCLC for decisions.

Recommendation 143: E&P recommends that the Judicial Council direct the Administrative Director of the Courts that OGA should represent the interests of the judicial branch on the clear direction of its 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 legislative positions or proposals.

While the SEC report and recommendation on this issue (No. 7-81) is not specific on the problem that needs to be addressed, the report does serve as an important reminder that the fiscal and policy impacts of legislation on both the trial and appellate courts need to continue to be an important issue for PCLC in making their decisions. Historically, OGA has sought court participation on policy and impacts through multiple sources. Legislative proposals that impact the trial courts have been vetted through the relevant subject matter Advisory Committees and/or Trial Courts Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Legislative Working Group and with the TCPJAC leadership. On fiscal issues the Operational and Budget Impact Working Group of CEAC has designated experts in large, medium, small, urban, and rural courts on the fiscal impact of legislation. OGA staff working on fiscal analyses has also, working directly with Finance Division staff, sought fiscal impacts from judges and staff in individual courts. In the appellate courts we directly work with the Administrative Presiding Justices Advisory Committee and the California Appellate Court Clerk's Association (CACCA) on both legislative and fiscal issues to inform PCLC.

The SEC report noted that some courts perceive that OGA does not effectively represent their interests in Sacramento on certain issues. While there is no detail that would better inform us on implementing this recommendation it is important that OGA cast its input net as broadly as possible in seeking both trial and appellate court impacts, including the fiscal impacts of proposed legislation. The SEC report does note, importantly, that it may not be feasible to represent the *individual* interests of particular courts because those interests vary from court to court. The report correctly notes that the varied interests of the courts should be considered in establishing a legislative agenda.

Thus, in implementing this recommendation OGA advocates should ensure that they seek both the formal and informal participation of the trial and appellate courts on the impact legislative and budget proposals have on their courts through the existing committee structure. All PCLC reports should continue to include in them the efforts made to obtain the courts' impact analysis

and clearly state that impact on the courts. Advocates should continue the practice of inviting advisory committee representatives to participate in PCLC meetings when deemed appropriate by the Chair.

Finally, although there are no findings in the SEC report regarding the participation of other branch stakeholders on legislation and budgetary issues, advocates should continue to assist the appropriate Advisory Committees to ensure that other stakeholder impacts and interests are appropriately considered and presented to PCLC in their reports.

Recommendation 144: E&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 demand may require.

The SEC Report notes in its recommendation that it is unclear how overall attorney resources are prioritized in the AOC and that OGA would benefit from the use of leveraged resources. It has long been OGA practice to utilize attorneys and others with subject matter experts on budgetary and policy issues; with such prominent examples as SB 1407, the Public Contracts Code, public records legislation, fee and fine increases, traffic, civil practice, etc. I have reported that all advocates routinely and frequently utilize other AOC staff including OGC counsel and will continue to do so in the future. I have also discussed this recommendation with Mary Roberts and she, of course, will continue to assure that her attorneys will be available to assist OGA, resources permitting. Please continue to call upon OGC and other subject matter experts within the AOC as you do your advocacy work.

Conclusion

While it may understandably feel like these recommendations are self-evident it is important to remind ourselves of the importance of the underlying substance behind these recommendations in making sure that our work effectively represents the judicial branch in the legislative and executive branches of government. It is fortunate that we can note that the above recommendations have been completed while we provide assurances that we will be diligent in meeting the goals in the E&P recommendations. Thank you all for the professional and diligent manner in which you advocate on behalf of the judicial branch.

Bobino, Luz

From: Casillas, Yvette
Sent: Thursday, February 02, 2012 10:53 AM
To: AOC JC Adv. Comm and TF Coordinators; AOC JC Policy Coord. Committee; AOC Directors - All; AOC Comm Comm
Subject: Memo from Justice Baxter to Advisory Committees: re: developing proposals for sponsored legislation
Attachments: JC-sponsored_legislation_calendar.doc; Baxteradviscommreminder020212.doc

Colleagues:

Please see attached memo from Justice Baxter regarding the development of legislative proposals for possible Judicial Council sponsorship in 2013, together with the timeline for this year.

If you have any questions, please feel free to contact Dan Pone, daniel.pone@jud.ca.gov, or Donna Hershkowitz, donna.hershkowitz@jud.ca.gov or by phone at 916-323-3121.

Thank you.

Yvette Casillas
Administrative Coordinator
Office of Governmental Affairs
Judicial Council of California -- Administrative Office of the Courts
770 L Street, Suite 700
Sacramento, CA 95814
916-323-3121, Fax 916-323-4347, yvette.casillas@jud.ca.gov
www.courts.ca.gov

"Serving the courts for the benefit of all Californians"



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

MEMORANDUM

Date	Action Requested
February 2, 2012	Please review
To	Deadline
Advisory Committee Chairs and Staff	N/A
From	Contact
Hon. Marvin R. Baxter, Chair Policy Coordination and Liaison Committee	Donna S. Hershkowitz, Assistant Director Office of Governmental Affairs 916-323-3121 phone donna.hershkowitz@jud.ca.gov
Subject	
Deadlines for Judicial Council-Sponsored Legislation	

As Chair of the Judicial Council's Policy Coordination and Liaison Committee, I am writing to advise you of the timelines and process for developing potential proposals for Judicial Council-sponsored legislation. Each year, the council sponsors bills that seek to improve the administration of justice in California and assist, where needed, in accomplishing branchwide goals and objectives. Judicial Council advisory committees are ideally positioned to identify and develop proposals for statutory change given committee members' extensive expertise in the committee's subject area.

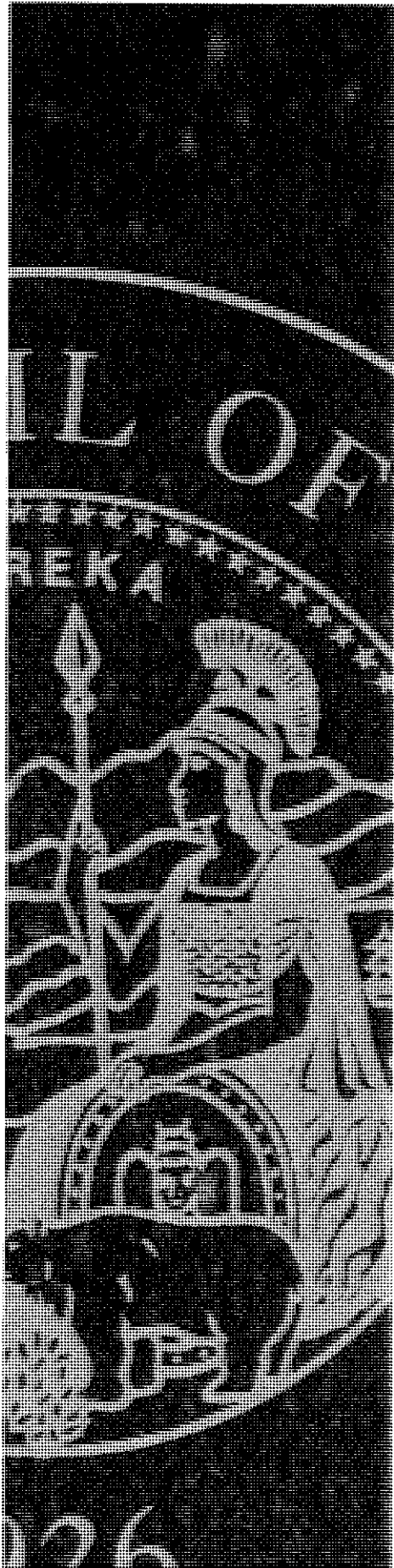
In order to meet the deadlines for developing, refining, circulating, and revising proposals for possible Judicial Council sponsorship in 2013, your committee should be developing proposals in January - March of this year. The timeline for the development of sponsored legislation is attached for your reference. Please contact your advisory committee staff, or Donna Hershkowitz in the Office of Governmental Affairs at 916-323-3121, if you have any questions. Thank you.

Calendar for Judicial Council–Sponsored Legislation

	Advisory committee staff due date
<p>Proposal development Advisory committee, in consultation with OGA staff, develops proposals for Judicial Council–sponsored legislation.</p>	January–March 2012
<p>Proposals to OGA Staff Advisory committee staff forwards draft Invitations to Comment to OGA staff for review before submission to PCLC.</p> <p>OGA staff, in consultation with advisory committee staff, finalizes Invitations for Comment and submits them to PCLC.</p>	<p>March 19, 2012</p> <p>April 5, 2012</p>
<p>PCLC meeting to review Invitations to Comment PCLC determines if proposals may be circulated for public comment.</p>	April 12, 2012
<p>Comment period Advisory committee staff, in consultation with OGA staff, circulates draft Judicial Council–sponsored legislation proposals to interested and affected parties.</p>	April 17–June 15, 2012
<p>Staff consultation Advisory committee staff consults with OGA staff regarding responses to comments and further development of proposals for Judicial Council–sponsored legislation.</p>	June–August 2012
<p>Final Proposals for council-sponsorship sent to PCLC</p>	October 12, 2012
<p>PCLC meeting to review proposals for possible council-sponsorship</p>	October 25, 2012
<p>Judicial Council meeting Judicial Council takes action on proposals for Judicial Council–sponsored legislation for upcoming legislative year.</p>	December 14, 2012

Judicial Council-sponsored Legislation Schedule: August - December 2012

	Due Dates
Leg proposals from Advisory Committees due to OGA (in JC report format)	Friday, September 7
OGA returns proposals with suggested edits to Advisory Committee staff	Friday, September 14
Advisory Committee staff return proposals to OGA	Friday, September 28
OGA sends materials to Policy Coordination & Liaison Committee (PCLC)	Thursday, October 11
PCLC meeting (In Person)	Thursday, October 25
OGA sends draft proposals to editing and to E&P with Secretariat Briefing Sheet (SBS)	Tuesday, November 6
Editors return edited proposals to OGA; OGA confers with Advisory Committee staff for final approval	Tuesday, November 20
OGA sends final proposals to Secretariat & JC binder (in PDF format also)	Wednesday, November 28
ASU mails JC binders	Wednesday, December 5
JC meeting	Friday, December 14



Policy Coordination and Liaison Committee

2012 RESOURCE MATERIALS



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

**Judicial Council of California
Administrative Office of the Courts
Office of Governmental Affairs**

**Policy Coordination and Liaison Committee
Resource Materials**

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Policy Coordination and Liaison Committee

The role of the Policy Coordination and Liaison Committee (PCLC) is to represent the council before the legislative and executive branches of government, build consensus with entities and individuals outside the branch and coordinate an annual plan for communication and interaction with other agencies and entities.

The charge and duties of the committee, set forth in California Rules of Court, rule 10.12, including the following:

- 1) Review and make recommendations on all proposals for Judicial Council–sponsored legislation and on an annual legislative agenda after evaluating input from council advisory bodies, the courts, and the Administrative Office of the Courts;
- 2) Review pending legislation and formulate the council’s policy position, if any, after evaluating input from council advisory bodies, the courts, and the Administrative Office of the Courts;
- 3) Advocate positions of the council before the Legislature and other bodies or agencies and act as liaison with other governmental entities, the bar, the media, the judiciary, and the public regarding council-sponsored legislation, pending legislative bills, and the council’s legislative positions and agendas;
- 4) Build consensus on issues of importance to the judicial branch consistent with the council’s strategic plan with entities and individuals outside of the branch; and
- 5) Oversee the development, coordination, and maintenance of communication and relations with other branches and levels of government, components of the justice system, the bar, the media, and the public.

Typical Judicial Council–sponsored Legislation Calendar

Month	Judicial Council
Jan – March	<ul style="list-style-type: none"> • Advisory committees, in consultation with Office of Governmental Affairs (OGA) staff, develop proposals for council–sponsored legislation.
April – May	<ul style="list-style-type: none"> • Advisory committee, in consultation with OGA staff, circulates draft proposals for council–sponsored legislation to interested and affected parties.
June	<ul style="list-style-type: none"> • Deadline for public comment on proposed council–sponsored legislation.
June – August	<ul style="list-style-type: none"> • Advisory committee consults with OGA staff regarding responses to comments and further development of proposals for council–sponsored legislation.
September – October	<ul style="list-style-type: none"> • Deadline for advisory committee and OGA staff to jointly submit finalized draft proposals for council–sponsored legislation to the Policy Coordination and Liaison Committee.
October	<ul style="list-style-type: none"> • PCLC makes recommendations for council action on council–sponsored legislative proposals for upcoming legislative year.
December	<ul style="list-style-type: none"> • Judicial Council acts on PCLC recommendations for council–sponsored legislation for upcoming legislative year.

Guidelines for Development of Judicial Council–sponsored Legislation

This summary describes the typical process the Judicial Council follows when developing and approving proposals for sponsored legislation. It also describes how OGA advocates for enactment of these proposals in the Legislature.

I. Judicial Council Process

A. Sources of Legislative Proposals

Because it often takes several months to fully develop a legislative proposal, the process should begin early in the year. (*See the Judicial Council–sponsored Legislation Calendar.*) Judicial Council advisory committees are well situated to identify and develop proposals for statutory change. Committee members have extensive expertise in the committee’s subject area and often have ideas for improving statutory law. In addition, advisory committees may receive requests for council sponsorship of legislative proposals from outside sources.

Suggestions for how an advisory committee may wish to identify proposals for council–sponsored legislation follow:

- The advisory committee chair may devote a portion of one or more meetings each year to identifying legislative proposals for the following year’s legislative session.
- The advisory committee may establish a working group or task force composed of committee members responsible for reviewing the relevant codes, or specific subjects or issues within those codes, to identify potential legislation.
- Advisory committees may receive legislative proposals from outside sources. When a person or organization submits a legislative proposal to the Judicial Council, staff from the Administrative Office of the Courts forwards the proposal to the appropriate advisory committee and OGA staff for consideration.

B. Advisory Committee Process for Developing Proposals

This section describes the steps an advisory committee takes to develop and review legislative proposals for substantive merit. It also lists criteria that an advisory committee should consider in determining whether a legislative proposal appears suitable for council sponsorship.

1. Assess Viability of Proposal – For each legislative proposal, the advisory committee takes the following actions:

- The advisory committee, in consultation with OGA staff, determines a time frame for consideration of the proposal, keeping in mind the

September/October deadline for submission of legislative proposals to the PCLC.

- If the advisory committee rejects a proposal submitted by an outside source, committee staff will notify the proponent of that action.
- If the advisory committee accepts or modifies a proposal from an outside source, or decides to recommend sponsorship of an internally generated proposal, the committee proceeds to the next steps.

2. Coordination with Office of Governmental Affairs Staff – Advisory committee staff will work with OGA staff to coordinate work on all aspects of the proposals.

3. Review and Analyze – Advisory committees review proposals for substantive merit before transmitting them to the PCLC. A typical analysis of a proposal should include:

- A description of the problem to be addressed, including its scope.
- A description of how the problem affects the judicial branch.
- A description of the proposed solution.
- A discussion of any alternative solutions, including an analysis of why the recommended solution is preferable.
- A discussion of any minority viewpoints.
- A description of any foreseeable problems with the proposed solution.
- Draft language for the proposed legislation.
- A determination whether the Judicial Council and/or the Legislature should give the proposal urgent consideration and the reasons for this.

A worksheet that advisory committees use for laying out this analysis and other important considerations can be found on page 15.

4. Evaluate Sponsorship Criteria – Once an advisory committee determines that a particular proposal has merit, the committee should consider certain criteria in assessing whether Judicial Council sponsorship is appropriate and desirable. Limited resources, competing priorities, and political realities impose practical limitations on the council's ability to sponsor every worthwhile legislative proposal presented. The advisory committee and OGA staff should jointly consider each of the following questions:

- Is the proposal within the Judicial Council's jurisdiction?

Council-sponsored measures should involve only those issues that are central to the council's mission and goals as stated in the Judicial Council's Strategic Plan.

- Should the proposal be addressed through the Judicial Council's rulemaking authority rather than by a change in statute?

The council prefers to implement changes through rules of court whenever appropriate.

- Is the Judicial Council the best sponsor?

The advisory committee and OGA staff may determine that a proposal more closely serves the mission or objectives of another organization such as the State Bar. A Judicial Council-sponsored proposal should address issues fundamental to the administration of justice and broadly serve the needs of the courts statewide.

- What political factors are associated with the proposal?

OGA staff are responsible for providing advice about the political factors associated with a proposal.

5. Circulate for Comment – If an advisory committee wishes to circulate a proposal for comment, the committee staff consults with OGA staff. If it is determined that the proposal may be appropriate for circulation, the committee submits the proposal to PCLC for consideration. If PCLC agrees with the advisory committee's recommendation, the proposal may be circulated for public comment. After the comment deadline, committee staff and OGA staff jointly review the comments. Advisory committee staff then summarize and present the comments to the committee. Following consideration of the comments, the advisory committee may modify the proposal based on the comments, recommend adoption of the proposal as originally presented, or recommend non-adoption based on the comments received.

6. Advisory Committee Action – Upon completion of the review procedures and consideration of the evaluation criteria above, the advisory committee may adopt one of the following actions:

- Approve the proposal as submitted.
- Approve the proposal with modifications.

- Reject the proposal. The advisory committee should inform the source of the proposal of this decision.

If the advisory committee approves the proposal, the committee forwards the proposal to PCLC for consideration. Final proposals must be submitted to the PCLC using the template for memos to Judicial Council internal committees by the September/October deadline in order to be considered for Judicial Council sponsorship during the following legislative year. All advisory committee proposals submitted to the PCLC are referred to OGA, which may prepare a separate analysis and recommendation for the PCLC.

C. Policy Coordination and Liaison Committee Action

In October, the PCLC reviews the proposal, the advisory committee recommendation, and any analysis and recommendation prepared by OGA staff. After considering the proposal, the PCLC may recommend it for Judicial Council sponsorship and forward it to the Judicial Council, send it back to the advisory committee for further consideration, or take other action as necessary. If the PCLC modifies or rejects the proposal, OGA staff returns the proposal to the submitting advisory committee. The advisory committee may either accept the PCLC action or request that the full council review the PCLC recommendation.

D. Judicial Council Action

The legislative proposal is presented by the PCLC to the Judicial Council in December for consideration. The Judicial Council reviews the proposal, along with the PCLC recommendation contained in a report prepared by OGA staff. Once the council approves a proposal, it becomes “sponsored” legislation. If the Judicial Council does not approve the proposal for sponsorship, or takes some other action on the proposal, OGA staff will communicate the action to the submitting advisory committee.

E. Delegation of authority to PCLC to sponsor legislative proposals on behalf of the council

The Judicial Council delegated to the PCLC the authority to take positions to sponsor proposals on behalf of the council when time is of the essence. This situation most often will arise in the context of the budget and related “trailer bill language.” Acting under this delegation, PCLC notifies the chairs of the Executive and Planning Committee and the Rules and Projects Committee of any PCLC meetings at which such actions will be considered so that they may participate if available. PCLC is also required to notify all other Judicial Council members, if feasible, of the intended action. After acting under this delegation, PCLC is required to notify the Judicial Council of all actions taken.

II. Advocacy Process

A. Legislative Author

Staff at the Office of Governmental Affairs seek a legislator to introduce the council-sponsored proposal. Ideally, an appropriate author for the bill would be one who:

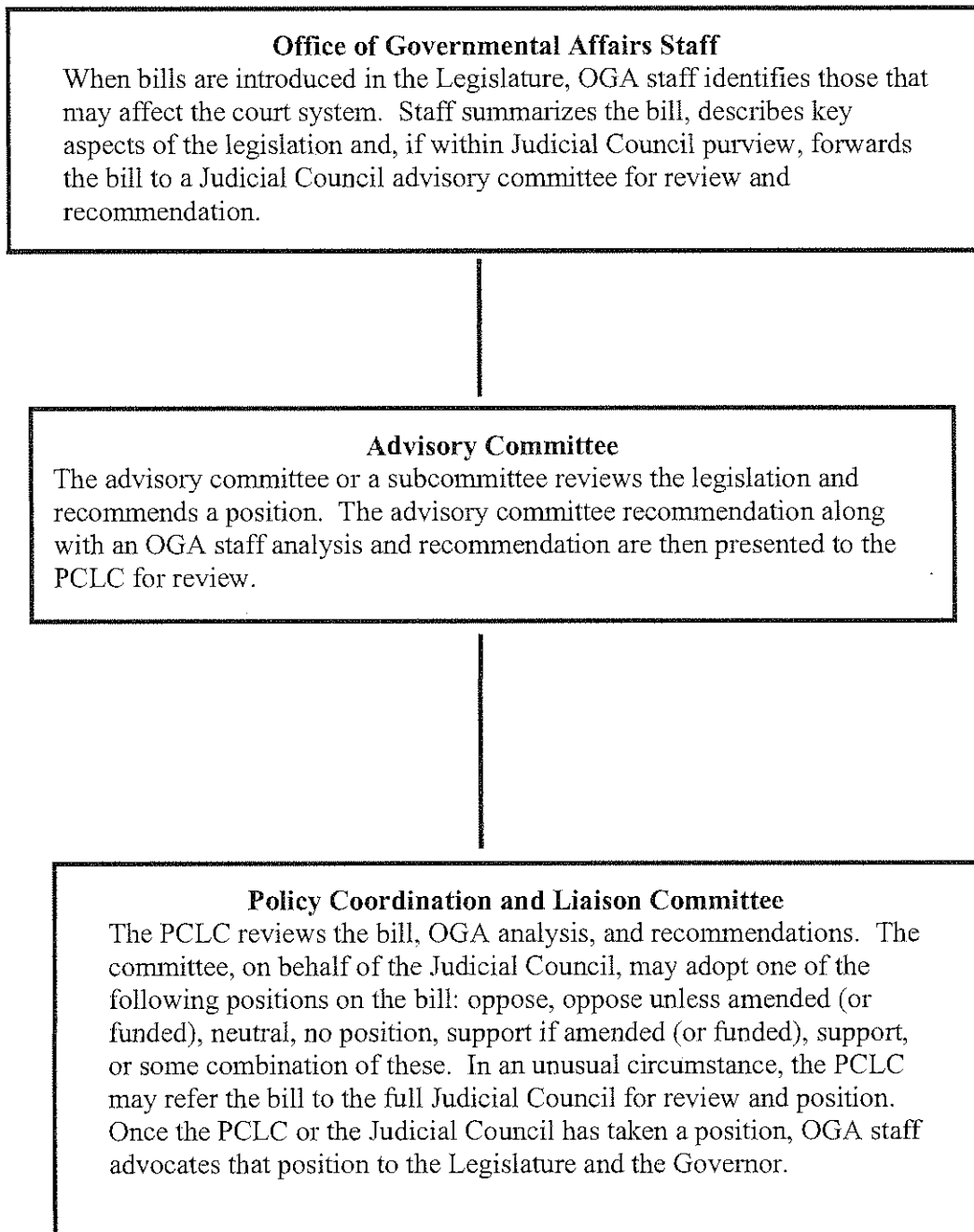
- Has substantial experience with the subject of the bill; often the author is the chair or a member of the policy committee with subject-matter jurisdiction over the bill.
- Understands Judicial Council needs and objectives.
- Has experience with the legislative process.
- Is an effective negotiator with members of both parties.

B. Office of Governmental Affairs Responsibilities

OGA staff members are the primary advocates for Judicial Council-sponsored legislation. Responsibilities include, among other things:

- Preparing background material for the bill, including an analysis for the author. This material includes a description of the problem the bill seeks to address, an explanation of how the bill corrects that problem, the likely supporters and opponents of the bill, questions the bill raises that may need further research, and any other information that explains the issue.
- Communicating information about the bill to every legislative committee that hears the bill. This means working extensively with committee staff and legislators who are members of those committees. In moving through the legislative process, a bill will be heard by a policy committee (such as the Judiciary Committee), and, if appropriate, by a fiscal committee before being debated and voted upon by the full membership on the floor of each house.
- Coordinating with other supporters to build a broad coalition in support of the bill.
- Coordinating the content and timing of correspondence between all supporters, and the Legislature.
- Negotiating with the proposal's opponents to determine whether amendments can eliminate opposition and still achieve the council's objectives.
- Meeting with the Governor and/or his or her staff to advocate that the bill be signed into law.

Formulating a Judicial Council Position on Pending Legislation



Formulating a Position on Pending Legislation

The Judicial Council, acting through the Policy Coordination and Liaison Committee (PCLC), strives to improve the administration of justice by representing the interests of the courts to the Legislature, the executive branch, other entities involved in the legislative process, other entities interested in the judiciary, and the general public.

Following are procedures the Office of Governmental Affairs uses in developing recommendations for and carrying out the PCLC and council directives.

Positions on Legislation

OGA staff review all introduced and amended legislation to determine whether a bill is of interest to the judicial branch. For each bill of interest, OGA staff indicates whether the council is likely to take, or may want to take a position. Appropriate to the subject area, one or more council advisory committees (or subcommittees) review each bill on which the council may want to take a position. The advisory committees either recommend a position or recommend that the council take no position.

OGA staff present bills on which an advisory committee recommends a position to the PCLC for determination of a council position. Staff may also choose to bring a bill before the PCLC on which an advisory committee has recommended no position. The staff present each bill to the PCLC with an analysis that includes a summary of the bill, a recommended position from an advisory committee and, if different, the OGA staff recommendation, the rationale for the recommendation, positions the council has taken on related bills, fiscal and workload impact, and other relevant information.

The council has established several positions the PCLC may take on a bill. These positions do not indicate the relative strength of the council's support or opposition, but the aims of OGA staff's lobbying efforts. The positions are:

1. Oppose. Position taken on a bill that conflicts with established council policies, and for which obvious changes would not resolve the conflict.
2. Oppose unless amended (or unless funded). Position taken on a bill that the council will oppose unless identified amendments are taken to address those provisions that conflict with council policy, or unless funding issues are resolved.
3. Oppose unless amended; support if amended. Position taken on a bill that the council will oppose unless identified amendments are taken. If amendments are taken, the council will support.
4. Neutral. Position taken on a bill the substance of which does not implicate council policy, but on which technical corrections would improve the measure.
5. No position. Position taken on a bill that addresses substantive issues on which the council takes no position, though the measure may affect the courts.

6. Support in concept. Position taken on a bill that, in concept, furthers council policy, but that is not yet drafted in sufficient detail for the council to support.
7. Support if amended (or if funded). Position taken on a bill that, with specified amendments or funding, would further the council's policies. Absent the amendments or necessary funding the council position is neutral.
8. Support. Position taken on a bill that furthers council policy.

PCLC may also combine several of the above positions.

The PCLC Meeting Schedule and Agenda

The PCLC meets regularly during the legislative session, usually by conference call. Beginning in late February or early March, the committee sets a schedule of meetings for a set time every three weeks. If a meeting is not needed, OGA staff notify PCLC members by e-mail. Late in the legislative session, and during budget negotiations, it is sometimes necessary to schedule several meetings on short notice to discuss or resolve late-breaking issues.

OGA staff prepare a written analysis of each bill for the PCLC. OGA staff place bills that do not appear to require discussion or deliberation on the PCLC's consent calendar. The consent calendar saves the committee time by eliminating the need to rearticulate clearly established council policies and positions. However, any committee member may remove an item from the consent calendar to discuss the bill's merits or recommended action.

Bills that are on the discussion agenda include those that appear to require discussion, and those bills on which the OGA staff recommendation differs from the recommendation of an advisory committee. In the latter instance, OGA staff will request that a representative of the advisory committee participate in the PCLC conference call. The guest presents the advisory committee's views, and takes questions from PCLC members. The PCLC may then excuse the guest and deliberate further and then vote on the position.

Legislative Advocacy

Once the PCLC adopts a position on a bill, that position and associated policies become the cornerstone of OGA's advocacy efforts. The information is presented in subsequent negotiating sessions, discussions with interested parties, and meetings with legislators. A letter setting forth the position and policies is sent to the bill's author, to legislative committee members, and other interested parties.

Generally, the PCLC's initial guidance and position suffices to direct OGA staff's advocacy throughout the legislative process. Sometimes, as a bill progresses or is amended, OGA staff require further direction from the PCLC because of a particular bill's significance or complexity, the sensitivity of an issue or the direction taken by the amendments. The PCLC may be asked to reconsider the matter at a subsequent meeting. If legislative events demand an immediate response, the staff may seek direction from a member or subcommittee the PCLC designates on that issue.

Coordination with other groups

The Judicial Council advances its position on legislation most successfully when it allies itself with other entities such as county government representatives, law enforcement, attorneys, and consumer advocates. OGA staff work to develop coalitions on issues of common interest. These coalitions often last for years, effectively supporting and opposing a variety of bills. For example, the council's efforts regarding trial court facilities legislation involved close coordination with the California State Association of Counties. Other groups with which the council has long-standing working coalitions include the Consumer Attorneys of California, the California Defense Counsel, the California Judges Association (CJA), the State Bar of California, and others. These and other working relationships have evolved during many years of cooperative effort.

On most court-related issues, OGA staff maintain close contact with representatives and staff of CJA and the State Bar. Additionally, OGA staff confer regularly with the California Court Association Legislation Committee (CCALC) to discuss or request analytical information about pending legislation with members of the court community. The CCALC members are court employees who provide vital input related to the operational impact of proposed legislation.

Legislative fiscal analysis

During its legislative screening process, OGA staff identify bills that require a fiscal analysis. In the years since the state assumed responsibility for trial court funding, the AOC, through joint efforts of OGA and the Finance Division, has developed a process to ensure that both timely and accurate fiscal analyses are submitted to the Legislature. When reviewing a bill for court-related policy issues, OGA legislative advocates also identify any provisions that may have costs associated with them. The OGA legislative advocate consults with fiscal staff in OGA and the Finance Division who are responsible for the development of fiscal analyses. Fiscal staff confirm the cost issues and, if necessary, work with the advocate to determine an appropriate approach and methodology, identify available resources, and clarify any technical issues affecting the analysis.

There are a variety of resources available to assist in the development of fiscal and workload analyses. Staff of the AOC's Office of Court Research assist in data collection and analysis. OGA staff also work closely with other AOC staff in specific program areas such as civil, criminal, family, and juvenile law; jury service; traffic programs; and the court interpreter program. These staff can provide direct information and referrals to local court staff to assist in the development of fiscal analyses.

Additionally, a process was recently developed to obtain greater input from court staff identified by court executive officers as subject matter experts. The Operational and Budget Impact Working Group of the Court Executives Advisory Committee identified staff in their courts and other courts whom OGA can consult to get input from court designated experts in large, medium, small, urban, and rural courts on the fiscal impact of legislation.

Judicial Council Legislative Policy Guidelines

The Judicial Council Legislative Policy Guidelines provide a historical summary of legislative action. The Guidelines are intended to ensure that council members, advisory committee members, and AOC staff have a common understanding of council policy on issues presented in proposed legislation and are guided by that council policy and practice. The document sets forth concise council policy guidelines regarding court-related legislative proposals. The policy guidelines are organized by topic and further the objectives of the six Judicial Council Strategic Plan goals.

Proposal for Judicial Council–Sponsored Legislation

Advisory Committee: _____

Date: _____

Contact Person: _____

OGA Liaison: _____

1. Problem to be addressed.
2. How does this problem affect the judicial branch?
3. Proposed solution.
4. Alternative solutions. Why is the recommended solution preferable?
5. Minority viewpoints.
6. Any foreseeable problems with the proposed solution?
7. Should the Judicial Council give this proposal urgent consideration?
If so, why?
8. Is the proposal within the Judicial Council’s jurisdiction?
9. Should the proposal be carried out by amending the California Rules of Court instead of statute?
10. Why is the Judicial Council the best sponsor?
11. What political factors are associated with the proposal?

Please attach draft language.

The Office of Governmental Affairs

The mission of the Office of Governmental Affairs is to promote and maintain effective relations with the legislative and executive branches and to present the Judicial Council's recommendations on legislative matters pursuant to constitutional mandate.

(Cal. Const., art. VI, § 6). OGA staff are responsible for the following subject matters:

Subject Matter	Contact
General Advocacy	OGA Director, Donna Hershkowitz
Access to Justice/Self-represented Litigants	Tracy Kenny
Appellate Law	Tracy Kenny, Daniel Pone, TBD
Bench-Bar Coalition	Dia Poole
Budget	OGA Director, Andi Liebenbaum
Civil Procedure	Daniel Pone
Communications Liaison	Dia Poole
Court Facilities	TBD
Court Interpreters	Tracy Kenny
Court Reporters	Donna Hershkowitz
Court Security	Donna Hershkowitz
Criminal Procedure	TBD
Day on the Bench	Dia Poole
Employment Issues (trial court labor, court staff retirement)	Donna Hershkowitz
Family Law	Tracy Kenny
Fiscal Impact of Legislation	Andi Liebenbaum
Judgeships and Subordinate Judicial Officers	Donna Hershkowitz
Judicial Administration Fellowship Program	Dia Poole
Judicial Conduct	TBD
Judicial Education	Tracy Kenny
Judicial Elections	TBD
Judicial Service	Tracy Kenny, Donna Hershkowitz
Jury Issues	TBD
Juvenile Delinquency	Tracy Kenny
Juvenile Dependency	Tracy Kenny
Probate and Mental Health	Daniel Pone
Redistricting/Judicial Redistricting	TBD
State Bar/Practice of Law	Daniel Pone
Traffic Law	TBD

Staff Biographies

Donna Hershkowitz has been the Assistant Director of the Office of Governmental Affairs since joining the AOC in January 2006. She is currently serving as Acting Director of OGA. Prior to joining the AOC, Ms. Hershkowitz most recently served as principal consultant with the Senate Office of Research. Prior to that, she worked for the state Department of Child Support Services, first as senior staff counsel, then deputy director. She also worked for four years as principal consultant to the Assembly Judiciary Committee. Ms. Hershkowitz has a bachelor's degree from Duke University and a juris doctorate from UCLA School of Law.

Katie Asher is an administrative coordinator with the Office of Governmental Affairs. Prior to joining the AOC, Ms. Asher worked for Electronic Data Systems (EDS). While employed with EDS, she worked as a public affairs coordinator for the Office of Governmental Affairs, as an administrative coordinator for Global Marketing Operations, and as a regional coordinator for the Americas Communications division. Ms. Asher has a bachelor's degree in communications from UC Davis.

Luz Bobino is an executive secretary to the director of the Office of Governmental Affairs. She began working at OGA in 2000. Prior to working for OGA, Ms. Bobino was an application support analyst for the Sutter Health Information Technology Center.

Larissa Brothers is a secretary with the Office of Governmental Affairs. Prior to joining the AOC, Ms. Brothers worked in an administrative capacity for Telpro Products, Inc. and Dish Network. For several years, Ms. Brothers ran a home-based confectionery business while pursuing a degree in paralegal studies.

Yvette Casillas is an administrative coordinator with the Office of Governmental Affairs and has been employed by the AOC since 1997. She is responsible for coordinating bill tracking and screening criminal and traffic legislation, as well as supporting the work of three advocates and the PCLC. Ms. Casillas relocated to Sacramento in 1995 from Southern California and attended Sacramento City College, majoring in administration of justice.

Tracy Kenny is an attorney with the Office of Governmental Affairs and has been employed by the AOC since 2001. Prior to joining the AOC, she worked as a fiscal and policy analyst at the Legislative Analyst's Office. Ms. Kenny is responsible for advocacy on family law, domestic violence, court interpreters, access to justice, juvenile dependency and delinquency issues, and judicial retirement. She has a bachelor's degree in history, a master's degree in public policy, and a juris doctorate from the University of California at Berkeley.

Monica LeBlond has been the supervising administrative coordinator in the Office of Governmental Affairs since January 2002. Prior to joining the AOC, she worked as an administrative and quality manager for an environmental consulting firm in Sacramento. Ms. LeBlond has a bachelor of music degree from the State University of New York.

Andi Liebenbaum joined the Office of Governmental Affairs in April 2012 as a senior governmental affairs analyst. She previously served as a senior consultant for Assembly

Member Jared Huffman in the California Legislature. Ms. Liebenbaum served as the president of the Los Angeles League of Conservation Voters, an environmental political action committee, for over a decade, and provided youth, workforce development and environmental policy training for the US Department of State in Central and South America. Ms. Liebenbaum, who is bilingual in English and Spanish, has two bachelors' degrees from Boston University and a juris doctorate from Loyola Law School Los Angeles.

Kate Nitta is a 2012-13 Judicial Administration Fellow at the Office of Governmental Affairs. The Judicial Administration Fellowship program is a graduate professional program administered by the Center for California Studies at California State University, Sacramento, and co-sponsored by the Judicial Council. Ms. Nitta graduated in May 2012 from Golden Gate University School of Law and sat for the July 2012 California Bar Exam. While in law school, she earned specialization certificates in Environmental Law and Public Interest Law. Prior to attending law school, Ms. Nitta worked as a legal secretary for a Sacramento real estate law firm. Ms. Nitta has a bachelor's degree in English from the University of California at Davis.

Daniel Pone is a senior attorney with the Office of Governmental Affairs and has been employed by the AOC since 2001. Prior to joining the AOC, he worked for four years as a principal consultant for the California Assembly Judiciary Committee, working in areas of civil rights, constitutional law, general civil law, contracts, probate, mental health, consumer protection, and privacy. Prior to working in the Assembly, Mr. Pone worked for more than 11 years as a senior attorney for Protection & Advocacy, Inc., specializing in mental health law. Mr. Pone has a bachelor's degree in psychology from the University of Oklahoma and a juris doctorate from University of California at Davis.

Dia Poole joined the Office of Governmental Affairs in January 2004 as a senior governmental affairs analyst. She previously held a four-year appointment as the public affairs director for the California Department of Fair Employment and Housing. Prior to her appointment at DFEH, Ms. Poole served as a policy consultant in several legislative and committee assignments with the California Legislature. Ms. Poole graduated from California State University, San Bernardino and worked for the County of San Bernardino for 13 years before accepting a California State Assembly fellowship and relocating to Sacramento in 1994.

Outreach Activities

The Office of Governmental Affairs seeks to promote effective communications within California's judicial branch and with the legislative and executive branches of government. To enhance these efforts, OGA has established outreach programs that inform the Governor, members of the Legislature, and the legal community about the judicial branch and issues of mutual concern.

State of the Judiciary Address and the Judicial-Legislative-Executive Forum

The Chief Justice of California typically delivers an annual State of the Judiciary address early in the calendar year to a joint session of the Legislature. The address focuses on significant issues and challenges facing the judiciary in the upcoming year. Following the address, a Judicial-Legislative-Executive Forum is conducted, providing an opportunity for members of the Legislature, the executive branch, appellate and trial courts, and the Bench-Bar Coalition to discuss issues and meet informally with the Chief Justice and other judicial branch leaders.

Liaison Program

Working with other groups toward achieving common goals has been a long-standing component of the Office of Governmental Affairs' advocacy work. The liaison program is the office's ongoing effort to maintain contact and work cooperatively with groups involved with the judicial branch, including the California Judges Association, the California State Association of Counties, the California District Attorneys Association, the California Public Defenders Association, the State Bar, civil plaintiffs and defense bars, and others. Where our positions on issues concur, we form alliances to enhance our advocacy efforts. When our positions on issues differ, we negotiate to reach agreements whenever possible. In support of this ongoing liaison effort, the Chief Justice hosts annual meetings with the leadership of several external organizations to discuss issues of mutual concern.

Statewide Bench-Bar Coalition

The Administrative Office of the Courts and the State Bar of California coordinate the statewide Bench-Bar Coalition (BBC). The BBC enhances communication and coordinates the activities of the judicial community with the State Bar; local, minority, and specialty bars; and legal services organizations regarding issues of common interest, particularly in the legislative arena.

Day on the Bench Program

The Day on the Bench program is an event in which a legislator spends a day (or portion of a day) in court with a judge in the legislator's district. This program, cosponsored with the California Judges Association, is designed to give legislators an understanding of the volume, complexity, variety, and difficulty of a trial court judge's daily duties and responsibilities.

California Court Association Legislation Committee

The California Court Association Legislation Committee is composed of professional court staff from various courts throughout the state, including court managers, supervisors, and technical staff. Throughout the legislative session, OGA staff confers with CCALC to exchange information on pending legislation and help inform Judicial Council positions. In November of each year, CCALC and OGA staff jointly conduct the New Laws Workshops to provide court staff throughout the state with information regarding newly-enacted legislation that makes changes to court operations and procedures.

Publications and Information Services

To facilitate communication, staff distributes the following information on current legislative developments.

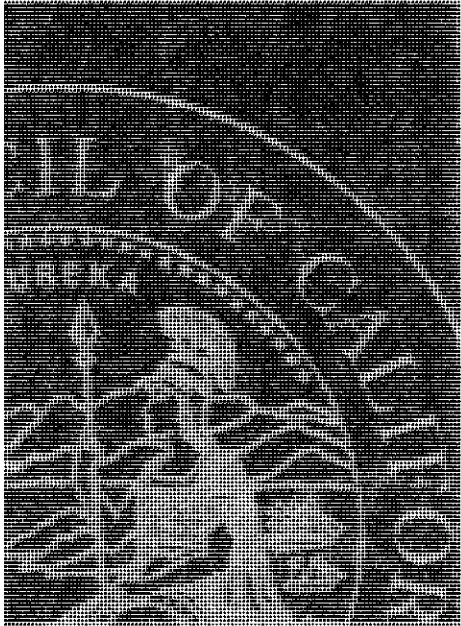
Each year, the Office of Governmental Affairs publishes a comprehensive summary of enacted legislation that affects the courts or is of general interest to the legal community. The Legislative Summary includes brief descriptions of the measures, organized by subject. Current and prior-year summaries can be downloaded from the California Courts Website, Court-related Legislation page: <http://www.courts.ca.gov/4121.htm>

Legislative Status Chart – The Office of Governmental Affairs prepares a chart that provides an easy reference to all council actions on pending legislation, including Judicial Council-Sponsored legislation.

Table of Bills Affecting Appellate Courts – The Office of Governmental Affairs prepares a chart of legislative bills that affect the appellate courts or that respond to California appellate court decisions.

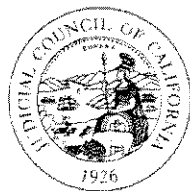
To view bills being tracked by the Office of Governmental Affairs visit the California Courts website at <http://www.courts.ca.gov/4121.htm>

A copy of any legislative measure may be obtained from the Bill Room in the State Capitol building by calling (916) 445-2323. Bills and legislative analyses can also be accessed on the Internet at www.leginfo.ca.gov/bilinfo.html free of charge.



2011 Legislative Policy Guidelines

HISTORICAL SUMMARY OF
LEGISLATIVE ACTIVITY



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

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JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
OFFICE OF GOVERNMENTAL AFFAIRS
HISTORICAL SUMMARY OF LEGISLATIVE ACTION

OCTOBER 2011

The Administrative Office of the Courts' Office of Governmental Affairs monitors legislative activity and represents the Judicial Council before the Legislature, the Governor's Office, and executive branch agencies and departments. The following summary of council action sets forth concise policy guidelines regarding court-related legislative proposals. The policy guidelines are organized by topic and further the objectives of the six goals of *Justice in Focus: The Strategic Plan for California's Judicial Branch, 2006–2012*. The table that follows each policy guideline shows actions taken on legislation that illustrate the policy. The table does not include every bill on which a council position was taken.

This document is updated annually. The electronic version of this document contains hyperlinks for viewing the text of the bills.

GENERAL PRINCIPLES

The Judicial Council supports the integrity and independence of the judicial branch and seeks to ensure that judicial procedures enhance efficiency and access to the courts. The council generally takes no position on bills involving substantive law. However, it may take a position on an apparent issue of substantive law if issues of procedure and substance are so inextricably intertwined that they directly affect court administration or judicial discretion or negatively affect existing judicial services by imposing unrealistic burdens on the system.

LEGISLATIVE ACTIVITY

I. COURT OPERATIONS

A. COURT STRUCTURE

The council supports a structure of general jurisdiction to improve court efficiency and flexibility in the use of judicial resources. For specialty calendars (e.g., drug courts, dependency drug courts, domestic violence courts, etc.) established in the trial courts, the council supports evaluation and development of best practices.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 848</u>	Emmerson	2011	Oppose	Reorganizes the Court of Appeal into seven districts by removing the counties of Riverside, San Bernardino, and Inyo (currently Division Two) from the Fourth Appellate District and creating a new Seventh Appellate District consisting of those counties.	III	
<u>AB 1925</u>	Salas	2010	No position	Authorizes superior courts to develop and implement veterans courts for eligible veterans of the United States military.	N/A	Outside Judicial Council purview
<u>SB 851</u>	Steinberg	2007	Oppose unless amended. Neutral if amended	Authorizes superior courts to establish and implement mental health courts, which may operate a pre-guilty plea program or a deferred entry of judgment program. Authorizes the California Department of Corrections and Rehabilitation to contract with a superior court and county to use mental health courts as a program for parolees with serious mental illnesses who either violate the terms of parole or receive new terms, as an alternative to custody. As proposed to be amended, a parolee's participation in the mental health court program would be voluntary, and the parolee would be required to sign a waiver indicating agreement that participation in the program is in lieu of parole revocation proceedings. Parolees would remain under legal custody of the Department of Corrections and Rehabilitation.	II	Inappropriately creates shared jurisdiction over parolees.
<u>ACA 35</u>	DeVore	2006	Oppose	Provides that the Supreme Court has original jurisdiction, and no other state court has jurisdiction, in any civil action challenging the facial validity of any statewide initiative measure or referendum placed on	II	

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

Goal I - Access, Fairness, and Diversity

Goal II - Independence and Accountability

Goal III - Modernization of Management and Administration

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Goal VI - Branchwide Infrastructure for Service Excellence

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				the ballot by signature petition of the voters and approved by the voters at a statewide election. Requires the Supreme Court to issue its decision within 90 days of the filing of the action, and establishes a 90-day statute of limitations for civil actions challenging the facial validity of this type of initiative measure or referendum.		
<u>AB 1453</u>	Daucher	2005	Oppose	Creates new Water Courts to adjudicate cases involving the production of groundwater.	II	Interferes with court administration.
<u>SCA 16</u>	Runner	2005	Oppose	Provides that Los Angeles County shall be divided into judicial districts established by three special masters appointed by the Supreme Court within 30 days after the effective date of the measure. Provides that each district must be geographically compact and contiguous to the extent practicable, and consist of no more than 36 superior court judges. The districts must also comply with the federal Voting Rights Act.	I, III, IV	
<u>AB 2472/</u> <u>SB 1424</u>	Wolk/ Burton	2004 2004	Oppose unless amended; neutral if amended	Creates the California Tax Court, which would replace the State Board Equalization (BOE) as the forum that would hear and determine certain tax appeals. Provides that a taxpayer's option to file an appeal with the California Tax Court would be in lieu of filing an appeal in the California Superior Court. The bills provide further that, within 90 days of the date a determination by the California Tax Court becomes final, a taxpayer or the applicable state agency may appeal the determination of the California Tax Court to the Court of Appeal.	II	Amendments sought to eliminate use of terms court and judge and to allow review by extraordinary writ only.

B. COURT FUNDING

The council supports funding of the courts at a level that will ensure an adequate and stable source of necessary resources. The council generally opposes funding the courts by fees or fines, but departs from this general position in certain circumstances.

L. Budget

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 93	Florez	2005	Neutral	Allows Tulare County to pay any interest and	III	

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

- Goal I -- Access, Fairness, and Diversity
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- Goal VI -- Branchwide Infrastructure for Service Excellence

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				penalties owed to the Trial Court Trust Fund and the Trial Court Improvement Fund over a period of 10 years.		
<u>AB 750</u>	Mullin	2005	Oppose	Authorizes San Mateo County to reduce the amount it is required to remit to the state for funding court operations by 10 percent for 3 years beginning on July, 1 2005.	IV	
<u>SB 324</u>	Florez	2003	Oppose unless amended	Forgives non-remittance of revenues by Tulare County to the Trial Court Trust Fund.	III	Amendment sought to add an appropriation to reimburse the Trial Court Improvement Fund.
<u>SB 1343</u>	Tortakson	2002	Neutral	Forgives retroactive repayment of MOE amounts to the Trial Court Trust Fund.	IV	
<u>SB 1396</u>	Dunn	2002	Support	Clarifies allowable and unallowable costs for court security.	IV	
<u>SB 1153</u>	Johannessen	2001	Oppose	Provides that costs related to court security in counties with a population of less than 103,000 shall be paid by the state.	IV	
<u>AB 2459</u>	Wiggins	2000	No position	Requires the council to adopt rules to provide for public access to budget allocation and expenditure information.	II, IV	

2. *Fees, fines, penalties*

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 221</u>	Simitian	2011	Support	Increases small claims court jurisdiction for actions brought by natural persons from \$7,500 to \$10,000. Delays, until January 1, 2015, operation of jurisdictional increase for bodily injury claims resulting from vehicle accidents.	I	
<u>AB 1826</u>	Beall	2008	Sponsor	Clarifies that the filing fee for filing an action seeking return of seized property in connection with controlled substance offenses is the same as the first paper filing fee in unlimited civil actions.	III	
<u>AB 367</u>	De León	2007	Sponsor	Establishes a task force on criminal court-ordered fines and penalties that will make recommendations for simplifying California's criminal fine and penalty assessment, collection, and distribution system. Reduces the minimum fine required by the Franchise	III	

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

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 Goal VI – Branchwide Infrastructure for Service Excellence

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1248	Evans	2007	Sponsor	Tax Board Court-Ordered Debt Collection Program from \$250 to \$100 and expands the program to include collections for registration, pedestrian, and bicycle violations. Makes technical and clarifying changes to the Uniform Civil Fees and Standard Fee Schedule Act of 2005, clarifies the fine for production of documents pursuant to demand for production, increases the cap on habeas investigations costs paid by the Supreme Court, allows the courts to collect bail forfeitures in installment payments without requiring the individual to make an appearance in court, and changes the date when the Judicial Council must adjust the amount a parent or guardian may be liable for minors' actions.	III, IV	
AB 145	Committee on Budget	2005	Sponsor	Establishes statewide uniform first-paper and first-response paper fees at three graduated levels: the filing fee for limited civil cases where the demand is less than or equal to \$10,000 is \$180; the filing fee for limited civil cases where the demand is greater than \$10,000 but less than \$25,000 is \$300; and the filing fee for unlimited civil cases is \$320.	II, III, IV	
SB 246	Escutia	2004	Sponsor	Allows courts, in addition to counties, to refer delinquent fines to the Franchise Tax Board.	II, III	
AB 934	Reyes	2003	Oppose	Adds a \$25 filing fee for deposit in the Child Abduction Prevention Fund established in the office of the district attorney in Fresno County.	II	
SB 940	Escutia	2003	Sponsor	Requires the Judicial Council to adopt guidelines for a comprehensive collection program, establish a collaborative court-county working group on collections, and report on the effectiveness of collection programs.	II, III	
AB 1819	Robert Pacheco	2002	Support	Removes the \$100 minimum requirement to identify and collect delinquent fines and forfeitures with or without a warrant and provides that any county or court may establish a minimum base fine or forfeiture amount for inclusion in the program.	II, III	
AB 2690	Cardoza	2002	Oppose	Requires each court to submit to the Bureau of State Audits an annual financial statement showing	II, III	

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

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Goal VI - Branchwide Infrastructure for Service Excellence

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				outstanding delinquent fines.		

C. COURT FACILITIES

The council seeks ways to fund necessary courthouse construction projects on a statewide basis.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SBX2 12</u>	Steinberg	2009	Sponsor	Provides for the continuous appropriation of revenue created by SB 1407 (Stats 2008, ch. 311) to support courthouse construction projects. Creates an expedited authority process for trial court construction projects.	I, II, III, VI	
<u>SB 1407</u>	Perata	2008	Sponsor	Authorizes a \$5 billion program for the construction, rehabilitation, renovation, and replacement of court facilities. Increases civil first paper filing fees and criminal and traffic fees and penalties to generate the revenue to fund future revenue bonds.	I, III, VI	
<u>SB 10</u>	Dunn	2006	Co-sponsor	Revises the Trial Court Facilities Act of 2002 to allow buildings with a seismic level V rating to transfer to the state so long as counties remain liable for earthquake-related damage, replacement, injury, and loss to the same extent that they would have been liable if the responsibility for court facilities had not transferred to the state.	I, III	
<u>SB 1375</u>	Lowenthal	2006	Support if amended	Requires the state to become a party to any public-private partnership agreement entered into by a county that involves a capital lease for construction of replacement court facilities and to become the lessee.	II, III	Amendment sought to remove requirement that the state participate in negotiations with counties and private developers regarding the construction of a new court facility
<u>AB 262</u>	Berg	2005	Oppose	Prohibits the Judicial Council from requiring that a structure proposed for transfer from a county to the state for court occupancy meet a building code stricter than the standard adopted for the county buildings in the county proposing the transfer.	II, III	
<u>AB 1435</u>	Evans	2005	Support	Adds expenditures on "court facilities" to the list of allowable uses of local courthouse construction funds.	III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 395</u>	Escutia	2005	Sponsor	States the intent of the Legislature to enact the California Court Facilities Bond Act of 2006 to acquire, construct, and finance court facilities.	I, III, VI	
<u>AB 688</u>	Nakanishi	2003	Oppose	Requires the Amador County courthouse and hospital transfer to the state on January 1, 2004, and relieves Amador County of its responsibility to provide court facilities pursuant to SB 1732 (Escutia), Stats. 2002, ch. 1082.	II	April 28, 2003 amendments provide that in establishing the recommended priorities for funding of projects under the California Court Facilities Construction and Renovation Bond Act of 2004, the Judicial Council shall consider all relevant factors bearing on the priority of each proposed project, including a proposal for matching funds. Council opposition withdrawn.
<u>SB 655</u>	Escutia	2003	Sponsor	Authorizes the issuance of bonds, the proceeds of which would be deposited in the State Court Facilities Construction Fund.	I, III, VI	
<u>SB 1732</u>	Escutia	2002	Cosponsor	Establishes a process for the transfer of responsibility for court facilities from the counties to the state.	I, II, III, VI	

D. COURT MANAGEMENT

1. *Personnel issues* – The council seeks to maintain the ability of the judicial branch to manage relationships between courts and court employees and independent contractors such as court reporters and court interpreters.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 1699</u>	Hernandez	2010	Oppose unless amended	Provides that the General Fund and other special funds are to be continuously appropriated in an amount necessary for employee compensation and benefits, so that state employees will be fully paid in the absence of a state budget. The contents of this bill are identical to the provisions of AB 790.	II, III	Inappropriately treats judicial branch employees differently than other public employees.
<u>AB 1749</u>	Lowenthal, Bonnie	2010	Support	Extends the existing provisions of the California Whistleblower Protection Act (CWPA) to the judicial branch.	II	Promotes accountability and transparency.
<u>SB 752</u>	Wiggins	2009	Support	Requires that counties in joint PERS contract with a court, prior to issuing a pension obligation bond (POB) (1) identify court employees as of January 1, 2001 (2) require PERS to complete an actuarial analysis, and (3) reach agreement with the court on	II	

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 276	Solorio	2007	Oppose	the financial and legal impact of the POB on the court's employer contribution rate. Provides that a limited-term employee is a regular trial court employee if the limited-term employee has completed 180 days of service, and if the assignment, position, or project of the limited-term employee is an integral part of the long-term, regular work of the trial court. This bill would remove the right to bargain with employee organizations over the use of temporary or limited term employees. Eliminates or delays the courts' ability to seek injunctive relief when court employees or when county employees strike and essential court employees will not cross a picket line. Removes a court's ability to seek injunctive relief in superior court for the return of a limited number of employees instead. Requires all injunctive relief to be sought through Public Employment Relations Board.	II, III	
AB 553	Hernandez	2007	Oppose	Increases the fee for the original and copies of court reporter transcripts for 3 consecutive years by a specified amount and then annually by the Consumer Price Index.	I, IV	As amended May 23, 2007 council position changed to take no position on amount of transcript rate increase, if funded, support the uniform transcript standards, and oppose unless amended to address increased costs on low income litigants.
AB 582	Evans	2007	Oppose unless amended and funded	Prohibits use of limited-term for work that is an integral part of the long-term, regular work of the trial court.	II	
AB 1797	Bermudez	2006	Oppose	Requires the assets and liabilities of the Superior Court of Butte County and the County of Butte to be kept in separate accounts within the Public Employees Retirement System fund.	II, III	Amendment sought to delete the requirement that assets and liabilities be split and instead require the Judicial Council to report to the Legislature by January 1, 2006 on how to fairly resolve the issues raised in Butte and Solano counties.
SB 733	Aanestad	2005	Oppose unless amended	Grants to the Public Employment Relations Board authority to process claims involving violations of statutes or rules relating to employment relations between trial courts and recognized employee organizations.	II, III	
AB 782	Keheo	2003	Oppose unless amended			

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 371</u>	Escutia	2002	Support	Establishes the Trial Court Interpreter Employment and Labor Relations Act, providing for the employment and compensation of certified and registered trial court interpreters.	II, III	
<u>SB 2011</u>	Burton	2002	Support	Establishes the Workers' Compensation Fund. Allows the courts to be uninsured for workers' compensation in the same way the state, as an employer, is uninsured.	II, III	
<u>AB 1571</u>	Shelley	2001	Oppose	Eliminates the statutory "at pleasure" status of the Supreme Court and Court of Appeal employees.	II, III	
<u>SB 2140</u>	Burton	2000	Support	Establishes the trial court as the employer of court employees.	III	

2. *Management and administration* – The council closely examines the fiscal and resource implications of any legislative proposal that places additional responsibilities on court administration. When appropriate, the council informs the Legislature of the need for additional resources to carry out new legislatively imposed responsibilities, or seeks to improve the efficiency of the new procedure.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 973</u>	Campos	2011	Support if amended; neutral if not amended.	Requires trial courts, prior to adopting a baseline budget plan for the fiscal year, to accept public input by holding a public hearing where testimony may be presented and by receiving written comments. Requires that, during the current 60-day notice period regarding notice of courtroom closures, or closure or reduction in the hours of clerks' offices, the public be given an opportunity to submit written comments on the court's plan.	II	Support contingent on amendments to provide flexibility to the trial courts on how the opportunity for public comment is provided, rather than mandating a public hearing.
<u>SB 326</u>	Yee	2011	Oppose	Requires the Judicial Council to adopt a rule of court requiring courts to make newly filed or lodged court records available for public inspection at the courthouse no later than the end of the same day on which those records are received by the court.	IV	Unworkable burden on courts.
<u>SB 858</u>	Gaines	2011	Oppose	Provides that the Chief Probation Officer of Nevada County shall be appointed by the Nevada County Board of Supervisors.	II	Codifies a one-sided governance structure that ignores the critical role of the court in probation activities.

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1697	Hall	2010	Oppose	Takes the authority to allocate funding for court security away from the Judicial Council. Directs that the allocation to each sheriff be determined by the Judicial Council's Working Group on Court Security; makes all persons who provide court security services employees of and under the direction of the county sheriff.	II	Inappropriately interferes with Judicial Council governance; inappropriately takes funding authority away from the Judicial Council.
AB 1926	Evans	2010	Sponsor	Authorizes courts to create, maintain, and preserve records in any form or forms—including paper, optical, electronic, magnetic, micrographic, or photographic media or other technology—that satisfies standards or guidelines established by the Judicial Council.	VI	Promotes efficient management of court records.
AB 273	Anderson	2009	Oppose	Requires the superior courts to submit all unpaid court-ordered debt to the Franchise Tax Board, regardless of the amount, if the debt is at least 90 days delinquent. Allows the Franchise Tax Board to include in the total amount owed by the debtor that is subject to collection, the "actual and reasonable cost of collection."	II	
AB 1338	Anderson	2009	Oppose unless funded	Authorizes the presiding judge of the superior court, or a judge designated by the presiding judge, together with the district attorney and the public defender, to establish and conduct an arraignment court program. Also authorizes the presiding judge of the superior court to establish extended hours for the operation of an arraignment court program.	III	Unnecessary. Interferes with court management.
AB 2357	Duval	2008	Oppose unless amended	Requires the Judicial Council to develop and implement policies and procedures for the protection of personal information maintained by a superior court and processed or stored by private service providers, consistent with the best interests of the public. Requires the council, as part of the process of developing these policies and procedures, to consider, among other things, the effect and advisability of prohibiting the outsourcing of data entry services outside the United States.	III, IV	Sought amendment to direct the Judicial Council to take a comprehensive look at protecting personal information and to develop policies and procedures that are in the best interests of the public.
AB 112	Wolk	2007	Oppose	Designates a segment of State Highway Route 12 in Solano and San Joaquin Counties as a Safety Enhancement-Double Fine Zone upon approval of specified county resolutions and until January 1, 2012.	III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 117</u>	Beall	2007	Oppose	Provides that, until January 1, 2010, a county may choose to levy an additional assessment for a highway traffic violation in the amount of \$2 for every \$10 or fraction thereof, upon each base fine, excluding other penalty assessments, fees, or additions. Requires that the collected assessment be deposited in a Traffic Safety Committee Network fund, and that the monies be allocated so that, after deducting administrative costs, 85 percent shall be used in traffic safety programs approved by the county board of supervisors, and 15 percent shall be deposited in the county's courthouse construction fund.	III	
<u>SB 57</u>	Alarcon	2005	Oppose	Authorizes a county board of supervisors to levy a \$2 penalty assessment for every \$10 in base fine, for seat belt, speed limit, DUI and domestic violence offenses.	III	Imposed undue burden on court case-management systems.
<u>SB 324</u>	Florez	2004	Oppose unless amended to include an appropriation to the Trial Court Improvement Fund	Validates the incorrect distribution of fines, forfeitures, and penalties made by the County of Tulare to the State Treasurer for deposit in the Trial Court Improvement Fund in the 1996-97 to 1999-2000 fiscal years.	II, IV	
<u>SB 1801</u>	Flores	2004	Oppose	Prohibits any state or local agency or court that accepts a credit card or debit card as a payment from imposing any processing fee or charge for the use of that card that is not also imposed upon persons who pay by cash or check.	II, III	
<u>AB 3036</u>	Corbett	2002	Oppose unless funded	Increases the accountability of guardians by assisting courts in overseeing guardianship cases and helps ensure proper care and treatment for wards.	II, III	
<u>AB 1421</u>	Thomson	2001	Oppose unless funded	Authorizes a new involuntary outpatient treatment scheme for certain mentally ill persons. Sets forth new court duties for implementing this program.	III	

E. COURT HOURS

The council seeks to maintain adequate access to the courts.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 996</u>	Anderson	2009	Oppose	Authorizes the courts to operate on a continuous and ongoing basis, 24 hours per day, seven days per week.	II, III	
<u>AB 1641</u>	Keene	2003	Sponsor	Improves procedures authorizing the Chief Justice to issue orders during an emergency.	I, II, IV	

II. THE JUDICIARY

A. JUDGESHIPS

The council is committed to ensuring adequate judicial resources in the courts. The council advocates creation of additional trial and appellate court judgeships in order of most severe need, and pursuant to an orderly statewide review.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 159</u>	Jones	2007	Sponsor	Authorizes the creation of the second set of 50 judgeships, to be allocated pursuant to the council's allocated methodology.	I, II, III, IV	
<u>SB 56</u>	Dunn	2005	Sponsor	Authorizes 50 additional judges based upon the uniform criteria and allocation approved by the Judicial Council pursuant to the Judicial Needs Study. Requires the Judicial Council to report to the Legislature biannually on the continuing need for new judgeships and their allocation based on the same uniform criteria.	I, II, III, IV	
<u>SB 1857</u>	Burton and Hertzberg	2000	Support	Authorizes 20 new trial court judgeships and 12 appellate justice positions	I, II, III, IV	

B. JUDICIAL SERVICE

To ensure the branch's ability to attract and retain highly qualified judges, the council supports appropriate increases to judicial salaries, and an adequate, fully funded judicial retirement plan. The council also seeks ways to improve the administration of justice in areas related to judicial retention, including (1) benefits, wellness subsidies, professional development allowances, personal leave, and supplemental life, disability, or liability insurance; (2) health-care benefits, including services and programs; (3) compensation and retirement; (4) "quality of judicial life" resources and programs; (5) mentorship programs; and (6) special needs of and programs for new and retired judges.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES		
				Goal I - Access, Fairness, and Diversity		
				Goal II - Independence and Accountability		
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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 503</u>	Vargas	2011	Cosponsor	Allows JRS II members who previously served as subordinate judicial officers (SJOs) to purchase JRS II service credit for a fraction of their SJO years.	I	
<u>SB 1425/AB 1987</u>	Simition/ Ma	2010	Oppose unless amended to allow exclusion of judges and SJOs from separation requirement	Prohibits the practice of "pension spiking" by excluding from the calculation of pension benefits out of the ordinary compensation increases paid for the principal purpose of enhancing individuals' pension benefits. Prohibits "double dipping" by requiring at least six months separation before any employee may return to service.	II, III	Fails to address the unique circumstances of the judicial branch. By failing to exclude judges from the double dipping provision, interferes with the assigned judges program's ability to retain newly retired judges, and the ability to hire retired commissioners while a court awaits a judicial appointment to a converted commissioner position.
<u>AB 32</u>	Lieu	2009	Support	Enhances Internet privacy protections for judicial officers.	II, III	
<u>AB 545</u>	Walters	2008	Support	Amends the Judges' Retirement System II (JRS II) statute to allow a judge who is on leave from the bench because of active duty service in the military to elect to purchase retirement service credit by repaying his or her missed contributions to JRS II.	II, III	
<u>SB 1187</u>	Ackerman	2006	Sponsor	Permits a judge in the Judges' Retirement System II who leaves judicial office after five or more years of service and is not eligible to retire to elect to receive the amount in his or her retirement account as an annuity.	II, III	
<u>SB 1364</u>	Battin	2006	Support	Protects privacy of judicial officers.	II, III	
<u>AB 1035</u>	Spitzer	2005	Support	Prohibits any state or local agency from hosting or providing service to an Internet web site that posts a public safety official's home address or telephone number.	II, III	
<u>AB 1595</u>	Evans	2005	Support	Prohibits selling or trading for value on the Internet the home address or telephone number of any elected or appointed official has made a written demand to not disclose his or her home address or telephone number.	II, III	
<u>SB 506</u>	Poochigian	2005	Support	Extends existing voter registration confidentiality programs to include a public safety official.	II, III	
<u>SB 528</u>	Ackerman and Dunn	2005	Co-sponsor	Declares the Legislature's intent to evaluate the impact of trial court unification on the judges'	II, III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 2905	Spitzer	2004	Support	retirement systems and the resulting increase in the judges' age at the start of their judicial service. Requires that an employing governmental entity reimburse moving and relocation expenses if it is necessary to move because a judge or court commissioner has received a credible threat that a life threatening action may be taken against him or her or his or her immediate family as a result of his or her employment	II, III	Improve quality of judicial service.
AB 2688	Alquist	2002	Support	Establishes a burial benefit in the amount of \$7,500, subject to cost-of-living increases, for all active and retired judges.	III	

C. SELECTION AND ELECTION OF JUDGES

The council seeks to avoid politicizing the election process, and supports a process that is fair and clear to candidates and informative to voters.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 362	Lowenthal	2011	Support	Revises the number of signatures needed for placing an uncontested judicial election on the ballot for a potential write-in contest. Requires that a write-in candidate for the office of superior court judge include on the statement of intent to run his or her compliance with eligibility requirements for a judge of a court of record.	I, II	
ACA 1	Nation	2001	Oppose	Eliminates elections to fill judicial vacancies, providing instead that the governor shall fill vacancies. Provides that all judges appear on the ballot uncontested, with the question presented whether the candidate shall be elected.	II, III	

D. COMMISSIONERS, REFEREES, AND TEMPORARY JUDGES

The council supports clarification of the status, powers, and duties of commissioners, referees, and hearing officers.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 405</u>	Corbett	2011	Sponsor	Ratifies the authority of the Judicial Council to convert 10 additional subordinate judicial officer positions to judgeships in FY 2011-2012 where the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer.	I, II, IV	
<u>AB 2763</u>	Committee on Judiciary	2010	Support	Permits the conversion of up to 10 additional subordinate judicial officer (SJO) positions to judgeships each year. Allows the additional conversions if the conversion would result in a judge being assigned to a family law or juvenile law calendar previously assigned to an SJO.	I, II, IV	Allows the council to expedite the conversion of eligible SJO positions.
<u>AB 159</u>	Jones	2007	Sponsor	Authorizes the conversion of 162 subordinate Judicial Officer positions to judgeships upon vacancy.	I, II, IV	

III. PROCEDURAL LAW

A. CIVIL PROCEDURE

The council supports measures that reduce delay and make court operations more efficient. The council seeks to protect the exercise of judicial discretion in matters of civil litigation. The council generally supports judicial arbitration and other alternative dispute resolution (ADR) programs and procedures that are likely to assist in the equitable disposition of cases, but advocates for limits on the use of court-ordered discovery references to exceptional circumstances.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 5</u>	Evans	2009	Sponsor	Amends the Civil Discovery Act to expressly authorize the discovery of electronically stored information, and authorizes the "copying, testing or sampling" of such information. Allows a party to specify the form in which electronically stored information is to be produced, and if no form is specified, the responding party must produce the information in the form or forms in which it is ordinarily maintained or in a form that is reasonably usable. Establishes procedures for motions to compel and motions for protective orders relating to	III, IV	Improves administration of justice.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 839</u>	Ermerson	2009	Support	<p>the discovery of electronically stored information. Sets forth a procedure for handling disputes over the production of electronically stored information that is subject to claims of privilege or attorney work-product protection.</p> <p>Requires Medi-Cal service providers with a complaint or grievance concerning the processing or payment of money that the provider alleges is payable under the Medi-Cal program to follow specified Department of Health Care Services complaint procedures. In lieu of allowing providers to seek "appropriate judicial remedies" to appeal the department's decision, instead specifies that the provider who has complied with these procedures may, within the time period prescribed in existing law, file a petition for a writ of mandate pursuant to Section 1085 of the Code of Civil Procedure in the superior court.</p>	III, IV	Improves administration of justice.
<u>SB 259</u>	Benoit	2009	Oppose	<p>Provides that, if a court voids any results of a homeowners' association election for one or more Common Interest Development (CID) board members, the court shall not invalidate a decision of the board that was reached after the board was seated pursuant to that election unless the court finds that the action of the board was contrary to law or the governing documents.</p>	II	Interferes with court discretion.
<u>AB 225</u>	Beall	2008	Support	<p>Re-enacts the elder abuse protective orders statute, and expands its scope to allow the court, in its discretion, on a showing of good cause, to extend the protection to include the petitioner's named family or household members, as well as the petitioner's conservator. Provides that a petitioner shall not be required to pay a fee for law enforcement to serve a protective order issued pursuant to the bill's provisions.</p>	III, IV	Enhances court's ability to provide protection to elder abuse victims, and improves access to justice.
<u>AB 2193</u>	Tran	2008	Support	<p>Enacts the Interstate and International Depositions and Discovery Act. Creates a process for the resolution of a dispute regarding discovery conducted in California in connection with an out-of-</p>	IV	Improves administration of justice and enhances court administration.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 2379</u>	Evans	2008	Oppose	state proceeding, and provides that a request for relief in this regard would be filed in the superior court in the county in which the discovery is sought, with payment of specified fees. Permits a party to appeal court orders in connection with a dispute by extraordinary writ to the appropriate court of appeal. Provides that an appeal from an order granting or denying a motion to seal or unseal a court record may be made by filing an extraordinary writ petition or notice of appeal. If a party seeks an appeal, requires that the record relating to the matter and the opening brief be filed within 30 days of notice of entry of the trial court's order. Requires the clerk of the reviewing court to set the appeal for a hearing on the first available court date.	II	Interferes with appellate court calendaring authority.
SB 1608	Corbett, Harman, Steinberg, Runner and Calderon	2008	Neutral	Requires a court, in civil actions involving construction-related accessibility claims, to issue an order, upon request, that grants a 90-day stay of the action and schedules a mandatory early evaluation conference (EEC) if the defendant has satisfied certain requirements relating to inspection of the site at issue by a certified access specialist. Provides that the court must schedule an EEC between 21 and 50 days after issuance of the stay order, and requires that EECs be conducted by a superior court judge or commissioner, or a court early evaluation conference officer, as defined.	IV	Encourages early resolution of these cases.
<u>AB 500</u>	Lieu	2007	Support	Specifies generally that a party may appear by telephone in all general civil cases at case management conferences, and other specified conferences, hearings and proceedings. Provides that a court may require a party to appear in person at such hearings, conferences, or proceedings if the court determines, on a hearing-by-hearing basis, that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.	I, IV	Improves access to the courts and conserves resources.
<u>AB 1264</u>	Eng	2007	Neutral	Prohibits delay reduction rules from requiring the severance of unnamed defendants prior to the	IV	Improves administration of justice.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 2303	Committee on Judiciary	2006	Sponsor (of specified provisions)	conclusion of the introduction of evidence at trial, except upon stipulation or motion of the parties. Clarifies the procedures governing a change of name; makes service times for elder abuse protective orders consistent with other protective orders; authorizes courts to receive notice to appear citations for non-parking Vehicle Code violations electronically if the court has the ability to receive the information and reproduce it in a printed form; and extends the sunset date on existing statutory authority for courts to impose modest monetary sanctions upon jurors who fail to respond to a jury summons.	IV	Improves administration of justice and enhances court administration.
SB 1116	Scott	2006	Support	Increases court oversight of moves of conservatees and the sale of their homes.	IV	Improves the court's ability to provide oversight of these cases.
SB 1550	Figueroa	2006	Support	Enacts the Professional Fiduciaries Act, which establishes in the Department of Consumer Affairs a new licensure scheme governing professional conservators, guardians, and other fiduciaries.	IV	Improves the court's oversight of these cases.
AB 355	Tran	2005	Oppose	Authorizes the court in any action involving joint and several liability to "instruct the jury on the effect of finding any party, including, but not limited to, the State of California, partially liable."	II, III	Would create confusion; interferes with judicial function.
AB 496	Aghazarian	2005	Support if amended	Requires the clerk to maintain the original summons in the court file.	III	Improves court administration and conserves resources.
AB 1322	Evans	2005	Co-sponsor	Modifies grounds for disqualification to require more than casual discussions regarding prospective employment with providers of alternative dispute resolution services.	II, IV	Avoids unnecessary disqualifications of judges.
AB 1742	Committee on Judiciary	2005	Sponsor	Deletes the sunset on CCP section 128.7, thereby continuing the courts' ability to impose sanctions for the filing of frivolous lawsuits. Clarifies and streamlines small claims court procedures, extends the sunset of the security fee, and requires that acceptance of an offer to compromise a lawsuit must be in writing.	III, IV	Improves administration of justice and enhances court administration.
SB 575	Torlakson	2005	Oppose unless amended	Establishes calendar preference for actions to enforce provisions of the Anti-NIMBY law.	II, III	Interferes with court administration.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 3078</u>	Committee on Judiciary	2004	Sponsor	Makes several non-controversial changes to the statute governing the times for service and filing of motion papers, as well as clarifying the cutoff date for discovery in civil cases. Also clarifies standing of emancipated minors in small claims court, and clarifies to whom a clerk must provide notice when a check for filing fees has been returned for non-payment.	III, IV	Improves administration of justice and enhances court administration.
<u>SB 1249</u>	Morrow	2004	Oppose	Provides that the word "hearing," when applied to any demurrer, motion, or order to show cause, signifies oral argument by moving and opposing parties on a record amenable to written transcription which shall be had unless affirmatively waived by the parties.	II, IV	Unnecessary; interferes with judicial function.
<u>AB 2321</u>	Hertzberg	2002	Sponsor	Clarifies the process for tort claims filed against judicial branch entities.	III	Eliminates confusion and streamlines the handling of cases.
<u>AB 3027</u>	Committee on Judiciary	2002	Sponsor	Makes various improvements to civil procedure.	III	Improves administration of justice and enhances court administration.

1. *Alternative dispute resolution*

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 202</u>	Harman	2005	Support	Provides that filing a petition to compel arbitration pursuant to Code of Civil Procedure section 1281.2 is the exclusive means by which a party to an arbitration agreement may seek to compel arbitration of a controversy alleged to be subject to that arbitration agreement.	III, IV	Would conserve judicial resources by eliminating unnecessary side litigation over issue.

2. *Disqualification Motions (170.6)*

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 1894</u>	Monning	2010	Support	Extends, for civil cases only, the time period for moving to disqualify a judge from 10 to 15 days and requires the moving party to notify all other parties within 5 days of making the motion.	II, IV	Clarifies timeline for bringing motions, which should help avoid confusion.

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2. Miscellaneous

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 2119	Tran	2010	Support	Provides that when any law governing civil procedure requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, excluding the date of the hearing.	IV	
AB 2284	Evans	2010	Support	Establishes the Expedited Jury Trials Act. Among other things, defines expedited jury trial as a binding jury trial before a reduced jury panel and judicial officer. Requires the Judicial Council, by January 1, 2011, to adopt implementing rules and forms. Makes the Act operative until January 1, 2016	I, III, IV	
SB 1274	Committee on Judiciary	2010	Sponsor	Authorizes service by electronic notification by defining electronic service to include both electronic transmission and electronic notification. Authorizes electronic service of all types of documents and expands the courts ability to serve certain documents electronically.	III, IV	

4. Small claims – The council advocates a small claims court system that provides a speedy, fair, and inexpensive alternative for resolving conflicts of low monetary value. The council supports adequate funding for small claims human resources in all counties.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 712	Evans	2009	Support	Specifies that a small claims court has jurisdiction over an action for an injunction or other equitable relief when a statute expressly authorizes a small claims court to award that relief. Expressly provides that this legislation does not expand and is not encouraging the expansion of the jurisdiction of the small claims court.	I, IV	Improves administration of justice.
AB 1873	Lieu	2008	Sponsor	Clarifies that a court is authorized to charge the same fees for post-judgment motions related to the enforcement of a small claims judgment as a court charges for the enforcement of a regular civil judgment. Authorizes a court to charge and collect a nonrefundable postponement fee of \$10 from either	III, IV	Improves administration of justice and enhances court administration.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				party who makes more than one <i>pre-service</i> request to postpone a small claims trial. Provides that this fee would only be assessed after a party has already been granted one prior postponement.		
<u>AB 2846</u>	Feuer	2008	Support	Provides that if a dispute exists between the owner of a separate interest and a homeowners' association regarding any disputed charge or sum levied by the association, and the amount in dispute does not exceed the jurisdictional limits of the small claims court, the owner of the separate interest may pay under protest the disputed amount and all other amounts levied, including certain fees, costs, and other specified amounts, and commence an action in small claims court.	I, IV	Improves access to the courts.
<u>SB 1432</u>	Margett	2008	Support	Increases the jurisdiction of the small claims court from \$4,000 to \$6,500 for any action brought by a natural person against a defendant guarantor that charges a fee for its guarantor or surety services.	I, IV	Improves access to the courts.
<u>AB 2455</u>	Nakanishi	2006	Support	Provides that the small claims court has jurisdiction in an action brought by a natural person against the Registrar of the Contractors State License Board as the defendant guarantor holding a contractor's cash deposit if the amount of the demand does not exceed \$7,500.	I, IV	Enhances access to the courts.
<u>AB 1459/ SB 422</u>	Canciamilla	2005	Oppose unless amended, support if amended	Increases the jurisdiction in small claims court from \$5,000 to \$7,500 for actions brought by <i>natural persons</i> .	I, III, IV	Enhances access to the courts by raising jurisdictional amount to \$7500, opposition to proposal to expand jurisdiction to \$10,000 because too much complexity for small claims.

5. Summary adjudication/summary judgment

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 384</u>	Evans	2011	Support	Authorizes a motion for summary adjudication of a legal issue or claim of damages, other than punitive damages, that does not completely dispose of a cause of action, an affirmative defense, or an issue of duty. It does this upon stipulation of the parties whose	III, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				claims or defenses are put at issue by the motion, and a prior determination by the court, that the motion will further the interests of judicial economy by reducing the time required for trial or increasing the ability of the parties to settle. Clarifies the law governing fees in complex civil cases.		
<u>AB 2961</u>	Wayne	2002	Oppose	Authorizes a motion for summary adjudication of a legal issue or claim of damages other than punitive damages that does not completely dispose of a cause of action, an affirmative defense, or an issue of duty, if brought upon stipulation of the parties whose claims or defenses are put at issue by the motion.	II	Interferes with court's management of litigation.

6. Unlawful detainer – The council supports efforts to reduce delays and abuses in unlawful detainer actions, and seeks to ensure that processes are not overly burdensome to the courts.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 1126</u>	Eng	2007	Support	Provides that in unlawful detainer actions and other specified summary proceedings involving the possession of real property, a discovery motion may be made at any time upon giving five days notice. Requires the Judicial Council to adopt rules prescribing the time for the filing and service of opposition and reply papers relating to specified motions filed in connection with the above summary proceedings.	II, IV	Improves administration of justice.
<u>AB 664</u>	Jones	2005	Support	Allows the court to list legal service providers not funded by the federal Legal Services Corporation on unlawful detainer notices.	I, IV	Ensures best information on legal service providers for UD defendants.
<u>SB 345</u>	Kuehl	2003	Oppose unless amended	Denies access to unlawful detainer records until 60 days following the date final judgment has been entered in favor of the landlord after a trial or summary judgment motion.	III	Administrative record keeping requirements unduly burdensome on the courts.

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B. CRIMINAL PROCEDURE

1. *Criminal and capital case processing* – The council seeks to expedite the resolution of criminal cases at the trial and appellate level. The council seeks to maintain the courts' ability to efficiently and effectively manage the procedures and administration of the court system while improving the delivery of justice to the public, and to protect the exercise of the judicial discretion in criminal cases.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 109	Committee on Budget	2011	No position	Enacts broad changes to the criminal justice system by realigning postrelease supervision of inmates from the state to the county and redefining felony to be punishable, with specified exceptions, in county jail instead of state prison.	IV	The Judicial Council took no position on the policy as outside the council's purview, but due to the magnitude of the realignment and impacts on the courts, the council directed staff to submit a letter to the Governor and Legislature on behalf of the Judicial Council expressing grave concerns about the concept of shifting parole jurisdiction to the judicial branch and the critical need to provide adequate resources.
AB 1284	Hagman	2011	Oppose	Permits the court, in lieu of revoking probation, to allow the defendant to post bond to secure appearance at any future hearing regarding a violation of the court-imposed conditions of probation. Requires the court to notify the defendant, the surety, and the bail agent of the probation revocation hearing.	I, II	
AB 447	Nestande	2010	Oppose	Makes mandatory on the court and defendant several provisions permissive under current law relating to the court's determination of a defendant's ability to pay for counsel.	II, III	Imposes enormous unnecessary workload; existing law and practices are effective.
AB 2056	Miller	2010	Oppose	Adds cases involving assault with the intent to commit rape to the list of types of cases that are categorically eligible for a good cause continuance in criminal proceedings when the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in another case.	II	Inappropriately interferes with the court's function to have the court determine whether there is good cause for a continuance on a case-by-case basis.
AB 2505	Strickland	2010	Support	Allows an oath by an affiant seeking a search warrant to be made using a telephone and computer server, in addition to a fax machine or email, and allows the affiant's signature to be in the form of an electronic signature.	III	

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<u>SB 1449</u>	Leno	2010	Support	Reclassifies from a misdemeanor to an infraction simple possession and possession while driving of not more than 28.5 grams of marijuana.	III, IV	Increases court efficiency.
<u>SCA 27</u>	Harman	2010	Support	Authorizes the Supreme Court to transfer a case to a court of appeal when a judgment of death has been pronounced and requires the Supreme Court to review the resulting decision of the court of appeal affirming or reversing that judgment.	IV	
<u>AB 250</u>	Miller	2009	Support	Requires a criminal defendant's withdrawal of a waiver of his or her speedy trial time limits to be done in open court.	III, IV	Improves court efficiency by ensuring all parties have notice of change in case status.
<u>SB 431</u>	Benoit	2009	Support	Improves probation transfer procedures.	III, IV	
<u>SB 678</u>	Leno and Benoit	2009	Support in concept	Creates the California Community Corrections Performance Incentive Act to provide sustainable funding for improved, evidence-based probation supervision practices and capacities to improve public safety outcomes among adult felons who are on probation.	IV	Further Judicial Council goals to improve sentencing practices and outcomes.
<u>AB 2166</u>	Tran	2008	Support	Clarifies appellate jurisdiction in bail forfeiture proceedings by allocating these cases between the Courts of Appeal and the superior court appellate divisions the same way they were allocated before unification of the municipal and superior courts. Bases jurisdiction of a bail forfeiture appeal on the underlying criminal charge and the stage of the proceeding at which bail was forfeited.	III, IV	
<u>SB 1257</u>	Morrow	2006	Oppose	Revises and regulates the capital appeals process.	II	
<u>SB 330</u>	Cedillo	2005	Support	Requires a criminal action to be dismissed if a defendant in a misdemeanor or infraction case is not brought to trial within 30 days after the date of the reinstatement of criminal proceedings pursuant to the provisions of law governing the mental competency of defendants.	III	Allows for more efficient case management.
<u>AB 2011</u>	Firebaugh	2004	Oppose	When determining whether to allow a defendant who has pleaded guilty or no contest to be admitted to or remain out on bail, requires a court to consider the same factors that must be considered after a verdict has been rendered against a defendant.	II	Unnecessary, will result in lengthy hearings.

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<u>AB 2173</u>	Parra	2004	Oppose unless amended	Provides that the court must require a person convicted of a DUI to sign and date a statement that indicates that the person is aware that individuals who drive under the influence pose a serious threat to the lives of innocent persons. Requires the court to include on the abstract of judgment that the person has signed and dated the statement, or attach the statement to the abstract.	III	Will significantly lengthen court proceedings. Neutral if amended to provide defendant with information more efficiently.
<u>SB 58</u>	Johnson	2004	Support in concept	Directs courts and district attorneys to establish means of protecting confidentiality of information in police reports.	IV	Protects local control; clarifies authority to establish procedures.
<u>SB 977</u>	Johnson	2004	Oppose	Prohibits the live or delayed broadcasting of any criminal action until a verdict is rendered.	II, IV	Unnecessary; interferes with judicial function.
<u>AB 1306</u>	Leno	2003	Sponsor	Provides that if a person is sentenced pursuant Proposition 36, probation jurisdiction shall be transferred to the defendant's county of permanent residence at the discretion of the sentencing judge.	III, IV	
<u>AB 1435</u>	Koretz	2003	No position	Authorizes a court in a criminal case to order a party who has violated discovery disclosure requirements or any lawful court order to pay a monetary sanction.	N/A	Unnecessary; judges currently have this authority.
<u>AB 1653</u>	Mullin	2003	Oppose	Allows an attorney for a party to a criminal proceeding to appeal a sanction order or finding of contempt against him or her to the court authorized to hear an appeal of the judgment in the main action. Requires the court to stay the execution of the order or imposition of punishment pending appeal.	II	Unnecessary; interferes with judicial function.
<u>SB 761</u>	McPherson	2003	Oppose unless amended	Prohibits accepting an undertaking of bail if any summary judgment entered against an undertaking issued by the bail agent or agency remains unpaid.	II, III	April 30, 2003 amendments eliminate requirement that the court determine solvency of bail agency. Opposition withdrawn.
<u>AB 2159</u>	Cardoza	2002	Oppose unless amended	Requires courts, after arraignment, upon conviction, and when a judgment has been pronounced, to determine if a defendant has custody of any child under the age of 18 years, and inquire as to the proper care of that child if the defendant is in custody or remanded to custody.	II, III	Inefficient; ineffective; significantly lengthens court proceedings.
<u>AB 2211</u>	Horton	2002	Oppose	Provides that a representative of the community affected by a crime may submit a Community Impact Statement.	II, III	Unnecessary; results in lengthy hearings.

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<u>AB 2563</u>	Vargas	2002	Oppose	Requires the agency discharging a person who posts bail on charges of domestic violence to serve that person with a protective order, without court involvement but enforceable as a court order.	II	Interferes with judicial functions.
<u>AB 241</u>	Dickerson	2001	Oppose	Prohibits the court from striking prior convictions in DUI cases.	II	Interferes with judicial functions.
<u>AB 299</u>	Rod Pacheco	2001	Support	Grants a court exercising jurisdiction over multiple offenses involving criminal sexual acts and stalking that occurred in more than one jurisdictional territory jurisdiction over properly joinable offenses.	II	Streamlines court procedures.

2. *Sentencing and other judicial decisionmaking* – The council seeks to preserve judicial discretion and the independence of the judicial function in sentencing matters. The council does not take positions on the length or severity of sentences for crimes, but supports efforts to simplify the criminal sentencing structure.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 520</u>	Amiano	2011	Oppose	Provides that the court may not impose an upper term based on aggravating facts unless facts were first presented to the fact-finder and the fact-finder found the facts to be true.	II, IV	
<u>AB 1264</u>	Hagman	2011	Oppose	Repeals the requirement that the superior court adopt a uniform countywide schedule of bail and instead establishes a Statewide Bail Commission. Requires the commission to revise annually a statewide bail schedule for all bailable felony, misdemeanor, and infraction offenses except Vehicle Code infractions.	I, II	
<u>AB 908</u>	Berryhill, T.	2009	Oppose	Requires the court, if probation is granted, to order the payment of the reasonable costs of any probation supervision or conditional sentence as a condition of probation.	II, III	Introduces inappropriate issues into judge's sentencing decision.
<u>SB 59</u>	Huff	2009	Oppose	Adds cases involving the California Street Terrorism Enforcement and Prevention Act to the list of types of cases that are categorically eligible for a good cause continuance in criminal proceedings when the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in another case.	II	
<u>AB 2609</u>	Davis	2008	Oppose	Requires, when appropriate and feasible, that a court	II	Sought amendment to give the court sufficient

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			unless amended	order a defendant convicted of vandalism to clean up, repair, and replace the damaged property or keep the damaged property or another property in the community free of graffiti for up to one year.		flexibility to ensure that the required sanction will be imposed when appropriate and feasible.
<u>AB 1660</u>	La Malfa	2007	Oppose	Deletes the court's authority to exclude a victim or a designated victim's representative from a criminal proceeding.	II	Inappropriately interferes with court's authority.
<u>AB 1551</u>	Runner	2005	Oppose unless amended	Among other things, prohibits a court from striking an allegation, admission, or finding of a prior conviction pursuant to Penal Code section 1385 for defendants who are convicted of certain sex offenses.	II	Sought amendment to strike the provision eliminating the court's authority under Penal Code section 1385 to dismiss an action in the furtherance of justice.
<u>AB 623</u>	Lieber	2003	No position	Requires the judge in a toxics case to consider whether the defendant has expressed remorse for the acts and whether the defendant has made an appropriate public apology that reflects that nature of the violation and the number of potential victims.	N/A	Outside purview.
<u>SB 1497</u>	Polanco	2002	Oppose	Sets up a one-time review of the custody status of life prisoners who have been in prison beyond a date specified in certain regulatory matrices.	II	Impossible to implement.

C. TRAFFIC LAW

The council advocates use of simplified procedures in minor traffic cases to guarantee expedited disposition. The council supports development of statewide uniform rules, procedures, and forms to provide efficient handling of traffic cases.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 2499</u>	Portantino	2010	Support	Consolidates all traffic violator school programs under the licensing authority of the Department of Motor Vehicles. Requires courts to transmit to DMV abstracts of judgment for convictions of traffic violations rather than the court dismissing the case upon completion of the TVS program.	III, IV	Relieves judicial branch of inappropriate regulatory role. Provides DMV better ability to enforce driver safety program.
<u>AB 758</u>	Plescia	2007	Support	Requires the Department of Motor Vehicles, on or before July 1, 2008, to submit a report to the Legislature containing a comprehensive plan with specified components by which the licensing of all driving instruction programs offered to traffic violators may be consolidated under the authority of	III, IV	

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<u>AB 1464</u>	Benoit	2007	Sponsor	the department. Allows the court, after proper notice to the owner/violator, to report a failure to appear on an unsigned citation issued for an owner-responsibility offense to the Department of Motor Vehicles for a hold to be placed on the registration of the vehicle involved in the offense.	III, IV	
<u>AB 1932</u>	Benoit	2006	Support	Provides for the licensing and regulation of home study-based traffic violator schools by the Department of Motor Vehicles and declares the intent of the Legislature to have the Department of Motor Vehicles uniformly regulate all traffic violator schools.	II	Appropriately places regulatory function with the Executive Branch.
<u>SB 1697</u>	Torlakson	2004	Support	Consolidates administration of all sanctions related to the driving privilege imposed as a result of a driving-under-the influence conviction with the Department of Motor Vehicles.	IV	Increases efficiency; provides better service to the public.

D. JURY SYSTEM

The council supports efforts to ensure adequate numbers of jurors, achieve full use of jurors once they are summoned, ensure fair representation of the community served by the court, and provide adequate compensation of jurors. The council seeks to maintain plain-English jury instructions that accurately convey the law using language that is understandable to jurors.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 141</u>	Fuentes	2011	Support	Requires the court, when admonishing the jury against conversing about a trial, to clearly explain that the prohibition applies to all forms of communication, research, and dissemination of information, including electronic and wireless devices. Provides that violation of this admonishment constitutes criminal and civil contempt of court.	I	
<u>SB 319</u>	Harman	2009	Sponsor	Eliminates the sunset and reporting requirement on provisions allowing courts to impose monetary sanctions for failure to appear in response to a jury summons. Decreases the amount of time that must	III, IV	

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				elapse before a compliance action may be initiated.		
<u>AB 1769</u>	Galgiani	2008	Oppose	Exempts all peace officers from jury duty in civil and criminal matters.	IV	Fundamentally opposed to categorically exempting individuals from jury duty.
<u>AB 1828</u>	Huff	2008	Oppose	Excuses from jury service, upon request, a prospective juror who has served as a precinct officer or precinct board member on a statewide or local election during the previous 12 months.	IV	
<u>AB 1557</u>	Feuer	2007	Support	Reduces peremptory challenges to 6 per side in all misdemeanor cases, rather than only those misdemeanors resulting in imprisonment for 90 days or less.	IV	
<u>SB 171</u>	Alquist	2006	Oppose	Requires that any custodial interrogation of an individual relating to a felony offense be electronically recorded, and codifies a jury instruction to be used verbatim if a court finds that a defendant was subjected to an unlawful custodial interrogation.	I, IV	
<u>SB 1281</u>	Romero	2006	Support	Prohibits a state agency from entering into a contract for the acquisition of goods or services with a contractor who does not have and adhere to a written policy providing his or her employees with not less than five days of regular pay for actual jury service.	IV	
<u>AB 1180</u>	Harman	2003	Sponsor	Clarifies that when a person is summoned but fails to appear for jury service the court may impose reasonable monetary sanctions on the prospective juror following an order to show cause hearing.	III, IV	Strengthen courts' ability to enforce orders.
<u>AB 2925</u>	Migden	2002	Support	Eliminates reimbursement for the first day of travel to the court for jury duty; increases reimbursement rate for second and subsequent days from 15 cents to 34 cents per mile, one way.	IV	Part of larger effort to improve jury system.

E. INTERPRETERS

To ensure access to justice, the council seeks to attract quality interpreters and meet the courts' caseload demands. The council supports increased compensation and standardized payment practices and procedure for court interpreters.

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<u>AB 618</u>	Furutani	2011	Oppose	Requires the court to provide separate interpreters for defendants and witnesses, and for codefendants in specified proceedings.	I	Strains court's ability to provide interpreters.
<u>AB 663</u>	Jones	2009	Sponsor interpreter related provisions; no position on legal aid provision	Requires the Judicial Council to establish a working group to develop best practices to expand the use of interpreters and a pilot project to test the workability of the developed best practices.	I, III, IV	
<u>AB 2227</u>	Chu	2006	Support	Requires the Judicial Council to establish the Blue Ribbon Panel on Language Access in the Courts. Requires the panel to report to the Legislature and the Judicial Council on the existing interpreter certification system.	I, IV	
<u>AB 2302</u>	Committee on Judiciary	2006	Support if funded	Requires that an interpreter be present whenever needed in any civil matter, including family law and probate, or in any court-ordered or court-provided alternative dispute resolution, including mediation and arbitration. Specifies the priority for use of funding and interpreters provided for civil matters.	I, IV	
<u>SB 927</u>	Escutia	2001	Oppose unless funded	Requires that a certified or registered court interpreter be provided at court expense in any family law proceeding that involves allegations of domestic violence.	I, IV	

IV. SUBSTANTIVE LAW

A. JUVENILE DELINQUENCY

The council supports legislation to ensure that judges have sufficient discretion and placement and treatment options to fulfill their obligations to promote the rehabilitation and reintegration of juvenile offenders, the safety of the community, and accountability to victims.

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<u>AB 2212</u>	Fuentes	2010	Support	Sets forth procedures for adjudicating the competency of a juvenile in a delinquency matter.	I	Clarifies procedures for competency proceeding in juvenile delinquency matters.
<u>AB 1547</u>	Beall	2007	Support	Authorizes the juvenile court to order the probation department to provide a variety of services to a delinquent ward approaching the age of majority.	II, IV	
<u>AB 2496</u>	Steinberg	2002	Oppose unless amended	Requires that the minor, the minor's counsel, and a probation officer personally appear before the court during each periodic review of the minor's detention.	II, III	Will significantly increase length of proceedings; neutral if amended to achieve goals in more efficient way.

B. JUVENILE DEPENDENCY

The council supports timely and expeditious determinations in dependency matters, as well as measures to enhance the available placement options for dependent children. The council supports efforts to clarify the procedures for declaring a child a dependent of the court. The council also supports maintaining judicial discretion to terminate dependency.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 73</u>	Feuer	2011	Support	States the intent of the Legislature to enact legislation providing that juvenile court hearings in juvenile dependency matters be presumptively open to the public unless the court finds that admitting the public would not be in a child's best interest.	I	Promotes public trust in juvenile court.
<u>AB 743</u>	Portantino	2010	Support	Modifies the standard for sibling visitation to require that if siblings are not placed together the social worker must explain why placement together would be contrary to the safety or well-being of any sibling. Requires a social worker considering a change of placement that will result in sibling separation to notify the attorney for the child being moved as well as the attorney for any affected sibling.	IV	Assists court in keeping siblings together.
<u>AB 1852</u>	Portantino	2010	Support	Requires the county welfare department to document in the reports it provides to the court at the disposition hearing its efforts to locate and contact relative and non-relative extended family members of a dependent child to establish permanent familial connections between the child	IV	Improves ability of court to find permanency for dependent children.

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				and his or her family.		
<u>SB 962</u>	Liu	2010	Support	Allows incarcerated parents to participate in specified court proceedings concerning parental rights via videoconferencing or teleconferencing if the technology is available	I	Reduces need to continue dependency proceedings for an incarcerated parent's absence.
<u>AB 12</u>	Beall	2009	Co-Sponsor	Implements federal foster care reform legislation to provide federally subsidized relative guardianships and extend foster care jurisdiction to age 21.	IV	
<u>AB 131</u>	Evans	2009	Sponsor	Authorizes the Judicial Council to implement a cost recovery program to collect reimbursement from parents for the cost of dependency counsel, and directs that the recovered funds be used to reduce caseloads for attorneys.	I, IV	Promotes fairness outcomes in dependency proceedings.
<u>AB 938</u>	Committee on Judiciary	2009	Sponsor	Requires that social workers immediately investigate the identity and location of all adult grandparents and other relatives of a child after the child is detained, and notify the relatives that the child has been removed from his or her parents, and the means by which the relative might participate in the care of the child.	IV	Engages relatives in dependency court to promote best interests of child.
<u>AB 1405</u>	Maze	2008	Support	Provides that information obtained from a minor during an assessment to determine the appropriate status of a minor who meets the definition of both a dependent and a delinquent ward cannot be used against the minor in other proceedings.	II, IV	Ensures court obtains necessary information.
<u>AB 3051</u>	Jones	2008	Support	Requires the court to determine whether a child age 10 or older who is not present was given an opportunity to attend the hearing. Provides that the court may make any orders reasonably necessary to ensure that the child has an opportunity to attend.	I, IV	Ensures that children can participate in proceedings.
<u>AB 2130</u>	DeVore	2006	Oppose	Requires the court to consider the religious, cultural, moral, and ethnic values of a child or of his or her birth parents, before placing a dependent child for adoption.	I, II	Inappropriately limits judicial discretion.

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<u>AB 2480</u>	Evans	2006	Support if funded	Requires the appointment of appellate counsel to represent a dependent child if the child is an appellant, or if the court of appeal determines that the child would benefit from the appointment of separate counsel.	IV	
<u>SB 1667</u>	Kuehl	2006	Support	Requires that the social worker provide foster parents with a caregiver information form and information on how to submit it to the court. Provides rights for caregivers to receive notice of post-permanency planning hearings.	IV	Ensures that court receives all relevant information regarding dependent children.
<u>AB 519</u>	Leno	2005	Sponsor	Allows the juvenile court to issue ex parte protective orders for parents and caretakers even without regard to the child's need for a protective order.	IV	Allows the juvenile court to protect families in an efficient individualized manner.
<u>AB 129</u>	Pacheco	2004	Sponsor	Authorizes counties to implement dual status (dependency and delinquency) protocol for children in juvenile court.	IV	Ensures adequate oversight for dual need children.
<u>AB 524</u>	Haynes	2003	Oppose	Requires that a child who has been removed from his or her parents' custody be returned within five working days in certain circumstances.	III	March 26, 2003 amendments eliminated provisions related to criminal proceedings. Council opposition withdrawn.
<u>SB 59</u>	Escutia	2003	No position, but seek amendments	Provides expedited appellate review of disputed placement orders in juvenile dependency cases.	N/A	June 11, 2003 amendments conform the writ process to the one established in Welfare and Institutions Code section 366.26(1).
<u>AB 2336</u>	Negrete McLeod	2002	Support	Requires that orders for the temporary removal of a prisoner to attend a hearing pertaining to parental rights must be issued at least 12 days before it is to be executed.	I, IV	Ensures access to proceedings for affected parties.
<u>AB 2160</u>	Schiff	2000	Sponsor	Creates a presumption that children in dependency proceedings would benefit from the appointment of counsel.	I, IV	Improves ability of court to fulfill role in dependency cases.

C. FAMILY LAW

The council supports legislation consistent with its goal of increasing access to the courts. The council supports efforts to provide adequate assistance to pro per litigants in family law cases, as well as litigants who face language barriers. The council seeks to maintain judicial discretion to make family law decisions based on the best interest of the child. The council also seeks to clarify the process the court should follow and the factors the court can appropriately consider in family law cases.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 939</u>	Committee on Judiciary	2010	Support	Makes numerous changes to provisions in the Family Code consistent with the recommendations of the Elkins Family Law Task Force.	I, IV	
<u>AB 1050</u>	Ma	2010	Support	Creates a presumption that a child is of sufficient maturity to provide input to the court on a child custody or visitation issue at age 14 and requires the court to permit the child to address the court unless the court finds that testimony is not in the child's best interests and states its reasons on the record.	IV	Ensures courts can appropriately consider input of child.
<u>AB 2475</u>	Beall	2010	Oppose	Provides that the doctrine of judicial or quasi-judicial immunity shall not apply to any private third party engaged by the court for his or her expertise in family law matters in an advisory capacity.	II	Interferes with ability of court to obtain expert information.
<u>AB 612</u>	Beall	2009	Oppose	Prohibits the consideration of a "nonscientific theory" in a child custody matter, as defined, and disallows the admission into evidence of any child custody evaluation report which includes a nonscientific theory.	II, IV	Creates inconsistent and unworkable evidentiary standard.
<u>AB 1822</u>	Beall	2008	Oppose	Requires the court, in any proceeding to establish or modify spousal support, to deny spousal support to a party convicted of a sexual offense against a minor.	II	Inappropriately limits judicial discretion.
<u>SB 1255</u>	Harman	2008	Support	Extends until January 1, 2013, the authority of the family court to order a person seeking custody or visitation of a child to undergo testing for drug or alcohol abuse in specified circumstances.	II, IV	Ensures that court has relevant information in custody cases.
<u>SB 1015</u>	Murray	2006	Oppose	Requires the court to redact specified financial information from family law files.	II	Lessens public trust in court and imposes unnecessary administrative burdens.
<u>SB 1482</u>	Romero	2006	Oppose	Provides that a custodial parent has a presumptive right to change the residence of his or her child subject to the power of the court to restrain a change of residence. Requires the non-custodial parent to make a prima facie showing of harm to the child that would result from the relocation, necessitating a change in custody, but would disallow consideration of the normal incident of moving.	II	

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<u>AB 1307</u>	Dymally	2005	Oppose	Creates a rebuttable presumption that equal custody share is in the best interest of child.	II	Unduly limits court's ability to make custody orders on a case-by-case basis.
<u>SB 544</u>	Battin	2005	Oppose	Prohibits parents convicted of certain offenses from having unsupervised contact with their children.	II	Overly restricts court's ability to make custody orders in the best interest of child.
<u>AB 2148</u>	Diaz	2004	Oppose	Restricts the court from holding custody or visitation proceedings until after it has ruled on an application for attorney's fees.	II	Limits ability of court to act in best interest of children.
<u>AB 2228</u>	Garcia	2004	Support	Requires information sharing in cases pertaining to custody of children.	III, IV	Ensures well informed court regarding child custody.
<u>SB 730</u>	Burton	2004	Oppose	Establishes presumptive right for a custodial parent to relocate with a child.	II	Unduly limits discretion of court to act in best interest.
<u>SB 1616</u>	Knight	2004	Oppose	Requires the court to state its reasons for making any spousal support order on the record and in writing.	II	Unnecessary and resource intensive.
<u>SB 734</u>	Ortiz	2003	Oppose	Restricts courts discretion to grant visitation.	II	Unduly restricts individual discretion.
<u>SB 174</u>	Kuehl	2002	No position	Requires the Judicial Council to select four non-confidential mediation courts to implement a model with initial confidential mediation, with the allowance for subsequent recommending mediation if performed by a different mediator. Implementation contingent on funding.	N/A	
<u>SB 1406</u>	Kuehl	2002	Oppose unless amended	Requires that all child custody mediation be confidential, and prohibits the mediator from communicating with the court on any matter.	II, III, IV	Interferes with administration of family cases.
<u>SB 1791</u>	Rainey	2000	Oppose	Shifts responsibility for hearing Title IV-D related child support actions to DSS administrative law judges.	I, II, IV	Inappropriately shifts judicial function to non-judicial officers

D. DOMESTIC VIOLENCE

The council supports efforts to improve court procedures in domestic violence cases and the way courts review allegations of domestic violence in family law proceedings. The council also supports measures that seek to simplify the process for obtaining a restraining order, and the process for making it enforceable.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 1596</u>	Hayashi	2010	Sponsor	Contains numerous technical changes to create more consistency in protective order statutes.	IV	Promotes consistent administration of law in protective order matters.

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

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Goal III – Modernization of Management and Administration	Goal VI – Branchwide Infrastructure for Service Excellence

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 104</u>	Cohn	2005	Oppose	Requires a hearing on a motion to modify or dismiss a DVPA order to be held by the judicial officer that issued the order, if available.	II, III	Undue interference with court calendaring process.
<u>AB 106</u>	Cohn	2005	Oppose	Requires every trial court to establish a one time amnesty program for fines and fees imposed for spousal abuse convictions or as a condition of probation for domestic violence offenses.	II, III	Contrary to the Judicial Council's enhanced collections strategy.
<u>SB 1627</u>	Kuehl	2002	Support	Clarifies procedures for entry of service of process for DVPA orders into DVROS by requiring the court to either enter the information into DVROS directly, or transmit proof of service to law enforcement for entry within one business day.	III, IV	Makes court orders more likely to be enforced.
<u>SB 1780</u>	Escutia	2002	Oppose unless funded	Requires the court to provide interpreters for specified parties in family law proceedings involving allegations of domestic violence at court expense.	I, IV	

E. CONSERVATORSHIP AND PROBATE LAW

The council supports clarification of conservators' duties and formulation of guidelines about conservatorships.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 458</u>	Atkins	2011	Sponsor	Prohibits a court from appointing a minor's parent as a guardian of the person of the minor, except as specified. Establishes requirements for transferring a proceeding to another court in circumstances in which a proceeding that concerns custody or visitation of a minor child is pending in one or more counties at the time the petition for guardianship is filed. Specifies circumstances under which the court in a guardianship proceeding would maintain exclusive jurisdiction to determine issues of custody or visitation.	I, III	
<u>AB 2271</u>	Silva	2010	Support	Adds temporary trustees to the list of persons who may be appointed by the court during an appeal of certain probate orders.	II, IV	
<u>SB 1041</u>	Harman	2010	Support	Among other things, provides that evidence of a statement made by a declarant who is unavailable as a witness that he or she has or has not established or revoked a revocable trust, or that identifies his or her	II, IV	

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

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Goal III - Modernization of Management and Administration

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Goal V - Education for Branchwide Professional Excellence

Goal VI - Branchwide Infrastructure for Service Excellence

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 1163</u>	Tran	2009	Support	<p>revocable trust, is not made inadmissible by the hearsay rule because the declarant is unavailable as a witness.</p> <p>Clarifies that the attorney-client privilege is held by a deceased client's personal representative appointed for subsequent estate administration after the original personal representative has been discharged. Provides that no attorney-client privilege exists for communications relevant to issues between parties who all claim through a deceased client in a non-probate transfer.</p>	I, IV	Improves administration of justice.
<u>AB 1340</u>	Jones	2008	Support	<p>Requires a guardian or conservator, in a first accounting filed with the court, to provide all account statements showing the account balance as of, rather than through, the closing date of the first court accounting. Requires notice be given 5 court days prior to a hearing on the appointment of a temporary guardian or temporary conservator. Prohibits a court from permitting a person without a valid professional fiduciary's license to continue to carry out the duties of a professional fiduciary.</p>	IV	Improves court's oversight of these cases.
<u>AB 1880</u>	Tran	2008	Oppose	<p>Requires a guardian or conservator to post a separate recovery bond for the benefit of the ward or conservatee and any person interested in the guardianship or conservatorship estate who may bring a surcharge action against the guardian or conservator for breach of duty.</p>	III, IV	Multiple bonds are more difficult to administer, and they would impair the court's ability to provide proper oversight.
<u>AB 2014</u>	Tran	2008	Support	<p>Requires a guardian or conservator to use ordinary care and diligence to determine whether the ward or conservatee owns real property in a foreign jurisdiction and to preserve and protect that property.</p>	IV	Improves court's oversight of these cases.
<u>AB 2247</u>	Spitzer	2008	Oppose unless amended, neutral if amended	<p>Requires a guardian or conservator to file an investment plan with a court not more than six months after the issuance of letters of guardianship or conservatorship. Revises and expands the list of obligations and securities in which a guardian or conservator may invest funds of the estate without court authorization.</p>	IV	Interferes with the ability of the court to protect conservatees' assets.

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 1264</u>	Harman	2008	Support	Beginning January 1, 2010, revises, recasts, and clarifies the law governing no contest clauses in wills and trust instruments. Limits the enforceability of no contest clauses to direct contests brought without reasonable cause, transfers of property, or creditor claims as specified. Defines direct contest and probable cause for these purposes. Eliminates provisions regarding the authority of a beneficiary to apply to a court for a determination regarding a no contest clause.	I, IV	Improves access to the courts and enhances court administration.
<u>AB 1727</u>	Committee on Judiciary	2007	Support	Enhances a court investigator's access to confidential medical information. Prohibits a conservatorship of the person or of the estate from being granted unless the court makes an express finding that the granting of the conservatorship is the least restrictive alternative needed for the protection of the conservatee. Creates new requirements on courts when guardianships and conservatorships are transferred from other jurisdictions.	II, IV	Improves court's ability to provide oversight of these cases.
<u>SB 340</u>	Ackerman	2007	Co-sponsor	Broadens list of agencies entitled to receive criminal history reports to include probate court conservatorship and guardianship investigators.	II, IV	Improves the court's ability to provide oversight in guardianship and conservatorship cases.
<u>AB 1363</u>	Jones	2006	Support if funded	Makes a number of reforms to the probate conservatorship system, including enhanced court reviews of conservatorships primarily through increasing the frequency and scope of court investigations.	II, IV	Improves court's ability to provide oversight of these cases.
<u>SB 1116</u>	Scott	2006	Support	Increases court oversight of moves of conservatees and the sale of their homes.	II, IV	Improves the court's ability to provide oversight of these cases.
<u>SB 1550</u>	Figeroa	2006	Support	Enacts the Professional Fiduciaries Act, which establishes in the Department of Consumer Affairs a new licensure scheme governing professional conservators, guardians, and other fiduciaries.	II, IV	Improves the courts oversight in these cases.
<u>SB 1716</u>	Bowen	2006	Support if funded	Authorizes the court to take action in response to ex parte communications regarding a guardian's or conservator's performance of his or her fiduciary duties.	II, IV	Improves the court's oversight of these cases.
<u>AB 541</u>	Harman	2005	Support	Allows the court to test prospective guardians for drugs or alcohol and exempts guardians of the person	II, IV	Enhances court's discretion and improves court's ability to oversee these cases.

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				only from having to register with the Statewide Registry.		
<u>AB 1152</u>	Liu	2004	Support	Requires the Judicial Council to adopt a rule of court that specifies the qualification and educational requirements of private professional conservators and private professional guardians.	II, IV	Improves court's ability to oversee these cases.
<u>AB 1851</u>	Harman	2004	Support	Revises and recasts the law concerning the court's responsibility to approve compromises of claims of minors, and settlements or actions or disposition of judgments in favor of minors or "incompetent persons." Permits the court to establish a special needs trust for a disabled minor that will continue under court supervision after the minor reaches age 18.	IV	Improves the court's ability to administer these cases.
<u>AB 1883</u>	Harman	2004	Support	Prevents routine waivers but allows court discretion in waiving bond requirement where it is warranted.	II, IV	Enhances court's discretion.
<u>AB 1784</u>	Harman	2002	Support	Implements the recommendations of the California Law Revision Commission for clarification of Probate Code provisions regarding the construction of trusts and other instruments.	III, IV	Promotes clarity and consistency in the handling of these cases.

V. MISCELLANEOUS

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 1208</u>	Calderon	2011	Oppose	Significantly lessens the role of the Judicial Council in determining the allocation of funds to trial courts and allocating funds in a manner to support implementation of statewide policies and initiatives. Reduces the council's role in ensuring the stability of trial court operations and providing management or oversight of trial court budgets.	I, II, III, IV	
<u>SB 1417</u>	Cox	2010	Support	Modifies the process for formation of Societies for the Prevention of Cruelty to Animals and for the appointment of humane officers.	III, IV	Provides clear court process.
<u>AB 2301</u>	Assembly Judiciary Committee	2006	Support	Provides the State Bar with the authority to collect voluntary financial support from its membership to support organizations that provide free legal services to those of limited means.	I, IV	

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SCA 3	Lowenthal	2006	No position	Shifts redistricting responsibility from the Legislature to an 11-member Independent Redistricting Commission to reapportion legislative and congressional districts. Provides that the California Supreme Court has original and exclusive jurisdiction over all challenges to a redistricting plan adopted by the Commission. Requires the Judicial Council to appoint a panel of ten retired justices of the state courts of appeal, and for that panel to establish a pool of 50 candidates for the Independent Redistricting Commission.	N/A	
SB 1246	Burton	2004	No position	Requires the Supreme Court and the State Bar to develop standards and rules of professional conduct governing the propriety of an attorney appearing before a court where that individual previously served as a judicial officer.	N/A	Outside purview.

A. ACCESS TO JUSTICE

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 590	Feuer	2009	Support	Creates a pilot project to provide legal representation to indigent litigants in specified civil case types including domestic violence, civil harassment, probate conservatorship, elder abuse, child custody matters in which one parent is seeking sole legal or physical custody, and housing-related cases, beginning July 2011, with the revenue from recently enacted increases to a number of miscellaneous civil court fees.	I, IV	Improves access to justice for unrepresented litigants.
AB 2448	Feuer	2008	Sponsor	Revises and redrafts the existing statute governing court fee waivers to ensure that indigent litigants have an opportunity to access the courts in a timely manner, and to provide for recovery of those fees in appropriate cases.	I, III, IV	
AB 171	Beall	2007	Support	Establishes the Assumption Program for Loans for Law in the Public Interest, to provide up to \$1,000 in loan assumption benefits over a four-year period to public interest attorneys.	I	

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1723	Committee on Judiciary	2007	Support	Requires banks that hold interest on lawyer trust accounts (IOLTA) to allow those accounts to participate in higher-paying investment products, or receive an interest rate that is comparable to the rates paid by those investment products (referred to as IOLTA comparability).	I	

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ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING








DATE	10/1/2012
PREPARED BY	Curt Child
OFFICE NAME	<u>Office of Governmental Affairs</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	143
JUDICIAL COUNCIL DIRECTIVE	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 legislative positions or proposals.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
Immediately and ongoing.	
<div style="border: 1px solid gray; padding: 5px; width: fit-content;">  <p>E&P Recomm 09282012.pdf Adobe Acrobat Document 4.11 MB</p> </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	
<div style="border: 1px solid gray; height: 20px; width: 100%;"></div>	
<div style="border: 1px solid gray; padding: 5px; width: fit-content;">  File Attachment </div>	
<input type="checkbox"/> Other:	
<div style="border: 1px solid gray; height: 20px; width: 100%;"></div>	
<div style="border: 1px solid gray; padding: 5px; width: fit-content;">  File Attachment </div>	

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	Immediately and ongoing.
RESOURCES REQUIRED FOR IMPLEMENTATION	No additional resources needed.

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<p><input checked="" type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED</p>	<p>This recommendation called for ensuring that PCLC is fully apprised of varying viewpoints of the courts, court executive officers and judges in determining legislative positions and proposals.</p> <p>While the SEC report and recommendation on this issue (No. 7-81) is not specific on the concern that needs to be addressed the report does serve as an important reminder that the fiscal and policy impacts of legislation on the courts needs to continue to be an important concern of PCLC in making their decisions. Historically, OGA has sought court participation on policy and impacts through multiple sources. Traditionally legislative proposals that impact the trial courts have been vetted through the relevant subject matter Advisory Committees and/or Trial Courts Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Legislation Working Group and with the TCPJAC leadership. On fiscal issues the Operational and Budget Impact Working Group of CEAC has designated experts in large, medium, small, urban, and rural courts on the fiscal impact of legislation. OGA staff working on fiscal analyses has also, working directly with Finance Division staff, sought fiscal impacts from judges and staff in individual courts. In the appellate courts we directly work with the Administrative Presiding Justices Advisory Committee and the California Appellate Court Clerk's Association (CACCA) on both legislative and fiscal issues to inform PCLC.</p> <p>The SEC report noted that some courts perceive that OGA does not effectively represent their interests in Sacramento on certain issues. While there is no detail that would better inform us on implementing this recommendation it is important that OGA cast its input net as broadly as possible in seeking both trial and appellate court impacts, including fiscal impacts of proposed legislation. The SEC report does note, importantly, that it may not be feasible to represent the individual interests of particular courts because those interests vary from court to court. The report correctly notes that the varied interests of the courts should be considered in establishing a legislative agenda.</p> <p>Thus, in implementing this recommendation OGA advocates were reminded and directed to ensure that they seek both the formal and informal participation of the trial and appellate courts on the impact legislative and budget proposals have on their courts through the existing committee structure. All PCLC reports should continue to include the efforts made to obtain the courts' impact analysis and clearly state that impact on the courts. Advocates should continue the practice of inviting advisory committee representatives to participate in PCLC meetings when deemed appropriate by the Chair.</p> <p>Finally, although there are no findings in the SEC report regarding seeking the participation of other branch stakeholders on legislation and budgetary issues, OGA advocates were reminded to continue to assist the</p>
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	<p>appropriate Advisory Committees to ensure that other stakeholder impacts and interests are appropriately considered and presented to PCLC in their reports.</p> <p> File Attachment</p>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<p>No additional training was developed.</p> <p> File Attachment</p>
<input type="checkbox"/> SAVINGS	<p>No savings identified.</p> <p> File Attachment</p>
<input type="checkbox"/> COST	<p>No costs identified.</p> <p> File Attachment</p>
<input type="checkbox"/> EFFICIENCIES	<p>No new efficiencies identified.</p> <p> File Attachment</p>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>This recommendation will ensure that OGA advocates will ensure the trial and appellate courts' positions on proposed or introduced legislation will be considered by PCLC in recommending and formulating legislative and budget positions.</p> <p> File Attachment</p>
<input type="checkbox"/> OTHER	<p> File Attachment</p>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>




Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 1240 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

MEMORANDUM

Date	Action Requested
September 28, 2012	Please Review
To	Deadline
Office of Governmental Affairs Staff	None
From	Contact
Curtis Child  Director, Office of Governmental Affairs	Curtis L. Child Office of Governmental Affairs 916-323-3121 phone 916-323-4347 fax curtis.child@jud.ca.gov
Subject	
Executive and Planning Committee Recommendations	

As you are aware, on August 27, 2012, the Judicial Council adopted recommendations proposed by the Executive and Planning Committee (E&P) after considering the recommendations contained in the May 2012 Strategic Evaluation Committee (SEC) report. The specific recommendations that were adopted are outlined in Attachment 1 to the August 27, 2012, E&P report to the Judicial Council and track, for the most part, the SEC recommendations.

There are four recommendations adopted by the Judicial Council that relate to the Office of Governmental Affairs (OGA): No. 23 (identify legislative requirements that impose unnecessary reporting and other mandates on the courts and the AOC and seek revision or repeal of the requirements); No. 61 (direct that legislative proposals follow the process established by the Policy Coordination and Liaison Committee (PCLC)); No. 143 (direct that OGA should represent the interests of the judicial branch on the clear direction from PCLC and ensure that PCLC is fully apprised of the views of the courts before determining legislative positions); and, No. 144 (OGA should draw upon other attorney resources in the AOC to assist OGA with legislative

September 28, 2012

Page 2

demand)¹. Of these four recommendations three are existing OGA requirements that OGA should ensure are part of their ongoing responsibilities. The fourth, No. 23-relief from statutory mandating requirements, will require additional analysis and a report and Judicial Council action to complete.

The purpose of this memo is to note the recommendations adopted by the Judicial Council regarding legislative advocacy on behalf of the branch and to repeat the need to ensure they are part of OGA advocacy practice. Continued adherence to these recommendations will make certain that OGA advocacy on behalf of the branch will be consistent with Judicial Council direction as informed by branch stakeholders. It is my intent to report to the Judicial Council for its October 26, 2012, meeting that the three recommendations noted above have been implemented, are ongoing, and will be monitored by the Administrative Director of the Courts.

Recommendation 61: E&P recommends to the Judicial Council that any legislative proposals generated by the AOC must follow the process established by PCLC.

The corresponding SEC report recommendation for this recommendation (No. 7-6) called for ensuring that legislative proposals generated by the Center for Families, Children and the Courts are limited to those required by court decisions and statutory mandates and approved by the Judicial Council Advisory Committees. E&P's recommendation looks more broadly toward ensuring that any legislative proposals generated by the AOC on behalf of the Judicial Council follow the process established by PCLC. That process is set forward in the PCLC Resource materials provided to PCLC as part of their orientation and to the new Judicial Council members as part of theirs. The orientation materials for this upcoming year and Legislative Policy Guidelines are attached. Also, early in the calendar year Justice Baxter provided a memorandum to the Advisory Committee chairs and staff advising them of the timelines and process for developing Judicial Council-sponsored legislation. The memo that went out on February 2, 2012, is also attached and a reminder to the committee chairs with timelines went out a few weeks ago.

As you work with your Advisory Committees on legislative proposals, whether they be timely developed proposals or on proposals with more urgent need, please continue to remind the Advisory Committees of the PCLC process and the need to track the process to the greatest extent possible to ensure that legislative proposals are fully developed so that PCLC can make comprehensive and informed recommendations for Judicial Council-sponsored legislation. Importantly, please remind Advisory Committee staff of the process and continue working with

¹ A fifth recommendation, No. 142—AOC organizational staffing changes including the reporting line of responsibility for OGA, was adopted by the Judicial Council at its August 31, 2012, meeting. That action established a revised organization structure for the AOC which placed OGA as a direct report to the Administrative Director of the Courts.

them to coordinate all aspects of the proposal. This will ensure that legislative proposals are fully vetted prior to submission to PCLC.

Additionally, when exigent circumstances or legislative positions are being formulated as part of the budget process which requires Judicial Council support we need to continue to bring those proposals to Justice Baxter and PCLC for decisions.

Recommendation 143: E&P recommends that the Judicial Council direct the Administrative Director of the Courts that OGA should represent the interests of the judicial branch on the clear direction of its 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 legislative positions or proposals.

While the SEC report and recommendation on this issue (No. 7-81) is not specific on the problem that needs to be addressed, the report does serve as an important reminder that the fiscal and policy impacts of legislation on both the trial and appellate courts need to continue to be an important issue for PCLC in making their decisions. Historically, OGA has sought court participation on policy and impacts through multiple sources. Legislative proposals that impact the trial courts have been vetted through the relevant subject matter Advisory Committees and/or Trial Courts Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Legislative Working Group and with the TCPJAC leadership. On fiscal issues the Operational and Budget Impact Working Group of CEAC has designated experts in large, medium, small, urban, and rural courts on the fiscal impact of legislation. OGA staff working on fiscal analyses has also, working directly with Finance Division staff, sought fiscal impacts from judges and staff in individual courts. In the appellate courts we directly work with the Administrative Presiding Justices Advisory Committee and the California Appellate Court Clerk's Association (CACCA) on both legislative and fiscal issues to inform PCLC.

The SEC report noted that some courts perceive that OGA does not effectively represent their interests in Sacramento on certain issues. While there is no detail that would better inform us on implementing this recommendation it is important that OGA cast its input net as broadly as possible in seeking both trial and appellate court impacts, including the fiscal impacts of proposed legislation. The SEC report does note, importantly, that it may not be feasible to represent the *individual* interests of particular courts because those interests vary from court to court. The report correctly notes that the varied interests of the courts should be considered in establishing a legislative agenda.

Thus, in implementing this recommendation OGA advocates should ensure that they seek both the formal and informal participation of the trial and appellate courts on the impact legislative and budget proposals have on their courts through the existing committee structure. All PCLC reports should continue to include in them the efforts made to obtain the courts' impact analysis

and clearly state that impact on the courts. Advocates should continue the practice of inviting advisory committee representatives to participate in PCLC meetings when deemed appropriate by the Chair.

Finally, although there are no findings in the SEC report regarding the participation of other branch stakeholders on legislation and budgetary issues, advocates should continue to assist the appropriate Advisory Committees to ensure that other stakeholder impacts and interests are appropriately considered and presented to PCLC in their reports.

Recommendation 144: E&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 demand may require.

The SEC Report notes in its recommendation that it is unclear how overall attorney resources are prioritized in the AOC and that OGA would benefit from the use of leveraged resources. It has long been OGA practice to utilize attorneys and others with subject matter experts on budgetary and policy issues; with such prominent examples as SB 1407, the Public Contracts Code, public records legislation, fee and fine increases, traffic, civil practice, etc. I have reported that all advocates routinely and frequently utilize other AOC staff including OGC counsel and will continue to do so in the future. I have also discussed this recommendation with Mary Roberts and she, of course, will continue to assure that her attorneys will be available to assist OGA, resources permitting. Please continue to call upon OGC and other subject matter experts within the AOC as you do your advocacy work.

Conclusion

While it may understandably feel like these recommendations are self-evident it is important to remind ourselves of the importance of the underlying substance behind these recommendations in making sure that our work effectively represents the judicial branch in the legislative and executive branches of government. It is fortunate that we can note that the above recommendations have been completed while we provide assurances that we will be diligent in meeting the goals in the E&P recommendations. Thank you all for the professional and diligent manner in which you advocate on behalf of the judicial branch.

Bobino, Luz

From: Casillas, Yvette
Sent: Thursday, February 02, 2012 10:53 AM
To: AOC JC Adv. Comm and TF Coordinators; AOC JC Policy Coord. Committee; AOC Directors - All; AOC Comm Comm
Subject: Memo from Justice Baxter to Advisory Committees: re: developing proposals for sponsored legislation
Attachments: JC-sponsored_legislation_calendar.doc; Baxteradviscommreminder020212.doc

Colleagues:

Please see attached memo from Justice Baxter regarding the development of legislative proposals for possible Judicial Council sponsorship in 2013, together with the timeline for this year.

If you have any questions, please feel free to contact Dan Pone, daniel.pone@jud.ca.gov, or Donna Hershkowitz, donna.hershkowitz@jud.ca.gov or by phone at 916-323-3121.

Thank you.

Yvette Casillas
Administrative Coordinator
Office of Governmental Affairs
Judicial Council of California -- Administrative Office of the Courts
770 L Street, Suite 700
Sacramento, CA 95814
916-323-3121, Fax 916-323-4347, yvette.casillas@jud.ca.gov
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Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

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MEMORANDUM

Date	Action Requested
February 2, 2012	Please review
To	Deadline
Advisory Committee Chairs and Staff	N/A
From	Contact
Hon. Marvin R. Baxter, Chair Policy Coordination and Liaison Committee	Donna S. Hershkowitz, Assistant Director Office of Governmental Affairs 916-323-3121 phone donna.hershkowitz@jud.ca.gov
Subject	
Deadlines for Judicial Council-Sponsored Legislation	

As Chair of the Judicial Council's Policy Coordination and Liaison Committee, I am writing to advise you of the timelines and process for developing potential proposals for Judicial Council-sponsored legislation. Each year, the council sponsors bills that seek to improve the administration of justice in California and assist, where needed, in accomplishing branchwide goals and objectives. Judicial Council advisory committees are ideally positioned to identify and develop proposals for statutory change given committee members' extensive expertise in the committee's subject area.

In order to meet the deadlines for developing, refining, circulating, and revising proposals for possible Judicial Council sponsorship in 2013, your committee should be developing proposals in January - March of this year. The timeline for the development of sponsored legislation is attached for your reference. Please contact your advisory committee staff, or Donna Hershkowitz in the Office of Governmental Affairs at 916-323-3121, if you have any questions. Thank you.

Calendar for Judicial Council–Sponsored Legislation

	Advisory committee staff due date
<p>Proposal development Advisory committee, in consultation with OGA staff, develops proposals for Judicial Council–sponsored legislation.</p>	January–March 2012
<p>Proposals to OGA Staff Advisory committee staff forwards draft Invitations to Comment to OGA staff for review before submission to PCLC.</p> <p>OGA staff, in consultation with advisory committee staff, finalizes Invitations for Comment and submits them to PCLC.</p>	<p>March 19, 2012</p> <p>April 5, 2012</p>
<p>PCLC meeting to review Invitations to Comment PCLC determines if proposals may be circulated for public comment.</p>	April 12, 2012
<p>Comment period Advisory committee staff, in consultation with OGA staff, circulates draft Judicial Council–sponsored legislation proposals to interested and affected parties.</p>	April 17–June 15, 2012
<p>Staff consultation Advisory committee staff consults with OGA staff regarding responses to comments and further development of proposals for Judicial Council–sponsored legislation.</p>	June–August 2012
<p>Final Proposals for council-sponsorship sent to PCLC</p>	October 12, 2012
<p>PCLC meeting to review proposals for possible council-sponsorship</p>	October 25, 2012
<p>Judicial Council meeting Judicial Council takes action on proposals for Judicial Council–sponsored legislation for upcoming legislative year.</p>	December 14, 2012

Judicial Council-sponsored Legislation Schedule: August - December 2012

	Due Dates
Leg proposals from Advisory Committees due to OGA (in JC report format)	Friday, September 7
OGA returns proposals with suggested edits to Advisory Committee staff	Friday, September 14
Advisory Committee staff return proposals to OGA	Friday, September 28
OGA sends materials to Policy Coordination & Liaison Committee (PCLC)	Thursday, October 11
PCLC meeting (In Person)	Thursday, October 25
OGA sends draft proposals to editing and to E&P with Secretariat Briefing Sheet (SBS)	Tuesday, November 6
Editors return edited proposals to OGA; OGA confers with Advisory Committee staff for final approval	Tuesday, November 20
OGA sends final proposals to Secretariat & JC binder (in PDF format also)	Wednesday, November 28
ASU mails JC binders	Wednesday, December 5
JC meeting	Friday, December 14



Policy Coordination and Liaison Committee

2012 RESOURCE MATERIALS



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

**Judicial Council of California
Administrative Office of the Courts
Office of Governmental Affairs**

**Policy Coordination and Liaison Committee
Resource Materials**

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Policy Coordination and Liaison Committee

The role of the Policy Coordination and Liaison Committee (PCLC) is to represent the council before the legislative and executive branches of government, build consensus with entities and individuals outside the branch and coordinate an annual plan for communication and interaction with other agencies and entities.

The charge and duties of the committee, set forth in California Rules of Court, rule 10.12, including the following:

- 1) Review and make recommendations on all proposals for Judicial Council–sponsored legislation and on an annual legislative agenda after evaluating input from council advisory bodies, the courts, and the Administrative Office of the Courts;
- 2) Review pending legislation and formulate the council’s policy position, if any, after evaluating input from council advisory bodies, the courts, and the Administrative Office of the Courts;
- 3) Advocate positions of the council before the Legislature and other bodies or agencies and act as liaison with other governmental entities, the bar, the media, the judiciary, and the public regarding council-sponsored legislation, pending legislative bills, and the council’s legislative positions and agendas;
- 4) Build consensus on issues of importance to the judicial branch consistent with the council’s strategic plan with entities and individuals outside of the branch; and
- 5) Oversee the development, coordination, and maintenance of communication and relations with other branches and levels of government, components of the justice system, the bar, the media, and the public.

Typical Judicial Council–sponsored Legislation Calendar

Month	Judicial Council
Jan – March	<ul style="list-style-type: none"> • Advisory committees, in consultation with Office of Governmental Affairs (OGA) staff, develop proposals for council–sponsored legislation.
April – May	<ul style="list-style-type: none"> • Advisory committee, in consultation with OGA staff, circulates draft proposals for council–sponsored legislation to interested and affected parties.
June	<ul style="list-style-type: none"> • Deadline for public comment on proposed council–sponsored legislation.
June – August	<ul style="list-style-type: none"> • Advisory committee consults with OGA staff regarding responses to comments and further development of proposals for council–sponsored legislation.
September – October	<ul style="list-style-type: none"> • Deadline for advisory committee and OGA staff to jointly submit finalized draft proposals for council–sponsored legislation to the Policy Coordination and Liaison Committee.
October	<ul style="list-style-type: none"> • PCLC makes recommendations for council action on council–sponsored legislative proposals for upcoming legislative year.
December	<ul style="list-style-type: none"> • Judicial Council acts on PCLC recommendations for council–sponsored legislation for upcoming legislative year.

Guidelines for Development of Judicial Council–sponsored Legislation

This summary describes the typical process the Judicial Council follows when developing and approving proposals for sponsored legislation. It also describes how OGA advocates for enactment of these proposals in the Legislature.

I. Judicial Council Process

A. Sources of Legislative Proposals

Because it often takes several months to fully develop a legislative proposal, the process should begin early in the year. (*See the Judicial Council–sponsored Legislation Calendar.*) Judicial Council advisory committees are well situated to identify and develop proposals for statutory change. Committee members have extensive expertise in the committee’s subject area and often have ideas for improving statutory law. In addition, advisory committees may receive requests for council sponsorship of legislative proposals from outside sources.

Suggestions for how an advisory committee may wish to identify proposals for council–sponsored legislation follow:

- The advisory committee chair may devote a portion of one or more meetings each year to identifying legislative proposals for the following year’s legislative session.
- The advisory committee may establish a working group or task force composed of committee members responsible for reviewing the relevant codes, or specific subjects or issues within those codes, to identify potential legislation.
- Advisory committees may receive legislative proposals from outside sources. When a person or organization submits a legislative proposal to the Judicial Council, staff from the Administrative Office of the Courts forwards the proposal to the appropriate advisory committee and OGA staff for consideration.

B. Advisory Committee Process for Developing Proposals

This section describes the steps an advisory committee takes to develop and review legislative proposals for substantive merit. It also lists criteria that an advisory committee should consider in determining whether a legislative proposal appears suitable for council sponsorship.

1. Assess Viability of Proposal – For each legislative proposal, the advisory committee takes the following actions:

- The advisory committee, in consultation with OGA staff, determines a time frame for consideration of the proposal, keeping in mind the

September/October deadline for submission of legislative proposals to the PCLC.

- If the advisory committee rejects a proposal submitted by an outside source, committee staff will notify the proponent of that action.
- If the advisory committee accepts or modifies a proposal from an outside source, or decides to recommend sponsorship of an internally generated proposal, the committee proceeds to the next steps.

2. Coordination with Office of Governmental Affairs Staff – Advisory committee staff will work with OGA staff to coordinate work on all aspects of the proposals.

3. Review and Analyze – Advisory committees review proposals for substantive merit before transmitting them to the PCLC. A typical analysis of a proposal should include:

- A description of the problem to be addressed, including its scope.
- A description of how the problem affects the judicial branch.
- A description of the proposed solution.
- A discussion of any alternative solutions, including an analysis of why the recommended solution is preferable.
- A discussion of any minority viewpoints.
- A description of any foreseeable problems with the proposed solution.
- Draft language for the proposed legislation.
- A determination whether the Judicial Council and/or the Legislature should give the proposal urgent consideration and the reasons for this.

A worksheet that advisory committees use for laying out this analysis and other important considerations can be found on page 15.

4. Evaluate Sponsorship Criteria – Once an advisory committee determines that a particular proposal has merit, the committee should consider certain criteria in assessing whether Judicial Council sponsorship is appropriate and desirable. Limited resources, competing priorities, and political realities impose practical limitations on the council's ability to sponsor every worthwhile legislative proposal presented. The advisory committee and OGA staff should jointly consider each of the following questions:

- Is the proposal within the Judicial Council's jurisdiction?

Council-sponsored measures should involve only those issues that are central to the council's mission and goals as stated in the Judicial Council's Strategic Plan.

- Should the proposal be addressed through the Judicial Council's rulemaking authority rather than by a change in statute?

The council prefers to implement changes through rules of court whenever appropriate.

- Is the Judicial Council the best sponsor?

The advisory committee and OGA staff may determine that a proposal more closely serves the mission or objectives of another organization such as the State Bar. A Judicial Council-sponsored proposal should address issues fundamental to the administration of justice and broadly serve the needs of the courts statewide.

- What political factors are associated with the proposal?

OGA staff are responsible for providing advice about the political factors associated with a proposal.

5. Circulate for Comment – If an advisory committee wishes to circulate a proposal for comment, the committee staff consults with OGA staff. If it is determined that the proposal may be appropriate for circulation, the committee submits the proposal to PCLC for consideration. If PCLC agrees with the advisory committee's recommendation, the proposal may be circulated for public comment. After the comment deadline, committee staff and OGA staff jointly review the comments. Advisory committee staff then summarize and present the comments to the committee. Following consideration of the comments, the advisory committee may modify the proposal based on the comments, recommend adoption of the proposal as originally presented, or recommend non-adoption based on the comments received.

6. Advisory Committee Action – Upon completion of the review procedures and consideration of the evaluation criteria above, the advisory committee may adopt one of the following actions:

- Approve the proposal as submitted.
- Approve the proposal with modifications.

- Reject the proposal. The advisory committee should inform the source of the proposal of this decision.

If the advisory committee approves the proposal, the committee forwards the proposal to PCLC for consideration. Final proposals must be submitted to the PCLC using the template for memos to Judicial Council internal committees by the September/October deadline in order to be considered for Judicial Council sponsorship during the following legislative year. All advisory committee proposals submitted to the PCLC are referred to OGA, which may prepare a separate analysis and recommendation for the PCLC.

C. Policy Coordination and Liaison Committee Action

In October, the PCLC reviews the proposal, the advisory committee recommendation, and any analysis and recommendation prepared by OGA staff. After considering the proposal, the PCLC may recommend it for Judicial Council sponsorship and forward it to the Judicial Council, send it back to the advisory committee for further consideration, or take other action as necessary. If the PCLC modifies or rejects the proposal, OGA staff returns the proposal to the submitting advisory committee. The advisory committee may either accept the PCLC action or request that the full council review the PCLC recommendation.

D. Judicial Council Action

The legislative proposal is presented by the PCLC to the Judicial Council in December for consideration. The Judicial Council reviews the proposal, along with the PCLC recommendation contained in a report prepared by OGA staff. Once the council approves a proposal, it becomes “sponsored” legislation. If the Judicial Council does not approve the proposal for sponsorship, or takes some other action on the proposal, OGA staff will communicate the action to the submitting advisory committee.

E. Delegation of authority to PCLC to sponsor legislative proposals on behalf of the council

The Judicial Council delegated to the PCLC the authority to take positions to sponsor proposals on behalf of the council when time is of the essence. This situation most often will arise in the context of the budget and related “trailer bill language.” Acting under this delegation, PCLC notifies the chairs of the Executive and Planning Committee and the Rules and Projects Committee of any PCLC meetings at which such actions will be considered so that they may participate if available. PCLC is also required to notify all other Judicial Council members, if feasible, of the intended action. After acting under this delegation, PCLC is required to notify the Judicial Council of all actions taken.

II. Advocacy Process

A. Legislative Author

Staff at the Office of Governmental Affairs seek a legislator to introduce the council-sponsored proposal. Ideally, an appropriate author for the bill would be one who:

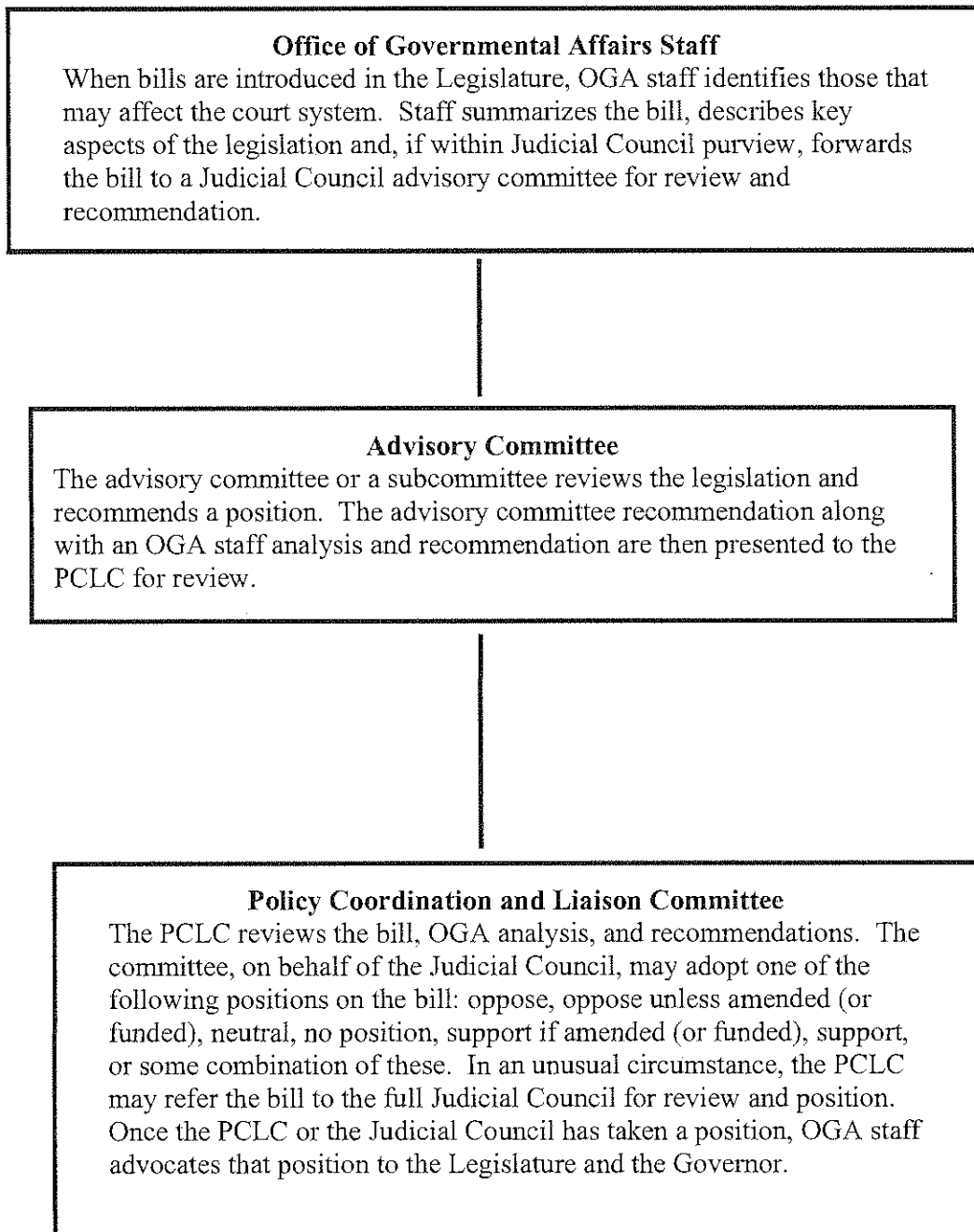
- Has substantial experience with the subject of the bill; often the author is the chair or a member of the policy committee with subject-matter jurisdiction over the bill.
- Understands Judicial Council needs and objectives.
- Has experience with the legislative process.
- Is an effective negotiator with members of both parties.

B. Office of Governmental Affairs Responsibilities

OGA staff members are the primary advocates for Judicial Council-sponsored legislation. Responsibilities include, among other things:

- Preparing background material for the bill, including an analysis for the author. This material includes a description of the problem the bill seeks to address, an explanation of how the bill corrects that problem, the likely supporters and opponents of the bill, questions the bill raises that may need further research, and any other information that explains the issue.
- Communicating information about the bill to every legislative committee that hears the bill. This means working extensively with committee staff and legislators who are members of those committees. In moving through the legislative process, a bill will be heard by a policy committee (such as the Judiciary Committee), and, if appropriate, by a fiscal committee before being debated and voted upon by the full membership on the floor of each house.
- Coordinating with other supporters to build a broad coalition in support of the bill.
- Coordinating the content and timing of correspondence between all supporters, and the Legislature.
- Negotiating with the proposal's opponents to determine whether amendments can eliminate opposition and still achieve the council's objectives.
- Meeting with the Governor and/or his or her staff to advocate that the bill be signed into law.

Formulating a Judicial Council Position on Pending Legislation



Formulating a Position on Pending Legislation

The Judicial Council, acting through the Policy Coordination and Liaison Committee (PCLC), strives to improve the administration of justice by representing the interests of the courts to the Legislature, the executive branch, other entities involved in the legislative process, other entities interested in the judiciary, and the general public.

Following are procedures the Office of Governmental Affairs uses in developing recommendations for and carrying out the PCLC and council directives.

Positions on Legislation

OGA staff review all introduced and amended legislation to determine whether a bill is of interest to the judicial branch. For each bill of interest, OGA staff indicates whether the council is likely to take, or may want to take a position. Appropriate to the subject area, one or more council advisory committees (or subcommittees) review each bill on which the council may want to take a position. The advisory committees either recommend a position or recommend that the council take no position.

OGA staff present bills on which an advisory committee recommends a position to the PCLC for determination of a council position. Staff may also choose to bring a bill before the PCLC on which an advisory committee has recommended no position. The staff present each bill to the PCLC with an analysis that includes a summary of the bill, a recommended position from an advisory committee and, if different, the OGA staff recommendation, the rationale for the recommendation, positions the council has taken on related bills, fiscal and workload impact, and other relevant information.

The council has established several positions the PCLC may take on a bill. These positions do not indicate the relative strength of the council's support or opposition, but the aims of OGA staff's lobbying efforts. The positions are:

1. Oppose. Position taken on a bill that conflicts with established council policies, and for which obvious changes would not resolve the conflict.
2. Oppose unless amended (or unless funded). Position taken on a bill that the council will oppose unless identified amendments are taken to address those provisions that conflict with council policy, or unless funding issues are resolved.
3. Oppose unless amended; support if amended. Position taken on a bill that the council will oppose unless identified amendments are taken. If amendments are taken, the council will support.
4. Neutral. Position taken on a bill the substance of which does not implicate council policy, but on which technical corrections would improve the measure.
5. No position. Position taken on a bill that addresses substantive issues on which the council takes no position, though the measure may affect the courts.

6. Support in concept. Position taken on a bill that, in concept, furthers council policy, but that is not yet drafted in sufficient detail for the council to support.
7. Support if amended (or if funded). Position taken on a bill that, with specified amendments or funding, would further the council's policies. Absent the amendments or necessary funding the council position is neutral.
8. Support. Position taken on a bill that furthers council policy.

PCLC may also combine several of the above positions.

The PCLC Meeting Schedule and Agenda

The PCLC meets regularly during the legislative session, usually by conference call. Beginning in late February or early March, the committee sets a schedule of meetings for a set time every three weeks. If a meeting is not needed, OGA staff notify PCLC members by e-mail. Late in the legislative session, and during budget negotiations, it is sometimes necessary to schedule several meetings on short notice to discuss or resolve late-breaking issues.

OGA staff prepare a written analysis of each bill for the PCLC. OGA staff place bills that do not appear to require discussion or deliberation on the PCLC's consent calendar. The consent calendar saves the committee time by eliminating the need to rearticulate clearly established council policies and positions. However, any committee member may remove an item from the consent calendar to discuss the bill's merits or recommended action.

Bills that are on the discussion agenda include those that appear to require discussion, and those bills on which the OGA staff recommendation differs from the recommendation of an advisory committee. In the latter instance, OGA staff will request that a representative of the advisory committee participate in the PCLC conference call. The guest presents the advisory committee's views, and takes questions from PCLC members. The PCLC may then excuse the guest and deliberate further and then vote on the position.

Legislative Advocacy

Once the PCLC adopts a position on a bill, that position and associated policies become the cornerstone of OGA's advocacy efforts. The information is presented in subsequent negotiating sessions, discussions with interested parties, and meetings with legislators. A letter setting forth the position and policies is sent to the bill's author, to legislative committee members, and other interested parties.

Generally, the PCLC's initial guidance and position suffices to direct OGA staff's advocacy throughout the legislative process. Sometimes, as a bill progresses or is amended, OGA staff require further direction from the PCLC because of a particular bill's significance or complexity, the sensitivity of an issue or the direction taken by the amendments. The PCLC may be asked to reconsider the matter at a subsequent meeting. If legislative events demand an immediate response, the staff may seek direction from a member or subcommittee the PCLC designates on that issue.

Coordination with other groups

The Judicial Council advances its position on legislation most successfully when it allies itself with other entities such as county government representatives, law enforcement, attorneys, and consumer advocates. OGA staff work to develop coalitions on issues of common interest. These coalitions often last for years, effectively supporting and opposing a variety of bills. For example, the council's efforts regarding trial court facilities legislation involved close coordination with the California State Association of Counties. Other groups with which the council has long-standing working coalitions include the Consumer Attorneys of California, the California Defense Counsel, the California Judges Association (CJA), the State Bar of California, and others. These and other working relationships have evolved during many years of cooperative effort.

On most court-related issues, OGA staff maintain close contact with representatives and staff of CJA and the State Bar. Additionally, OGA staff confer regularly with the California Court Association Legislation Committee (CCALC) to discuss or request analytical information about pending legislation with members of the court community. The CCALC members are court employees who provide vital input related to the operational impact of proposed legislation.

Legislative fiscal analysis

During its legislative screening process, OGA staff identify bills that require a fiscal analysis. In the years since the state assumed responsibility for trial court funding, the AOC, through joint efforts of OGA and the Finance Division, has developed a process to ensure that both timely and accurate fiscal analyses are submitted to the Legislature. When reviewing a bill for court-related policy issues, OGA legislative advocates also identify any provisions that may have costs associated with them. The OGA legislative advocate consults with fiscal staff in OGA and the Finance Division who are responsible for the development of fiscal analyses. Fiscal staff confirm the cost issues and, if necessary, work with the advocate to determine an appropriate approach and methodology, identify available resources, and clarify any technical issues affecting the analysis.

There are a variety of resources available to assist in the development of fiscal and workload analyses. Staff of the AOC's Office of Court Research assist in data collection and analysis. OGA staff also work closely with other AOC staff in specific program areas such as civil, criminal, family, and juvenile law; jury service; traffic programs; and the court interpreter program. These staff can provide direct information and referrals to local court staff to assist in the development of fiscal analyses.

Additionally, a process was recently developed to obtain greater input from court staff identified by court executive officers as subject matter experts. The Operational and Budget Impact Working Group of the Court Executives Advisory Committee identified staff in their courts and other courts whom OGA can consult to get input from court designated experts in large, medium, small, urban, and rural courts on the fiscal impact of legislation.

Judicial Council Legislative Policy Guidelines

The Judicial Council Legislative Policy Guidelines provide a historical summary of legislative action. The Guidelines are intended to ensure that council members, advisory committee members, and AOC staff have a common understanding of council policy on issues presented in proposed legislation and are guided by that council policy and practice. The document sets forth concise council policy guidelines regarding court-related legislative proposals. The policy guidelines are organized by topic and further the objectives of the six Judicial Council Strategic Plan goals.

Proposal for Judicial Council–Sponsored Legislation

Advisory Committee: _____

Date: _____

Contact Person: _____

OGA Liaison: _____

1. Problem to be addressed.
2. How does this problem affect the judicial branch?
3. Proposed solution.
4. Alternative solutions. Why is the recommended solution preferable?
5. Minority viewpoints.
6. Any foreseeable problems with the proposed solution?
7. Should the Judicial Council give this proposal urgent consideration?
If so, why?
8. Is the proposal within the Judicial Council’s jurisdiction?
9. Should the proposal be carried out by amending the California Rules of Court instead of statute?
10. Why is the Judicial Council the best sponsor?
11. What political factors are associated with the proposal?

Please attach draft language.

The Office of Governmental Affairs

The mission of the Office of Governmental Affairs is to promote and maintain effective relations with the legislative and executive branches and to present the Judicial Council's recommendations on legislative matters pursuant to constitutional mandate.

(Cal. Const., art. VI, § 6). OGA staff are responsible for the following subject matters:

Subject Matter	Contact
General Advocacy	OGA Director, Donna Hershkowitz
Access to Justice/Self-represented Litigants	Tracy Kenny
Appellate Law	Tracy Kenny, Daniel Pone, TBD
Bench-Bar Coalition	Dia Poole
Budget	OGA Director, Andi Liebenbaum
Civil Procedure	Daniel Pone
Communications Liaison	Dia Poole
Court Facilities	TBD
Court Interpreters	Tracy Kenny
Court Reporters	Donna Hershkowitz
Court Security	Donna Hershkowitz
Criminal Procedure	TBD
Day on the Bench	Dia Poole
Employment Issues (trial court labor, court staff retirement)	Donna Hershkowitz
Family Law	Tracy Kenny
Fiscal Impact of Legislation	Andi Liebenbaum
Judgeships and Subordinate Judicial Officers	Donna Hershkowitz
Judicial Administration Fellowship Program	Dia Poole
Judicial Conduct	TBD
Judicial Education	Tracy Kenny
Judicial Elections	TBD
Judicial Service	Tracy Kenny, Donna Hershkowitz
Jury Issues	TBD
Juvenile Delinquency	Tracy Kenny
Juvenile Dependency	Tracy Kenny
Probate and Mental Health	Daniel Pone
Redistricting/Judicial Redistricting	TBD
State Bar/Practice of Law	Daniel Pone
Traffic Law	TBD

Staff Biographies

Donna Hershkowitz has been the Assistant Director of the Office of Governmental Affairs since joining the AOC in January 2006. She is currently serving as Acting Director of OGA. Prior to joining the AOC, Ms. Hershkowitz most recently served as principal consultant with the Senate Office of Research. Prior to that, she worked for the state Department of Child Support Services, first as senior staff counsel, then deputy director. She also worked for four years as principal consultant to the Assembly Judiciary Committee. Ms. Hershkowitz has a bachelor's degree from Duke University and a juris doctorate from UCLA School of Law.

Katie Asher is an administrative coordinator with the Office of Governmental Affairs. Prior to joining the AOC, Ms. Asher worked for Electronic Data Systems (EDS). While employed with EDS, she worked as a public affairs coordinator for the Office of Governmental Affairs, as an administrative coordinator for Global Marketing Operations, and as a regional coordinator for the Americas Communications division. Ms. Asher has a bachelor's degree in communications from UC Davis.

Luz Bobino is an executive secretary to the director of the Office of Governmental Affairs. She began working at OGA in 2000. Prior to working for OGA, Ms. Bobino was an application support analyst for the Sutter Health Information Technology Center.

Larissa Brothers is a secretary with the Office of Governmental Affairs. Prior to joining the AOC, Ms. Brothers worked in an administrative capacity for Telpro Products, Inc. and Dish Network. For several years, Ms. Brothers ran a home-based confectionery business while pursuing a degree in paralegal studies.

Yvette Casillas is an administrative coordinator with the Office of Governmental Affairs and has been employed by the AOC since 1997. She is responsible for coordinating bill tracking and screening criminal and traffic legislation, as well as supporting the work of three advocates and the PCLC. Ms. Casillas relocated to Sacramento in 1995 from Southern California and attended Sacramento City College, majoring in administration of justice.

Tracy Kenny is an attorney with the Office of Governmental Affairs and has been employed by the AOC since 2001. Prior to joining the AOC, she worked as a fiscal and policy analyst at the Legislative Analyst's Office. Ms. Kenny is responsible for advocacy on family law, domestic violence, court interpreters, access to justice, juvenile dependency and delinquency issues, and judicial retirement. She has a bachelor's degree in history, a master's degree in public policy, and a juris doctorate from the University of California at Berkeley.

Monica LeBlond has been the supervising administrative coordinator in the Office of Governmental Affairs since January 2002. Prior to joining the AOC, she worked as an administrative and quality manager for an environmental consulting firm in Sacramento. Ms. LeBlond has a bachelor of music degree from the State University of New York.

Andi Liebenbaum joined the Office of Governmental Affairs in April 2012 as a senior governmental affairs analyst. She previously served as a senior consultant for Assembly

Member Jared Huffman in the California Legislature. Ms. Liebenbaum served as the president of the Los Angeles League of Conservation Voters, an environmental political action committee, for over a decade, and provided youth, workforce development and environmental policy training for the US Department of State in Central and South America. Ms. Liebenbaum, who is bilingual in English and Spanish, has two bachelors' degrees from Boston University and a juris doctorate from Loyola Law School Los Angeles.

Kate Nitta is a 2012-13 Judicial Administration Fellow at the Office of Governmental Affairs. The Judicial Administration Fellowship program is a graduate professional program administered by the Center for California Studies at California State University, Sacramento, and co-sponsored by the Judicial Council. Ms. Nitta graduated in May 2012 from Golden Gate University School of Law and sat for the July 2012 California Bar Exam. While in law school, she earned specialization certificates in Environmental Law and Public Interest Law. Prior to attending law school, Ms. Nitta worked as a legal secretary for a Sacramento real estate law firm. Ms. Nitta has a bachelor's degree in English from the University of California at Davis.

Daniel Pone is a senior attorney with the Office of Governmental Affairs and has been employed by the AOC since 2001. Prior to joining the AOC, he worked for four years as a principal consultant for the California Assembly Judiciary Committee, working in areas of civil rights, constitutional law, general civil law, contracts, probate, mental health, consumer protection, and privacy. Prior to working in the Assembly, Mr. Pone worked for more than 11 years as a senior attorney for Protection & Advocacy, Inc., specializing in mental health law. Mr. Pone has a bachelor's degree in psychology from the University of Oklahoma and a juris doctorate from University of California at Davis.

Dia Poole joined the Office of Governmental Affairs in January 2004 as a senior governmental affairs analyst. She previously held a four-year appointment as the public affairs director for the California Department of Fair Employment and Housing. Prior to her appointment at DFEH, Ms. Poole served as a policy consultant in several legislative and committee assignments with the California Legislature. Ms. Poole graduated from California State University, San Bernardino and worked for the County of San Bernardino for 13 years before accepting a California State Assembly fellowship and relocating to Sacramento in 1994.

Outreach Activities

The Office of Governmental Affairs seeks to promote effective communications within California's judicial branch and with the legislative and executive branches of government. To enhance these efforts, OGA has established outreach programs that inform the Governor, members of the Legislature, and the legal community about the judicial branch and issues of mutual concern.

State of the Judiciary Address and the Judicial-Legislative-Executive Forum

The Chief Justice of California typically delivers an annual State of the Judiciary address early in the calendar year to a joint session of the Legislature. The address focuses on significant issues and challenges facing the judiciary in the upcoming year. Following the address, a Judicial-Legislative-Executive Forum is conducted, providing an opportunity for members of the Legislature, the executive branch, appellate and trial courts, and the Bench-Bar Coalition to discuss issues and meet informally with the Chief Justice and other judicial branch leaders.

Liaison Program

Working with other groups toward achieving common goals has been a long-standing component of the Office of Governmental Affairs' advocacy work. The liaison program is the office's ongoing effort to maintain contact and work cooperatively with groups involved with the judicial branch, including the California Judges Association, the California State Association of Counties, the California District Attorneys Association, the California Public Defenders Association, the State Bar, civil plaintiffs and defense bars, and others. Where our positions on issues concur, we form alliances to enhance our advocacy efforts. When our positions on issues differ, we negotiate to reach agreements whenever possible. In support of this ongoing liaison effort, the Chief Justice hosts annual meetings with the leadership of several external organizations to discuss issues of mutual concern.

Statewide Bench-Bar Coalition

The Administrative Office of the Courts and the State Bar of California coordinate the statewide Bench-Bar Coalition (BBC). The BBC enhances communication and coordinates the activities of the judicial community with the State Bar; local, minority, and specialty bars; and legal services organizations regarding issues of common interest, particularly in the legislative arena.

Day on the Bench Program

The Day on the Bench program is an event in which a legislator spends a day (or portion of a day) in court with a judge in the legislator's district. This program, cosponsored with the California Judges Association, is designed to give legislators an understanding of the volume, complexity, variety, and difficulty of a trial court judge's daily duties and responsibilities.

California Court Association Legislation Committee

The California Court Association Legislation Committee is composed of professional court staff from various courts throughout the state, including court managers, supervisors, and technical staff. Throughout the legislative session, OGA staff confers with CCALC to exchange information on pending legislation and help inform Judicial Council positions. In November of each year, CCALC and OGA staff jointly conduct the New Laws Workshops to provide court staff throughout the state with information regarding newly-enacted legislation that makes changes to court operations and procedures.

Publications and Information Services

To facilitate communication, staff distributes the following information on current legislative developments.

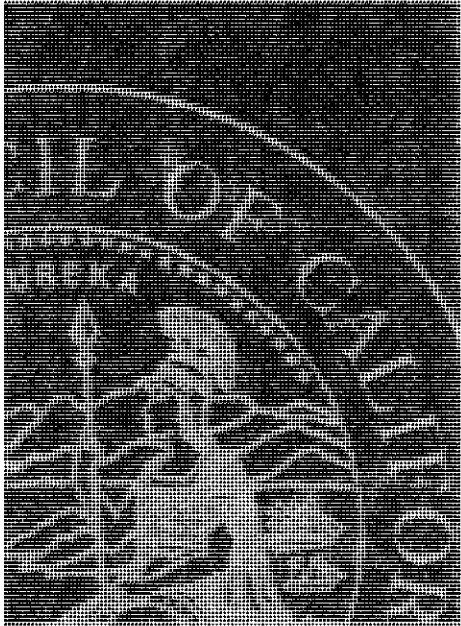
Each year, the Office of Governmental Affairs publishes a comprehensive summary of enacted legislation that affects the courts or is of general interest to the legal community. The Legislative Summary includes brief descriptions of the measures, organized by subject. Current and prior-year summaries can be downloaded from the California Courts Website, Court-related Legislation page: <http://www.courts.ca.gov/4121.htm>

Legislative Status Chart – The Office of Governmental Affairs prepares a chart that provides an easy reference to all council actions on pending legislation, including Judicial Council-Sponsored legislation.

Table of Bills Affecting Appellate Courts – The Office of Governmental Affairs prepares a chart of legislative bills that affect the appellate courts or that respond to California appellate court decisions.

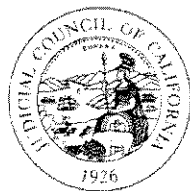
To view bills being tracked by the Office of Governmental Affairs visit the California Courts website at <http://www.courts.ca.gov/4121.htm>

A copy of any legislative measure may be obtained from the Bill Room in the State Capitol building by calling (916) 445-2323. Bills and legislative analyses can also be accessed on the Internet at www.leginfo.ca.gov/bilinfo.html free of charge.



2011 Legislative Policy Guidelines

HISTORICAL SUMMARY OF
LEGISLATIVE ACTIVITY



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

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JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
OFFICE OF GOVERNMENTAL AFFAIRS
HISTORICAL SUMMARY OF LEGISLATIVE ACTION

OCTOBER 2011

The Administrative Office of the Courts' Office of Governmental Affairs monitors legislative activity and represents the Judicial Council before the Legislature, the Governor's Office, and executive branch agencies and departments. The following summary of council action sets forth concise policy guidelines regarding court-related legislative proposals. The policy guidelines are organized by topic and further the objectives of the six goals of *Justice in Focus: The Strategic Plan for California's Judicial Branch, 2006–2012*. The table that follows each policy guideline shows actions taken on legislation that illustrate the policy. The table does not include every bill on which a council position was taken.

This document is updated annually. The electronic version of this document contains hyperlinks for viewing the text of the bills.

GENERAL PRINCIPLES

The Judicial Council supports the integrity and independence of the judicial branch and seeks to ensure that judicial procedures enhance efficiency and access to the courts. The council generally takes no position on bills involving substantive law. However, it may take a position on an apparent issue of substantive law if issues of procedure and substance are so inextricably intertwined that they directly affect court administration or judicial discretion or negatively affect existing judicial services by imposing unrealistic burdens on the system.

LEGISLATIVE ACTIVITY

I. COURT OPERATIONS

A. COURT STRUCTURE

The council supports a structure of general jurisdiction to improve court efficiency and flexibility in the use of judicial resources. For specialty calendars (e.g., drug courts, dependency drug courts, domestic violence courts, etc.) established in the trial courts, the council supports evaluation and development of best practices.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 848</u>	Emmerson	2011	Oppose	Reorganizes the Court of Appeal into seven districts by removing the counties of Riverside, San Bernardino, and Inyo (currently Division Two) from the Fourth Appellate District and creating a new Seventh Appellate District consisting of those counties.	III	
<u>AB 1925</u>	Salas	2010	No position	Authorizes superior courts to develop and implement veterans courts for eligible veterans of the United States military.	N/A	Outside Judicial Council purview
<u>SB 851</u>	Steinberg	2007	Oppose unless amended. Neutral if amended	Authorizes superior courts to establish and implement mental health courts, which may operate a pre-guilty plea program or a deferred entry of judgment program. Authorizes the California Department of Corrections and Rehabilitation to contract with a superior court and county to use mental health courts as a program for parolees with serious mental illnesses who either violate the terms of parole or receive new terms, as an alternative to custody. As proposed to be amended, a parolee's participation in the mental health court program would be voluntary, and the parolee would be required to sign a waiver indicating agreement that participation in the program is in lieu of parole revocation proceedings. Parolees would remain under legal custody of the Department of Corrections and Rehabilitation.	II	Inappropriately creates shared jurisdiction over parolees.
<u>ACA 35</u>	DeVore	2006	Oppose	Provides that the Supreme Court has original jurisdiction, and no other state court has jurisdiction, in any civil action challenging the facial validity of any statewide initiative measure or referendum placed on	II	

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

Goal I - Access, Fairness, and Diversity

Goal II - Independence and Accountability

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Goal VI - Branchwide Infrastructure for Service Excellence

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				the ballot by signature petition of the voters and approved by the voters at a statewide election. Requires the Supreme Court to issue its decision within 90 days of the filing of the action, and establishes a 90-day statute of limitations for civil actions challenging the facial validity of this type of initiative measure or referendum.		
<u>AB 1453</u>	Daucher	2005	Oppose	Creates new Water Courts to adjudicate cases involving the production of groundwater.	II	Interferes with court administration.
<u>SCA 16</u>	Runner	2005	Oppose	Provides that Los Angeles County shall be divided into judicial districts established by three special masters appointed by the Supreme Court within 30 days after the effective date of the measure. Provides that each district must be geographically compact and contiguous to the extent practicable, and consist of no more than 36 superior court judges. The districts must also comply with the federal Voting Rights Act.	I, III, IV	
<u>AB 2472/</u> <u>SB 1424</u>	Wolk/ Burton	2004 2004	Oppose unless amended; neutral if amended	Creates the California Tax Court, which would replace the State Board Equalization (BOE) as the forum that would hear and determine certain tax appeals. Provides that a taxpayer's option to file an appeal with the California Tax Court would be in lieu of filing an appeal in the California Superior Court. The bills provide further that, within 90 days of the date a determination by the California Tax Court becomes final, a taxpayer or the applicable state agency may appeal the determination of the California Tax Court to the Court of Appeal.	II	Amendments sought to eliminate use of terms court and judge and to allow review by extraordinary writ only.

B. COURT FUNDING

The council supports funding of the courts at a level that will ensure an adequate and stable source of necessary resources. The council generally opposes funding the courts by fees or fines, but departs from this general position in certain circumstances.

L. Budget

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 93	Florez	2005	Neutral	Allows Tulare County to pay any interest and	III	

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

- Goal I -- Access, Fairness, and Diversity
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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				penalties owed to the Trial Court Trust Fund and the Trial Court Improvement Fund over a period of 10 years.		
<u>AB 750</u>	Mullin	2005	Oppose	Authorizes San Mateo County to reduce the amount it is required to remit to the state for funding court operations by 10 percent for 3 years beginning on July, 1 2005.	IV	
<u>SB 324</u>	Florez	2003	Oppose unless amended	Forgives non-remittance of revenues by Tulare County to the Trial Court Trust Fund.	III	Amendment sought to add an appropriation to reimburse the Trial Court Improvement Fund.
<u>SB 1343</u>	Tortakson	2002	Neutral	Forgives retroactive repayment of MOE amounts to the Trial Court Trust Fund.	IV	
<u>SB 1396</u>	Dunn	2002	Support	Clarifies allowable and unallowable costs for court security.	IV	
<u>SB 1153</u>	Johannessen	2001	Oppose	Provides that costs related to court security in counties with a population of less than 103,000 shall be paid by the state.	IV	
<u>AB 2459</u>	Wiggins	2000	No position	Requires the council to adopt rules to provide for public access to budget allocation and expenditure information.	II, IV	

2. *Fees, fines, penalties*

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 221</u>	Simitian	2011	Support	Increases small claims court jurisdiction for actions brought by natural persons from \$7,500 to \$10,000. Delays, until January 1, 2015, operation of jurisdictional increase for bodily injury claims resulting from vehicle accidents.	I	
<u>AB 1826</u>	Beall	2008	Sponsor	Clarifies that the filing fee for filing an action seeking return of seized property in connection with controlled substance offenses is the same as the first paper filing fee in unlimited civil actions.	III	
<u>AB 367</u>	De León	2007	Sponsor	Establishes a task force on criminal court-ordered fines and penalties that will make recommendations for simplifying California's criminal fine and penalty assessment, collection, and distribution system. Reduces the minimum fine required by the Franchise	III	

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1248	Evans	2007	Sponsor	Tax Board Court-Ordered Debt Collection Program from \$250 to \$100 and expands the program to include collections for registration, pedestrian, and bicycle violations. Makes technical and clarifying changes to the Uniform Civil Fees and Standard Fee Schedule Act of 2005, clarifies the fine for production of documents pursuant to demand for production, increases the cap on habeas investigations costs paid by the Supreme Court, allows the courts to collect bail forfeitures in installment payments without requiring the individual to make an appearance in court, and changes the date when the Judicial Council must adjust the amount a parent or guardian may be liable for minors' actions.	III, IV	
AB 145	Committee on Budget	2005	Sponsor	Establishes statewide uniform first-paper and first-response paper fees at three graduated levels: the filing fee for limited civil cases where the demand is less than or equal to \$10,000 is \$180; the filing fee for limited civil cases where the demand is greater than \$10,000 but less than \$25,000 is \$300; and the filing fee for unlimited civil cases is \$320.	II, III, IV	
SB 246	Escutia	2004	Sponsor	Allows courts, in addition to counties, to refer delinquent fines to the Franchise Tax Board.	II, III	
AB 934	Reyes	2003	Oppose	Adds a \$25 filing fee for deposit in the Child Abduction Prevention Fund established in the office of the district attorney in Fresno County.	II	
SB 940	Escutia	2003	Sponsor	Requires the Judicial Council to adopt guidelines for a comprehensive collection program, establish a collaborative court-county working group on collections, and report on the effectiveness of collection programs.	II, III	
AB 1819	Robert Pacheco	2002	Support	Removes the \$100 minimum requirement to identify and collect delinquent fines and forfeitures with or without a warrant and provides that any county or court may establish a minimum base fine or forfeiture amount for inclusion in the program.	II, III	
AB 2690	Cardoza	2002	Oppose	Requires each court to submit to the Bureau of State Audits an annual financial statement showing	II, III	

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

Goal I - Access, Fairness, and Diversity

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Goal VI - Branchwide Infrastructure for Service Excellence

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				outstanding delinquent fines.		

C. COURT FACILITIES

The council seeks ways to fund necessary courthouse construction projects on a statewide basis.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SBX2 12</u>	Steinberg	2009	Sponsor	Provides for the continuous appropriation of revenue created by SB 1407 (Stats 2008, ch. 311) to support courthouse construction projects. Creates an expedited authority process for trial court construction projects.	I, II, III, VI	
<u>SB 1407</u>	Perata	2008	Sponsor	Authorizes a \$5 billion program for the construction, rehabilitation, renovation, and replacement of court facilities. Increases civil first paper filing fees and criminal and traffic fees and penalties to generate the revenue to fund future revenue bonds.	I, III, VI	
<u>SB 10</u>	Dunn	2006	Co-sponsor	Revises the Trial Court Facilities Act of 2002 to allow buildings with a seismic level V rating to transfer to the state so long as counties remain liable for earthquake-related damage, replacement, injury, and loss to the same extent that they would have been liable if the responsibility for court facilities had not transferred to the state.	I, III	
<u>SB 1375</u>	Lowenthal	2006	Support if amended	Requires the state to become a party to any public-private partnership agreement entered into by a county that involves a capital lease for construction of replacement court facilities and to become the lessee.	II, III	Amendment sought to remove requirement that the state participate in negotiations with counties and private developers regarding the construction of a new court facility
<u>AB 262</u>	Berg	2005	Oppose	Prohibits the Judicial Council from requiring that a structure proposed for transfer from a county to the state for court occupancy meet a building code stricter than the standard adopted for the county buildings in the county proposing the transfer.	II, III	
<u>AB 1435</u>	Evans	2005	Support	Adds expenditures on "court facilities" to the list of allowable uses of local courthouse construction funds.	III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 395</u>	Escutia	2005	Sponsor	States the intent of the Legislature to enact the California Court Facilities Bond Act of 2006 to acquire, construct, and finance court facilities.	I, III, VI	
<u>AB 688</u>	Nakanishi	2003	Oppose	Requires the Amador County courthouse and hospital transfer to the state on January 1, 2004, and relieves Amador County of its responsibility to provide court facilities pursuant to SB 1732 (Escutia), Stats. 2002, ch. 1082.	II	April 28, 2003 amendments provide that in establishing the recommended priorities for funding of projects under the California Court Facilities Construction and Renovation Bond Act of 2004, the Judicial Council shall consider all relevant factors bearing on the priority of each proposed project, including a proposal for matching funds. Council opposition withdrawn.
<u>SB 655</u>	Escutia	2003	Sponsor	Authorizes the issuance of bonds, the proceeds of which would be deposited in the State Court Facilities Construction Fund.	I, III, VI	
<u>SB 1732</u>	Escutia	2002	Cosponsor	Establishes a process for the transfer of responsibility for court facilities from the counties to the state.	I, II, III, VI	

D. COURT MANAGEMENT

1. *Personnel issues* – The council seeks to maintain the ability of the judicial branch to manage relationships between courts and court employees and independent contractors such as court reporters and court interpreters.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 1699</u>	Hernandez	2010	Oppose unless amended	Provides that the General Fund and other special funds are to be continuously appropriated in an amount necessary for employee compensation and benefits, so that state employees will be fully paid in the absence of a state budget. The contents of this bill are identical to the provisions of AB 790.	II, III	Inappropriately treats judicial branch employees differently than other public employees.
<u>AB 1749</u>	Lowenthal, Bonnie	2010	Support	Extends the existing provisions of the California Whistleblower Protection Act (CWPA) to the judicial branch.	II	Promotes accountability and transparency.
<u>SB 752</u>	Wiggins	2009	Support	Requires that counties in joint PERS contract with a court, prior to issuing a pension obligation bond (POB) (1) identify court employees as of January 1, 2001 (2) require PERS to complete an actuarial analysis, and (3) reach agreement with the court on	II	

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 276	Solorio	2007	Oppose	the financial and legal impact of the POB on the court's employer contribution rate. Provides that a limited-term employee is a regular trial court employee if the limited-term employee has completed 180 days of service, and if the assignment, position, or project of the limited-term employee is an integral part of the long-term, regular work of the trial court. This bill would remove the right to bargain with employee organizations over the use of temporary or limited term employees. Eliminates or delays the courts' ability to seek injunctive relief when court employees or when county employees strike and essential court employees will not cross a picket line. Removes a court's ability to seek injunctive relief in superior court for the return of a limited number of employees instead. Requires all injunctive relief to be sought through Public Employment Relations Board.	II, III	
AB 553	Hernandez	2007	Oppose	Increases the fee for the original and copies of court reporter transcripts for 3 consecutive years by a specified amount and then annually by the Consumer Price Index.	I, IV	As amended May 23, 2007 council position changed to take no position on amount of transcript rate increase, if funded, support the uniform transcript standards, and oppose unless amended to address increased costs on low income litigants.
AB 582	Evans	2007	Oppose unless amended and funded	Prohibits use of limited-term for work that is an integral part of the long-term, regular work of the trial court.	II	
AB 1797	Bermudez	2006	Oppose	Requires the assets and liabilities of the Superior Court of Butte County and the County of Butte to be kept in separate accounts within the Public Employees Retirement System fund.	II, III	Amendment sought to delete the requirement that assets and liabilities be split and instead require the Judicial Council to report to the Legislature by January 1, 2006 on how to fairly resolve the issues raised in Butte and Solano counties.
SB 733	Aanestad	2005	Oppose unless amended	Grants to the Public Employment Relations Board authority to process claims involving violations of statutes or rules relating to employment relations between trial courts and recognized employee organizations.	II, III	
AB 782	Keheo	2003	Oppose unless amended			

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 371</u>	Escutia	2002	Support	Establishes the Trial Court Interpreter Employment and Labor Relations Act, providing for the employment and compensation of certified and registered trial court interpreters.	II, III	
<u>SB 2011</u>	Burton	2002	Support	Establishes the Workers' Compensation Fund. Allows the courts to be uninsured for workers' compensation in the same way the state, as an employer, is uninsured.	II, III	
<u>AB 1571</u>	Shelley	2001	Oppose	Eliminates the statutory "at pleasure" status of the Supreme Court and Court of Appeal employees.	II, III	
<u>SB 2140</u>	Burton	2000	Support	Establishes the trial court as the employer of court employees.	III	

2. *Management and administration* – The council closely examines the fiscal and resource implications of any legislative proposal that places additional responsibilities on court administration. When appropriate, the council informs the Legislature of the need for additional resources to carry out new legislatively imposed responsibilities, or seeks to improve the efficiency of the new procedure.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 973</u>	Campos	2011	Support if amended; neutral if not amended.	Requires trial courts, prior to adopting a baseline budget plan for the fiscal year, to accept public input by holding a public hearing where testimony may be presented and by receiving written comments. Requires that, during the current 60-day notice period regarding notice of courtroom closures, or closure or reduction in the hours of clerks' offices, the public be given an opportunity to submit written comments on the court's plan.	II	Support contingent on amendments to provide flexibility to the trial courts on how the opportunity for public comment is provided, rather than mandating a public hearing.
<u>SB 326</u>	Yee	2011	Oppose	Requires the Judicial Council to adopt a rule of court requiring courts to make newly filed or lodged court records available for public inspection at the courthouse no later than the end of the same day on which those records are received by the court.	IV	Unworkable burden on courts.
<u>SB 858</u>	Gaines	2011	Oppose	Provides that the Chief Probation Officer of Nevada County shall be appointed by the Nevada County Board of Supervisors.	II	Codifies a one-sided governance structure that ignores the critical role of the court in probation activities.

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 1697</u>	Hall	2010	Oppose	Takes the authority to allocate funding for court security away from the Judicial Council. Directs that the allocation to each sheriff be determined by the Judicial Council's Working Group on Court Security; makes all persons who provide court security services employees of and under the direction of the county sheriff.	II	Inappropriately interferes with Judicial Council governance; inappropriately takes funding authority away from the Judicial Council.
<u>AB 1926</u>	Evans	2010	Sponsor	Authorizes courts to create, maintain, and preserve records in any form or forms—including paper, optical, electronic, magnetic, micrographic, or photographic media or other technology—that satisfies standards or guidelines established by the Judicial Council.	VI	Promotes efficient management of court records.
<u>AB 273</u>	Anderson	2009	Oppose	Requires the superior courts to submit all unpaid court-ordered debt to the Franchise Tax Board, regardless of the amount, if the debt is at least 90 days delinquent. Allows the Franchise Tax Board to include in the total amount owed by the debtor that is subject to collection, the "actual and reasonable cost of collection."	II	
<u>AB 1338</u>	Anderson	2009	Oppose unless funded	Authorizes the presiding judge of the superior court, or a judge designated by the presiding judge, together with the district attorney and the public defender, to establish and conduct an arraignment court program. Also authorizes the presiding judge of the superior court to establish extended hours for the operation of an arraignment court program.	III	Unnecessary. Interferes with court management.
<u>AB 2357</u>	Duval	2008	Oppose unless amended	Requires the Judicial Council to develop and implement policies and procedures for the protection of personal information maintained by a superior court and processed or stored by private service providers, consistent with the best interests of the public. Requires the council, as part of the process of developing these policies and procedures, to consider, among other things, the effect and advisability of prohibiting the outsourcing of data entry services outside the United States.	III, IV	Sought amendment to direct the Judicial Council to take a comprehensive look at protecting personal information and to develop policies and procedures that are in the best interests of the public.
<u>AB 112</u>	Wolk	2007	Oppose	Designates a segment of State Highway Route 12 in Solano and San Joaquin Counties as a Safety Enhancement-Double Fine Zone upon approval of specified county resolutions and until January 1, 2012.	III	

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

Goal I - Access, Fairness, and Diversity

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 117</u>	Beall	2007	Oppose	Provides that, until January 1, 2010, a county may choose to levy an additional assessment for a highway traffic violation in the amount of \$2 for every \$10 or fraction thereof, upon each base fine, excluding other penalty assessments, fees, or additions. Requires that the collected assessment be deposited in a Traffic Safety Committee Network fund, and that the monies be allocated so that, after deducting administrative costs, 85 percent shall be used in traffic safety programs approved by the county board of supervisors, and 15 percent shall be deposited in the county's courthouse construction fund.	III	
<u>SB 57</u>	Alarcon	2005	Oppose	Authorizes a county board of supervisors to levy a \$2 penalty assessment for every \$10 in base fine, for seat belt, speed limit, DUI and domestic violence offenses.	III	Imposed undue burden on court case-management systems.
<u>SB 324</u>	Florez	2004	Oppose unless amended to include an appropriation to the Trial Court Improvement Fund	Validates the incorrect distribution of fines, forfeitures, and penalties made by the County of Tulare to the State Treasurer for deposit in the Trial Court Improvement Fund in the 1996-97 to 1999-2000 fiscal years.	II, IV	
<u>SB 1801</u>	Flores	2004	Oppose	Prohibits any state or local agency or court that accepts a credit card or debit card as a payment from imposing any processing fee or charge for the use of that card that is not also imposed upon persons who pay by cash or check.	II, III	
<u>AB 3036</u>	Corbett	2002	Oppose unless funded	Increases the accountability of guardians by assisting courts in overseeing guardianship cases and helps ensure proper care and treatment for wards.	II, III	
<u>AB 1421</u>	Thomson	2001	Oppose unless funded	Authorizes a new involuntary outpatient treatment scheme for certain mentally ill persons. Sets forth new court duties for implementing this program.	III	

E. COURT HOURS

The council seeks to maintain adequate access to the courts.

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 996</u>	Anderson	2009	Oppose	Authorizes the courts to operate on a continuous and ongoing basis, 24 hours per day, seven days per week.	II, III	
<u>AB 1641</u>	Keene	2003	Sponsor	Improves procedures authorizing the Chief Justice to issue orders during an emergency.	I, II, IV	

II. THE JUDICIARY

A. JUDGESHIPS

The council is committed to ensuring adequate judicial resources in the courts. The council advocates creation of additional trial and appellate court judgeships in order of most severe need, and pursuant to an orderly statewide review.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 159</u>	Jones	2007	Sponsor	Authorizes the creation of the second set of 50 judgeships, to be allocated pursuant to the council's allocated methodology.	I, II, III, IV	
<u>SB 56</u>	Dunn	2005	Sponsor	Authorizes 50 additional judges based upon the uniform criteria and allocation approved by the Judicial Council pursuant to the Judicial Needs Study. Requires the Judicial Council to report to the Legislature biannually on the continuing need for new judgeships and their allocation based on the same uniform criteria.	I, II, III, IV	
<u>SB 1857</u>	Burton and Hertzberg	2000	Support	Authorizes 20 new trial court judgeships and 12 appellate justice positions	I, II, III, IV	

B. JUDICIAL SERVICE

To ensure the branch's ability to attract and retain highly qualified judges, the council supports appropriate increases to judicial salaries, and an adequate, fully funded judicial retirement plan. The council also seeks ways to improve the administration of justice in areas related to judicial retention, including (1) benefits, wellness subsidies, professional development allowances, personal leave, and supplemental life, disability, or liability insurance; (2) health-care benefits, including services and programs; (3) compensation and retirement; (4) "quality of judicial life" resources and programs; (5) mentorship programs; and (6) special needs of and programs for new and retired judges.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES		
				Goal I - Access, Fairness, and Diversity		
				Goal II - Independence and Accountability		
				Goal III - Modernization of Management and Administration		
				Goal IV - Quality of Justice and Service to the Public		
				Goal V - Education for Branchwide Professional Excellence		
				Goal VI - Branchwide Infrastructure for Service Excellence		

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 503</u>	Vargas	2011	Cosponsor	Allows JRS II members who previously served as subordinate judicial officers (SJOs) to purchase JRS II service credit for a fraction of their SJO years.	I	
<u>SB 1425/ AB 1987</u>	Simition/ Ma	2010	Oppose unless amended to allow exclusion of judges and SJOs from separation requirement	Prohibits the practice of "pension spiking" by excluding from the calculation of pension benefits out of the ordinary compensation increases paid for the principal purpose of enhancing individuals' pension benefits. Prohibits "double dipping" by requiring at least six months separation before any employee may return to service.	II, III	Fails to address the unique circumstances of the judicial branch. By failing to exclude judges from the double dipping provision, interferes with the assigned judges program's ability to retain newly retired judges, and the ability to hire retired commissioners while a court awaits a judicial appointment to a converted commissioner position.
<u>AB 32</u>	Lieu	2009	Support	Enhances Internet privacy protections for judicial officers.	II, III	
<u>AB 545</u>	Walters	2008	Support	Amends the Judges' Retirement System II (JRS II) statute to allow a judge who is on leave from the bench because of active duty service in the military to elect to purchase retirement service credit by repaying his or her missed contributions to JRS II.	II, III	
<u>SB 1187</u>	Ackerman	2006	Sponsor	Permits a judge in the Judges' Retirement System II who leaves judicial office after five or more years of service and is not eligible to retire to elect to receive the amount in his or her retirement account as an annuity.	II, III	
<u>SB 1364</u>	Battin	2006	Support	Protects privacy of judicial officers.	II, III	
<u>AB 1035</u>	Spitzer	2005	Support	Prohibits any state or local agency from hosting or providing service to an Internet web site that posts a public safety official's home address or telephone number.	II, III	
<u>AB 1595</u>	Evans	2005	Support	Prohibits selling or trading for value on the Internet the home address or telephone number of any elected or appointed official has made a written demand to not disclose his or her home address or telephone number.	II, III	
<u>SB 506</u>	Poochigian	2005	Support	Extends existing voter registration confidentiality programs to include a public safety official.	II, III	
<u>SB 528</u>	Ackerman and Dunn	2005	Co-sponsor	Declares the Legislature's intent to evaluate the impact of trial court unification on the judges'	II, III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 2905	Spitzer	2004	Support	retirement systems and the resulting increase in the judges' age at the start of their judicial service. Requires that an employing governmental entity reimburse moving and relocation expenses if it is necessary to move because a judge or court commissioner has received a credible threat that a life threatening action may be taken against him or her or his or her immediate family as a result of his or her employment	II, III	Improve quality of judicial service.
AB 2688	Alquist	2002	Support	Establishes a burial benefit in the amount of \$7,500, subject to cost-of-living increases, for all active and retired judges.	III	

C. SELECTION AND ELECTION OF JUDGES

The council seeks to avoid politicizing the election process, and supports a process that is fair and clear to candidates and informative to voters.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 362	Lowenthal	2011	Support	Revises the number of signatures needed for placing an uncontested judicial election on the ballot for a potential write-in contest. Requires that a write-in candidate for the office of superior court judge include on the statement of intent to run his or her compliance with eligibility requirements for a judge of a court of record.	I, II	
ACA 1	Nation	2001	Oppose	Eliminates elections to fill judicial vacancies, providing instead that the governor shall fill vacancies. Provides that all judges appear on the ballot uncontested, with the question presented whether the candidate shall be elected.	II, III	

D. COMMISSIONERS, REFEREES, AND TEMPORARY JUDGES

The council supports clarification of the status, powers, and duties of commissioners, referees, and hearing officers.

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JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES Goal I - Access, Fairness, and Diversity Goal II - Independence and Accountability Goal III - Modernization of Management and Administration Goal IV - Quality of Justice and Service to the Public Goal V - Education for Branchwide Professional Excellence Goal VI - Branchwide Infrastructure for Service Excellence						

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 405</u>	Corbett	2011	Sponsor	Ratifies the authority of the Judicial Council to convert 10 additional subordinate judicial officer positions to judgeships in FY 2011-2012 where the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer.	I, II, IV	
<u>AB 2763</u>	Committee on Judiciary	2010	Support	Permits the conversion of up to 10 additional subordinate judicial officer (SJO) positions to judgeships each year. Allows the additional conversions if the conversion would result in a judge being assigned to a family law or juvenile law calendar previously assigned to an SJO.	I, II, IV	Allows the council to expedite the conversion of eligible SJO positions.
<u>AB 159</u>	Jones	2007	Sponsor	Authorizes the conversion of 162 subordinate Judicial Officer positions to judgeships upon vacancy.	I, II, IV	

III. PROCEDURAL LAW

A. CIVIL PROCEDURE

The council supports measures that reduce delay and make court operations more efficient. The council seeks to protect the exercise of judicial discretion in matters of civil litigation. The council generally supports judicial arbitration and other alternative dispute resolution (ADR) programs and procedures that are likely to assist in the equitable disposition of cases, but advocates for limits on the use of court-ordered discovery references to exceptional circumstances.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 5</u>	Evans	2009	Sponsor	Amends the Civil Discovery Act to expressly authorize the discovery of electronically stored information, and authorizes the "copying, testing or sampling" of such information. Allows a party to specify the form in which electronically stored information is to be produced, and if no form is specified, the responding party must produce the information in the form or forms in which it is ordinarily maintained or in a form that is reasonably usable. Establishes procedures for motions to compel and motions for protective orders relating to	III, IV	Improves administration of justice.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 839</u>	Ermerson	2009	Support	<p>the discovery of electronically stored information. Sets forth a procedure for handling disputes over the production of electronically stored information that is subject to claims of privilege or attorney work-product protection.</p> <p>Requires Medi-Cal service providers with a complaint or grievance concerning the processing or payment of money that the provider alleges is payable under the Medi-Cal program to follow specified Department of Health Care Services complaint procedures. In lieu of allowing providers to seek "appropriate judicial remedies" to appeal the department's decision, instead specifies that the provider who has complied with these procedures may, within the time period prescribed in existing law, file a petition for a writ of mandate pursuant to Section 1085 of the Code of Civil Procedure in the superior court.</p>	III, IV	Improves administration of justice.
<u>SB 259</u>	Benoit	2009	Oppose	<p>Provides that, if a court voids any results of a homeowners' association election for one or more Common Interest Development (CID) board members, the court shall not invalidate a decision of the board that was reached after the board was seated pursuant to that election unless the court finds that the action of the board was contrary to law or the governing documents.</p>	II	Interferes with court discretion.
<u>AB 225</u>	Beall	2008	Support	<p>Re-enacts the elder abuse protective orders statute, and expands its scope to allow the court, in its discretion, on a showing of good cause, to extend the protection to include the petitioner's named family or household members, as well as the petitioner's conservator. Provides that a petitioner shall not be required to pay a fee for law enforcement to serve a protective order issued pursuant to the bill's provisions.</p>	III, IV	Enhances court's ability to provide protection to elder abuse victims, and improves access to justice.
<u>AB 2193</u>	Tran	2008	Support	<p>Enacts the Interstate and International Depositions and Discovery Act. Creates a process for the resolution of a dispute regarding discovery conducted in California in connection with an out-of-</p>	IV	Improves administration of justice and enhances court administration.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 2379</u>	Evans	2008	Oppose	state proceeding, and provides that a request for relief in this regard would be filed in the superior court in the county in which the discovery is sought, with payment of specified fees. Permits a party to appeal court orders in connection with a dispute by extraordinary writ to the appropriate court of appeal. Provides that an appeal from an order granting or denying a motion to seal or unseal a court record may be made by filing an extraordinary writ petition or notice of appeal. If a party seeks an appeal, requires that the record relating to the matter and the opening brief be filed within 30 days of notice of entry of the trial court's order. Requires the clerk of the reviewing court to set the appeal for a hearing on the first available court date.	II	Interferes with appellate court calendaring authority.
SB 1608	Corbett, Harman, Steinberg, Runner and Calderon	2008	Neutral	Requires a court, in civil actions involving construction-related accessibility claims, to issue an order, upon request, that grants a 90-day stay of the action and schedules a mandatory early evaluation conference (EEC) if the defendant has satisfied certain requirements relating to inspection of the site at issue by a certified access specialist. Provides that the court must schedule an EEC between 21 and 50 days after issuance of the stay order, and requires that EECs be conducted by a superior court judge or commissioner, or a court early evaluation conference officer, as defined.	IV	Encourages early resolution of these cases.
<u>AB 500</u>	Lieu	2007	Support	Specifies generally that a party may appear by telephone in all general civil cases at case management conferences, and other specified conferences, hearings and proceedings. Provides that a court may require a party to appear in person at such hearings, conferences, or proceedings if the court determines, on a hearing-by-hearing basis, that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.	I, IV	Improves access to the courts and conserves resources.
<u>AB 1264</u>	Eng	2007	Neutral	Prohibits delay reduction rules from requiring the severance of unnamed defendants prior to the	IV	Improves administration of justice.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 2303	Committee on Judiciary	2006	Sponsor (of specified provisions)	conclusion of the introduction of evidence at trial, except upon stipulation or motion of the parties. Clarifies the procedures governing a change of name; makes service times for elder abuse protective orders consistent with other protective orders; authorizes courts to receive notice to appear citations for non-parking Vehicle Code violations electronically if the court has the ability to receive the information and reproduce it in a printed form; and extends the sunset date on existing statutory authority for courts to impose modest monetary sanctions upon jurors who fail to respond to a jury summons.	IV	Improves administration of justice and enhances court administration.
SB 1116	Scott	2006	Support	Increases court oversight of moves of conservatees and the sale of their homes.	IV	Improves the court's ability to provide oversight of these cases.
SB 1550	Figueroa	2006	Support	Enacts the Professional Fiduciaries Act, which establishes in the Department of Consumer Affairs a new licensure scheme governing professional conservators, guardians, and other fiduciaries.	IV	Improves the court's oversight of these cases.
AB 355	Tran	2005	Oppose	Authorizes the court in any action involving joint and several liability to "instruct the jury on the effect of finding any party, including, but not limited to, the State of California, partially liable."	II, III	Would create confusion; interferes with judicial function.
AB 496	Aghazarian	2005	Support if amended	Requires the clerk to maintain the original summons in the court file.	III	Improves court administration and conserves resources.
AB 1322	Evans	2005	Co-sponsor	Modifies grounds for disqualification to require more than casual discussions regarding prospective employment with providers of alternative dispute resolution services.	II, IV	Avoids unnecessary disqualifications of judges.
AB 1742	Committee on Judiciary	2005	Sponsor	Deletes the sunset on CCP section 128.7, thereby continuing the courts' ability to impose sanctions for the filing of frivolous lawsuits. Clarifies and streamlines small claims court procedures, extends the sunset of the security fee, and requires that acceptance of an offer to compromise a lawsuit must be in writing.	III, IV	Improves administration of justice and enhances court administration.
SB 575	Torlakson	2005	Oppose unless amended	Establishes calendar preference for actions to enforce provisions of the Anti-NIMBY law.	II, III	Interferes with court administration.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 3078</u>	Committee on Judiciary	2004	Sponsor	Makes several non-controversial changes to the statute governing the times for service and filing of motion papers, as well as clarifying the cutoff date for discovery in civil cases. Also clarifies standing of emancipated minors in small claims court, and clarifies to whom a clerk must provide notice when a check for filing fees has been returned for non-payment.	III, IV	Improves administration of justice and enhances court administration.
<u>SB 1249</u>	Morrow	2004	Oppose	Provides that the word "hearing," when applied to any demurrer, motion, or order to show cause, signifies oral argument by moving and opposing parties on a record amenable to written transcription which shall be had unless affirmatively waived by the parties.	II, IV	Unnecessary; interferes with judicial function.
<u>AB 2321</u>	Hertzberg	2002	Sponsor	Clarifies the process for tort claims filed against judicial branch entities.	III	Eliminates confusion and streamlines the handling of cases.
<u>AB 3027</u>	Committee on Judiciary	2002	Sponsor	Makes various improvements to civil procedure.	III	Improves administration of justice and enhances court administration.

1. *Alternative dispute resolution*

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 202</u>	Harman	2005	Support	Provides that filing a petition to compel arbitration pursuant to Code of Civil Procedure section 1281.2 is the exclusive means by which a party to an arbitration agreement may seek to compel arbitration of a controversy alleged to be subject to that arbitration agreement.	III, IV	Would conserve judicial resources by eliminating unnecessary side litigation over issue.

2. *Disqualification Motions (170.6)*

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 1894</u>	Monning	2010	Support	Extends, for civil cases only, the time period for moving to disqualify a judge from 10 to 15 days and requires the moving party to notify all other parties within 5 days of making the motion.	II, IV	Clarifies timeline for bringing motions, which should help avoid confusion.

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2. Miscellaneous

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 2119	Tran	2010	Support	Provides that when any law governing civil procedure requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, excluding the date of the hearing.	IV	
AB 2284	Evans	2010	Support	Establishes the Expedited Jury Trials Act. Among other things, defines expedited jury trial as a binding jury trial before a reduced jury panel and judicial officer. Requires the Judicial Council, by January 1, 2011, to adopt implementing rules and forms. Makes the Act operative until January 1, 2016	I, III, IV	
SB 1274	Committee on Judiciary	2010	Sponsor	Authorizes service by electronic notification by defining electronic service to include both electronic transmission and electronic notification. Authorizes electronic service of all types of documents and expands the courts ability to serve certain documents electronically.	III, IV	

4. Small claims – The council advocates a small claims court system that provides a speedy, fair, and inexpensive alternative for resolving conflicts of low monetary value. The council supports adequate funding for small claims human resources in all counties.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 712	Evans	2009	Support	Specifies that a small claims court has jurisdiction over an action for an injunction or other equitable relief when a statute expressly authorizes a small claims court to award that relief. Expressly provides that this legislation does not expand and is not encouraging the expansion of the jurisdiction of the small claims court.	I, IV	Improves administration of justice.
AB 1873	Lieu	2008	Sponsor	Clarifies that a court is authorized to charge the same fees for post-judgment motions related to the enforcement of a small claims judgment as a court charges for the enforcement of a regular civil judgment. Authorizes a court to charge and collect a nonrefundable postponement fee of \$10 from either	III, IV	Improves administration of justice and enhances court administration.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				party who makes more than one <i>pre-service</i> request to postpone a small claims trial. Provides that this fee would only be assessed after a party has already been granted one prior postponement.		
<u>AB 2846</u>	Feuer	2008	Support	Provides that if a dispute exists between the owner of a separate interest and a homeowners' association regarding any disputed charge or sum levied by the association, and the amount in dispute does not exceed the jurisdictional limits of the small claims court, the owner of the separate interest may pay under protest the disputed amount and all other amounts levied, including certain fees, costs, and other specified amounts, and commence an action in small claims court.	I, IV	Improves access to the courts.
<u>SB 1432</u>	Margett	2008	Support	Increases the jurisdiction of the small claims court from \$4,000 to \$6,500 for any action brought by a natural person against a defendant guarantor that charges a fee for its guarantor or surety services.	I, IV	Improves access to the courts.
<u>AB 2455</u>	Nakanishi	2006	Support	Provides that the small claims court has jurisdiction in an action brought by a natural person against the Registrar of the Contractors State License Board as the defendant guarantor holding a contractor's cash deposit if the amount of the demand does not exceed \$7,500.	I, IV	Enhances access to the courts.
<u>AB 1459/</u> <u>SB 422</u>	Canciamilla	2005	Oppose unless amended, support if amended	Increases the jurisdiction in small claims court from \$5,000 to \$7,500 for actions brought by <i>natural persons</i> .	I, III, IV	Enhances access to the courts by raising jurisdictional amount to \$7500, opposition to proposal to expand jurisdiction to \$10,000 because too much complexity for small claims.

5. Summary adjudication/summary judgment

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 384</u>	Evans	2011	Support	Authorizes a motion for summary adjudication of a legal issue or claim of damages, other than punitive damages, that does not completely dispose of a cause of action, an affirmative defense, or an issue of duty. It does this upon stipulation of the parties whose	III, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				claims or defenses are put at issue by the motion, and a prior determination by the court, that the motion will further the interests of judicial economy by reducing the time required for trial or increasing the ability of the parties to settle. Clarifies the law governing fees in complex civil cases.		
<u>AB 2961</u>	Wayne	2002	Oppose	Authorizes a motion for summary adjudication of a legal issue or claim of damages other than punitive damages that does not completely dispose of a cause of action, an affirmative defense, or an issue of duty, if brought upon stipulation of the parties whose claims or defenses are put at issue by the motion.	II	Interferes with court's management of litigation.

6. Unlawful detainer – The council supports efforts to reduce delays and abuses in unlawful detainer actions, and seeks to ensure that processes are not overly burdensome to the courts.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 1126</u>	Eng	2007	Support	Provides that in unlawful detainer actions and other specified summary proceedings involving the possession of real property, a discovery motion may be made at any time upon giving five days notice. Requires the Judicial Council to adopt rules prescribing the time for the filing and service of opposition and reply papers relating to specified motions filed in connection with the above summary proceedings.	II, IV	Improves administration of justice.
<u>AB 664</u>	Jones	2005	Support	Allows the court to list legal service providers not funded by the federal Legal Services Corporation on unlawful detainer notices.	I, IV	Ensures best information on legal service providers for UD defendants.
<u>SB 345</u>	Kuehl	2003	Oppose unless amended	Denies access to unlawful detainer records until 60 days following the date final judgment has been entered in favor of the landlord after a trial or summary judgment motion.	III	Administrative record keeping requirements unduly burdensome on the courts.

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B. CRIMINAL PROCEDURE

1. *Criminal and capital case processing* – The council seeks to expedite the resolution of criminal cases at the trial and appellate level. The council seeks to maintain the courts' ability to efficiently and effectively manage the procedures and administration of the court system while improving the delivery of justice to the public, and to protect the exercise of the judicial discretion in criminal cases.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 109	Committee on Budget	2011	No position	Enacts broad changes to the criminal justice system by realigning postrelease supervision of inmates from the state to the county and redefining felony to be punishable, with specified exceptions, in county jail instead of state prison.	IV	The Judicial Council took no position on the policy as outside the council's purview, but due to the magnitude of the realignment and impacts on the courts, the council directed staff to submit a letter to the Governor and Legislature on behalf of the Judicial Council expressing grave concerns about the concept of shifting parole jurisdiction to the judicial branch and the critical need to provide adequate resources.
AB 1284	Hagman	2011	Oppose	Permits the court, in lieu of revoking probation, to allow the defendant to post bond to secure appearance at any future hearing regarding a violation of the court-imposed conditions of probation. Requires the court to notify the defendant, the surety, and the bail agent of the probation revocation hearing.	I, II	
AB 447	Nestande	2010	Oppose	Makes mandatory on the court and defendant several provisions permissive under current law relating to the court's determination of a defendant's ability to pay for counsel.	II, III	Imposes enormous unnecessary workload; existing law and practices are effective.
AB 2056	Miller	2010	Oppose	Adds cases involving assault with the intent to commit rape to the list of types of cases that are categorically eligible for a good cause continuance in criminal proceedings when the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in another case.	II	Inappropriately interferes with the court's function to have the court determine whether there is good cause for a continuance on a case-by-case basis.
AB 2505	Strickland	2010	Support	Allows an oath by an affiant seeking a search warrant to be made using a telephone and computer server, in addition to a fax machine or email, and allows the affiant's signature to be in the form of an electronic signature.	III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 1449</u>	Leno	2010	Support	Reclassifies from a misdemeanor to an infraction simple possession and possession while driving of not more than 28.5 grams of marijuana.	III, IV	Increases court efficiency.
<u>SCA 27</u>	Harman	2010	Support	Authorizes the Supreme Court to transfer a case to a court of appeal when a judgment of death has been pronounced and requires the Supreme Court to review the resulting decision of the court of appeal affirming or reversing that judgment.	IV	
<u>AB 250</u>	Miller	2009	Support	Requires a criminal defendant's withdrawal of a waiver of his or her speedy trial time limits to be done in open court.	III, IV	Improves court efficiency by ensuring all parties have notice of change in case status.
<u>SB 431</u>	Benoit	2009	Support	Improves probation transfer procedures.	III, IV	
<u>SB 678</u>	Leno and Benoit	2009	Support in concept	Creates the California Community Corrections Performance Incentive Act to provide sustainable funding for improved, evidence-based probation supervision practices and capacities to improve public safety outcomes among adult felons who are on probation.	IV	Further Judicial Council goals to improve sentencing practices and outcomes.
<u>AB 2166</u>	Tran	2008	Support	Clarifies appellate jurisdiction in bail forfeiture proceedings by allocating these cases between the Courts of Appeal and the superior court appellate divisions the same way they were allocated before unification of the municipal and superior courts. Bases jurisdiction of a bail forfeiture appeal on the underlying criminal charge and the stage of the proceeding at which bail was forfeited.	III, IV	
<u>SB 1257</u>	Morrow	2006	Oppose	Revises and regulates the capital appeals process.	II	
<u>SB 330</u>	Cedillo	2005	Support	Requires a criminal action to be dismissed if a defendant in a misdemeanor or infraction case is not brought to trial within 30 days after the date of the reinstatement of criminal proceedings pursuant to the provisions of law governing the mental competency of defendants.	III	Allows for more efficient case management.
<u>AB 2011</u>	Firebaugh	2004	Oppose	When determining whether to allow a defendant who has pleaded guilty or no contest to be admitted to or remain out on bail, requires a court to consider the same factors that must be considered after a verdict has been rendered against a defendant.	II	Unnecessary, will result in lengthy hearings.

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<u>AB 2173</u>	Parra	2004	Oppose unless amended	Provides that the court must require a person convicted of a DUI to sign and date a statement that indicates that the person is aware that individuals who drive under the influence pose a serious threat to the lives of innocent persons. Requires the court to include on the abstract of judgment that the person has signed and dated the statement, or attach the statement to the abstract.	III	Will significantly lengthen court proceedings. Neutral if amended to provide defendant with information more efficiently.
<u>SB 58</u>	Johnson	2004	Support in concept	Directs courts and district attorneys to establish means of protecting confidentiality of information in police reports.	IV	Protects local control; clarifies authority to establish procedures.
<u>SB 977</u>	Johnson	2004	Oppose	Prohibits the live or delayed broadcasting of any criminal action until a verdict is rendered.	II, IV	Unnecessary; interferes with judicial function.
<u>AB 1306</u>	Leno	2003	Sponsor	Provides that if a person is sentenced pursuant Proposition 36, probation jurisdiction shall be transferred to the defendant's county of permanent residence at the discretion of the sentencing judge.	III, IV	
<u>AB 1435</u>	Koretz	2003	No position	Authorizes a court in a criminal case to order a party who has violated discovery disclosure requirements or any lawful court order to pay a monetary sanction.	N/A	Unnecessary; judges currently have this authority.
<u>AB 1653</u>	Mullin	2003	Oppose	Allows an attorney for a party to a criminal proceeding to appeal a sanction order or finding of contempt against him or her to the court authorized to hear an appeal of the judgment in the main action. Requires the court to stay the execution of the order or imposition of punishment pending appeal.	II	Unnecessary; interferes with judicial function.
<u>SB 761</u>	McPherson	2003	Oppose unless amended	Prohibits accepting an undertaking of bail if any summary judgment entered against an undertaking issued by the bail agent or agency remains unpaid.	II, III	April 30, 2003 amendments eliminate requirement that the court determine solvency of bail agency. Opposition withdrawn.
<u>AB 2159</u>	Cardoza	2002	Oppose unless amended	Requires courts, after arraignment, upon conviction, and when a judgment has been pronounced, to determine if a defendant has custody of any child under the age of 18 years, and inquire as to the proper care of that child if the defendant is in custody or remanded to custody.	II, III	Inefficient; ineffective; significantly lengthens court proceedings.
<u>AB 2211</u>	Horton	2002	Oppose	Provides that a representative of the community affected by a crime may submit a Community Impact Statement.	II, III	Unnecessary; results in lengthy hearings.

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<u>AB 2563</u>	Vargas	2002	Oppose	Requires the agency discharging a person who posts bail on charges of domestic violence to serve that person with a protective order, without court involvement but enforceable as a court order.	II	Interferes with judicial functions.
<u>AB 241</u>	Dickerson	2001	Oppose	Prohibits the court from striking prior convictions in DUI cases.	II	Interferes with judicial functions.
<u>AB 299</u>	Rod Pacheco	2001	Support	Grants a court exercising jurisdiction over multiple offenses involving criminal sexual acts and stalking that occurred in more than one jurisdictional territory jurisdiction over properly joinable offenses.	II	Streamlines court procedures.

2. *Sentencing and other judicial decisionmaking* – The council seeks to preserve judicial discretion and the independence of the judicial function in sentencing matters. The council does not take positions on the length or severity of sentences for crimes, but supports efforts to simplify the criminal sentencing structure.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 520</u>	Amimiano	2011	Oppose	Provides that the court may not impose an upper term based on aggravating facts unless facts were first presented to the fact-finder and the fact-finder found the facts to be true.	II, IV	
<u>AB 1264</u>	Hagman	2011	Oppose	Repeals the requirement that the superior court adopt a uniform countywide schedule of bail and instead establishes a Statewide Bail Commission. Requires the commission to revise annually a statewide bail schedule for all bailable felony, misdemeanor, and infraction offenses except Vehicle Code infractions.	I, II	
<u>AB 908</u>	Berryhill, T.	2009	Oppose	Requires the court, if probation is granted, to order the payment of the reasonable costs of any probation supervision or conditional sentence as a condition of probation.	II, III	Introduces inappropriate issues into judge's sentencing decision.
<u>SB 59</u>	Huff	2009	Oppose	Adds cases involving the California Street Terrorism Enforcement and Prevention Act to the list of types of cases that are categorically eligible for a good cause continuance in criminal proceedings when the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in another case.	II	
<u>AB 2609</u>	Davis	2008	Oppose	Requires, when appropriate and feasible, that a court	II	Sought amendment to give the court sufficient

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			unless amended	order a defendant convicted of vandalism to clean up, repair, and replace the damaged property or keep the damaged property or another property in the community free of graffiti for up to one year.		flexibility to ensure that the required sanction will be imposed when appropriate and feasible.
<u>AB 1660</u>	La Malfa	2007	Oppose	Deletes the court's authority to exclude a victim or a designated victim's representative from a criminal proceeding.	II	Inappropriately interferes with court's authority.
<u>AB 1551</u>	Runner	2005	Oppose unless amended	Among other things, prohibits a court from striking an allegation, admission, or finding of a prior conviction pursuant to Penal Code section 1385 for defendants who are convicted of certain sex offenses.	II	Sought amendment to strike the provision eliminating the court's authority under Penal Code section 1385 to dismiss an action in the furtherance of justice.
<u>AB 623</u>	Lieber	2003	No position	Requires the judge in a toxics case to consider whether the defendant has expressed remorse for the acts and whether the defendant has made an appropriate public apology that reflects that nature of the violation and the number of potential victims.	N/A	Outside purview.
<u>SB 1497</u>	Polanco	2002	Oppose	Sets up a one-time review of the custody status of life prisoners who have been in prison beyond a date specified in certain regulatory matrices.	II	Impossible to implement.

C. TRAFFIC LAW

The council advocates use of simplified procedures in minor traffic cases to guarantee expedited disposition. The council supports development of statewide uniform rules, procedures, and forms to provide efficient handling of traffic cases.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 2499</u>	Portantino	2010	Support	Consolidates all traffic violator school programs under the licensing authority of the Department of Motor Vehicles. Requires courts to transmit to DMV abstracts of judgment for convictions of traffic violations rather than the court dismissing the case upon completion of the IVS program.	III, IV	Relieves judicial branch of inappropriate regulatory role. Provides DMV better ability to enforce driver safety program.
<u>AB 758</u>	Plescia	2007	Support	Requires the Department of Motor Vehicles, on or before July 1, 2008, to submit a report to the Legislature containing a comprehensive plan with specified components by which the licensing of all driving instruction programs offered to traffic violators may be consolidated under the authority of	III, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 1464</u>	Benoit	2007	Sponsor	the department. Allows the court, after proper notice to the owner/violator, to report a failure to appear on an unsigned citation issued for an owner-responsibility offense to the Department of Motor Vehicles for a hold to be placed on the registration of the vehicle involved in the offense.	III, IV	
<u>AB 1932</u>	Benoit	2006	Support	Provides for the licensing and regulation of home study-based traffic violator schools by the Department of Motor Vehicles and declares the intent of the Legislature to have the Department of Motor Vehicles uniformly regulate all traffic violator schools.	II	Appropriately places regulatory function with the Executive Branch.
<u>SB 1697</u>	Torlakson	2004	Support	Consolidates administration of all sanctions related to the driving privilege imposed as a result of a driving-under-the influence conviction with the Department of Motor Vehicles.	IV	Increases efficiency; provides better service to the public.

D. JURY SYSTEM

The council supports efforts to ensure adequate numbers of jurors, achieve full use of jurors once they are summoned, ensure fair representation of the community served by the court, and provide adequate compensation of jurors. The council seeks to maintain plain-English jury instructions that accurately convey the law using language that is understandable to jurors.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 141</u>	Fuentes	2011	Support	Requires the court, when admonishing the jury against conversing about a trial, to clearly explain that the prohibition applies to all forms of communication, research, and dissemination of information, including electronic and wireless devices. Provides that violation of this admonishment constitutes criminal and civil contempt of court.	I	
<u>SB 319</u>	Harman	2009	Sponsor	Eliminates the sunset and reporting requirement on provisions allowing courts to impose monetary sanctions for failure to appear in response to a jury summons. Decreases the amount of time that must	III, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				elapse before a compliance action may be initiated.		
<u>AB 1769</u>	Galgiani	2008	Oppose	Exempts all peace officers from jury duty in civil and criminal matters.	IV	Fundamentally opposed to categorically exempting individuals from jury duty.
<u>AB 1828</u>	Huff	2008	Oppose	Excuses from jury service, upon request, a prospective juror who has served as a precinct officer or precinct board member on a statewide or local election during the previous 12 months.	IV	
<u>AB 1557</u>	Feuer	2007	Support	Reduces peremptory challenges to 6 per side in all misdemeanor cases, rather than only those misdemeanors resulting in imprisonment for 90 days or less.	IV	
<u>SB 171</u>	Alquist	2006	Oppose	Requires that any custodial interrogation of an individual relating to a felony offense be electronically recorded, and codifies a jury instruction to be used verbatim if a court finds that a defendant was subjected to an unlawful custodial interrogation.	I, IV	
<u>SB 1281</u>	Romero	2006	Support	Prohibits a state agency from entering into a contract for the acquisition of goods or services with a contractor who does not have and adhere to a written policy providing his or her employees with not less than five days of regular pay for actual jury service.	IV	
<u>AB 1180</u>	Harman	2003	Sponsor	Clarifies that when a person is summoned but fails to appear for jury service the court may impose reasonable monetary sanctions on the prospective juror following an order to show cause hearing.	III, IV	Strengthen courts' ability to enforce orders.
<u>AB 2925</u>	Migden	2002	Support	Eliminates reimbursement for the first day of travel to the court for jury duty; increases reimbursement rate for second and subsequent days from 15 cents to 34 cents per mile, one way.	IV	Part of larger effort to improve jury system.

E. INTERPRETERS

To ensure access to justice, the council seeks to attract quality interpreters and meet the courts' caseload demands. The council supports increased compensation and standardized payment practices and procedure for court interpreters.

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<u>AB 618</u>	Furutani	2011	Oppose	Requires the court to provide separate interpreters for defendants and witnesses, and for codefendants in specified proceedings.	I	Strains court's ability to provide interpreters.
<u>AB 663</u>	Jones	2009	Sponsor interpreter related provisions; no position on legal aid provision	Requires the Judicial Council to establish a working group to develop best practices to expand the use of interpreters and a pilot project to test the workability of the developed best practices.	I, III, IV	
<u>AB 2227</u>	Chu	2006	Support	Requires the Judicial Council to establish the Blue Ribbon Panel on Language Access in the Courts. Requires the panel to report to the Legislature and the Judicial Council on the existing interpreter certification system.	I, IV	
<u>AB 2302</u>	Committee on Judiciary	2006	Support if funded	Requires that an interpreter be present whenever needed in any civil matter, including family law and probate, or in any court-ordered or court-provided alternative dispute resolution, including mediation and arbitration. Specifies the priority for use of funding and interpreters provided for civil matters.	I, IV	
<u>SB 927</u>	Escutia	2001	Oppose unless funded	Requires that a certified or registered court interpreter be provided at court expense in any family law proceeding that involves allegations of domestic violence.	I, IV	

IV. SUBSTANTIVE LAW

A. JUVENILE DELINQUENCY

The council supports legislation to ensure that judges have sufficient discretion and placement and treatment options to fulfill their obligations to promote the rehabilitation and reintegration of juvenile offenders, the safety of the community, and accountability to victims.

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<u>AB 2212</u>	Fuentes	2010	Support	Sets forth procedures for adjudicating the competency of a juvenile in a delinquency matter.	I	Clarifies procedures for competency proceeding in juvenile delinquency matters.
<u>AB 1547</u>	Beall	2007	Support	Authorizes the juvenile court to order the probation department to provide a variety of services to a delinquent ward approaching the age of majority.	II, IV	
<u>AB 2496</u>	Steinberg	2002	Oppose unless amended	Requires that the minor, the minor's counsel, and a probation officer personally appear before the court during each periodic review of the minor's detention.	II, III	Will significantly increase length of proceedings; neutral if amended to achieve goals in more efficient way.

B. JUVENILE DEPENDENCY

The council supports timely and expeditious determinations in dependency matters, as well as measures to enhance the available placement options for dependent children. The council supports efforts to clarify the procedures for declaring a child a dependent of the court. The council also supports maintaining judicial discretion to terminate dependency.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 73</u>	Feuer	2011	Support	States the intent of the Legislature to enact legislation providing that juvenile court hearings in juvenile dependency matters be presumptively open to the public unless the court finds that admitting the public would not be in a child's best interest.	I	Promotes public trust in juvenile court.
<u>AB 743</u>	Portantino	2010	Support	Modifies the standard for sibling visitation to require that if siblings are not placed together the social worker must explain why placement together would be contrary to the safety or well-being of any sibling. Requires a social worker considering a change of placement that will result in sibling separation to notify the attorney for the child being moved as well as the attorney for any affected sibling.	IV	Assists court in keeping siblings together.
<u>AB 1852</u>	Portantino	2010	Support	Requires the county welfare department to document in the reports it provides to the court at the disposition hearing its efforts to locate and contact relative and non-relative extended family members of a dependent child to establish permanent familial connections between the child	IV	Improves ability of court to find permanency for dependent children.

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				and his or her family.		
<u>SB 962</u>	Liu	2010	Support	Allows incarcerated parents to participate in specified court proceedings concerning parental rights via videoconferencing or teleconferencing if the technology is available	I	Reduces need to continue dependency proceedings for an incarcerated parent's absence.
<u>AB 12</u>	Beall	2009	Co-Sponsor	Implements federal foster care reform legislation to provide federally subsidized relative guardianships and extend foster care jurisdiction to age 21.	IV	
<u>AB 131</u>	Evans	2009	Sponsor	Authorizes the Judicial Council to implement a cost recovery program to collect reimbursement from parents for the cost of dependency counsel, and directs that the recovered funds be used to reduce caseloads for attorneys.	I, IV	Promotes fairness outcomes in dependency proceedings.
<u>AB 938</u>	Committee on Judiciary	2009	Sponsor	Requires that social workers immediately investigate the identity and location of all adult grandparents and other relatives of a child after the child is detained, and notify the relatives that the child has been removed from his or her parents, and the means by which the relative might participate in the care of the child.	IV	Engages relatives in dependency court to promote best interests of child.
<u>AB 1405</u>	Maze	2008	Support	Provides that information obtained from a minor during an assessment to determine the appropriate status of a minor who meets the definition of both a dependent and a delinquent ward cannot be used against the minor in other proceedings.	II, IV	Ensures court obtains necessary information.
<u>AB 3051</u>	Jones	2008	Support	Requires the court to determine whether a child age 10 or older who is not present was given an opportunity to attend the hearing. Provides that the court may make any orders reasonably necessary to ensure that the child has an opportunity to attend.	I, IV	Ensures that children can participate in proceedings.
<u>AB 2130</u>	DeVore	2006	Oppose	Requires the court to consider the religious, cultural, moral, and ethnic values of a child or of his or her birth parents, before placing a dependent child for adoption.	I, II	Inappropriately limits judicial discretion.

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<u>AB 2480</u>	Evans	2006	Support if funded	Requires the appointment of appellate counsel to represent a dependent child if the child is an appellant, or if the court of appeal determines that the child would benefit from the appointment of separate counsel.	IV	
<u>SB 1667</u>	Kuehl	2006	Support	Requires that the social worker provide foster parents with a caregiver information form and information on how to submit it to the court. Provides rights for caregivers to receive notice of post-permanency planning hearings.	IV	Ensures that court receives all relevant information regarding dependent children.
<u>AB 519</u>	Leno	2005	Sponsor	Allows the juvenile court to issue ex parte protective orders for parents and caretakers even without regard to the child's need for a protective order.	IV	Allows the juvenile court to protect families in an efficient individualized manner.
<u>AB 129</u>	Pacheco	2004	Sponsor	Authorizes counties to implement dual status (dependency and delinquency) protocol for children in juvenile court.	IV	Ensures adequate oversight for dual need children.
<u>AB 524</u>	Haynes	2003	Oppose	Requires that a child who has been removed from his or her parents' custody be returned within five working days in certain circumstances.	III	March 26, 2003 amendments eliminated provisions related to criminal proceedings. Council opposition withdrawn.
<u>SB 59</u>	Escutia	2003	No position, but seek amendments	Provides expedited appellate review of disputed placement orders in juvenile dependency cases.	N/A	June 11, 2003 amendments conform the writ process to the one established in Welfare and Institutions Code section 366.26(1).
<u>AB 2336</u>	Negrete McLeod	2002	Support	Requires that orders for the temporary removal of a prisoner to attend a hearing pertaining to parental rights must be issued at least 12 days before it is to be executed.	I, IV	Ensures access to proceedings for affected parties.
<u>AB 2160</u>	Schiff	2000	Sponsor	Creates a presumption that children in dependency proceedings would benefit from the appointment of counsel.	I, IV	Improves ability of court to fulfill role in dependency cases.

C. FAMILY LAW

The council supports legislation consistent with its goal of increasing access to the courts. The council supports efforts to provide adequate assistance to pro per litigants in family law cases, as well as litigants who face language barriers. The council seeks to maintain judicial discretion to make family law decisions based on the best interest of the child. The council also seeks to clarify the process the court should follow and the factors the court can appropriately consider in family law cases.

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<u>AB 939</u>	Committee on Judiciary	2010	Support	Makes numerous changes to provisions in the Family Code consistent with the recommendations of the Elkins Family Law Task Force.	I, IV	
<u>AB 1050</u>	Ma	2010	Support	Creates a presumption that a child is of sufficient maturity to provide input to the court on a child custody or visitation issue at age 14 and requires the court to permit the child to address the court unless the court finds that testimony is not in the child's best interests and states its reasons on the record.	IV	Ensures courts can appropriately consider input of child.
<u>AB 2475</u>	Beall	2010	Oppose	Provides that the doctrine of judicial or quasi-judicial immunity shall not apply to any private third party engaged by the court for his or her expertise in family law matters in an advisory capacity.	II	Interferes with ability of court to obtain expert information.
<u>AB 612</u>	Beall	2009	Oppose	Prohibits the consideration of a "nonscientific theory" in a child custody matter, as defined, and disallows the admission into evidence of any child custody evaluation report which includes a nonscientific theory.	II, IV	Creates inconsistent and unworkable evidentiary standard.
<u>AB 1822</u>	Beall	2008	Oppose	Requires the court, in any proceeding to establish or modify spousal support, to deny spousal support to a party convicted of a sexual offense against a minor.	II	Inappropriately limits judicial discretion.
<u>SB 1255</u>	Harman	2008	Support	Extends until January 1, 2013, the authority of the family court to order a person seeking custody or visitation of a child to undergo testing for drug or alcohol abuse in specified circumstances.	II, IV	Ensures that court has relevant information in custody cases.
<u>SB 1015</u>	Murray	2006	Oppose	Requires the court to redact specified financial information from family law files.	II	Lessens public trust in court and imposes unnecessary administrative burdens.
<u>SB 1482</u>	Romero	2006	Oppose	Provides that a custodial parent has a presumptive right to change the residence of his or her child subject to the power of the court to restrain a change of residence. Requires the non-custodial parent to make a prima facie showing of harm to the child that would result from the relocation, necessitating a change in custody, but would disallow consideration of the normal incident of moving.	II	

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<u>AB 1307</u>	Dymally	2005	Oppose	Creates a rebuttable presumption that equal custody share is in the best interest of child.	II	Unduly limits court's ability to make custody orders on a case-by-case basis.
<u>SB 544</u>	Battin	2005	Oppose	Prohibits parents convicted of certain offenses from having unsupervised contact with their children.	II	Overly restricts court's ability to make custody orders in the best interest of child.
<u>AB 2148</u>	Diaz	2004	Oppose	Restricts the court from holding custody or visitation proceedings until after it has ruled on an application for attorney's fees.	II	Limits ability of court to act in best interest of children.
<u>AB 2228</u>	Garcia	2004	Support	Requires information sharing in cases pertaining to custody of children.	III, IV	Ensures well informed court regarding child custody.
<u>SB 730</u>	Burton	2004	Oppose	Establishes presumptive right for a custodial parent to relocate with a child.	II	Unduly limits discretion of court to act in best interest.
<u>SB 1616</u>	Knight	2004	Oppose	Requires the court to state its reasons for making any spousal support order on the record and in writing.	II	Unnecessary and resource intensive.
<u>SB 734</u>	Ortiz	2003	Oppose	Restricts courts discretion to grant visitation.	II	Unduly restricts individual discretion.
<u>SB 174</u>	Kuehl	2002	No position	Requires the Judicial Council to select four non-confidential mediation courts to implement a model with initial confidential mediation, with the allowance for subsequent recommending mediation if performed by a different mediator. Implementation contingent on funding.	N/A	
<u>SB 1406</u>	Kuehl	2002	Oppose unless amended	Requires that all child custody mediation be confidential, and prohibits the mediator from communicating with the court on any matter.	II, III, IV	Interferes with administration of family cases.
<u>SB 1791</u>	Rainey	2000	Oppose	Shifts responsibility for hearing Title IV-D related child support actions to DSS administrative law judges.	I, II, IV	Inappropriately shifts judicial function to non-judicial officers

D. DOMESTIC VIOLENCE

The council supports efforts to improve court procedures in domestic violence cases and the way courts review allegations of domestic violence in family law proceedings. The council also supports measures that seek to simplify the process for obtaining a restraining order, and the process for making it enforceable.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 1596</u>	Hayashi	2010	Sponsor	Contains numerous technical changes to create more consistency in protective order statutes.	IV	Promotes consistent administration of law in protective order matters.

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<u>AB 104</u>	Cohn	2005	Oppose	Requires a hearing on a motion to modify or dismiss a DVPA order to be held by the judicial officer that issued the order, if available.	II, III	Undue interference with court calendaring process.
<u>AB 106</u>	Cohn	2005	Oppose	Requires every trial court to establish a one time amnesty program for fines and fees imposed for spousal abuse convictions or as a condition of probation for domestic violence offenses.	II, III	Contrary to the Judicial Council's enhanced collections strategy.
<u>SB 1627</u>	Kuehl	2002	Support	Clarifies procedures for entry of service of process for DVPA orders into DVROS by requiring the court to either enter the information into DVROS directly, or transmit proof of service to law enforcement for entry within one business day.	III, IV	Makes court orders more likely to be enforced.
<u>SB 1780</u>	Escutia	2002	Oppose unless funded	Requires the court to provide interpreters for specified parties in family law proceedings involving allegations of domestic violence at court expense.	I, IV	

E. CONSERVATORSHIP AND PROBATE LAW

The council supports clarification of conservators' duties and formulation of guidelines about conservatorships.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 458</u>	Atkins	2011	Sponsor	Prohibits a court from appointing a minor's parent as a guardian of the person of the minor, except as specified. Establishes requirements for transferring a proceeding to another court in circumstances in which a proceeding that concerns custody or visitation of a minor child is pending in one or more counties at the time the petition for guardianship is filed. Specifies circumstances under which the court in a guardianship proceeding would maintain exclusive jurisdiction to determine issues of custody or visitation.	I, III	
<u>AB 2271</u>	Silva	2010	Support	Adds temporary trustees to the list of persons who may be appointed by the court during an appeal of certain probate orders.	II, IV	
<u>SB 1041</u>	Harman	2010	Support	Among other things, provides that evidence of a statement made by a declarant who is unavailable as a witness that he or she has or has not established or revoked a revocable trust, or that identifies his or her	II, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 1163</u>	Tran	2009	Support	<p>revocable trust, is not made inadmissible by the hearsay rule because the declarant is unavailable as a witness.</p> <p>Clarifies that the attorney-client privilege is held by a deceased client's personal representative appointed for subsequent estate administration after the original personal representative has been discharged. Provides that no attorney-client privilege exists for communications relevant to issues between parties who all claim through a deceased client in a non-probate transfer.</p>	I, IV	Improves administration of justice.
<u>AB 1340</u>	Jones	2008	Support	<p>Requires a guardian or conservator, in a first accounting filed with the court, to provide all account statements showing the account balance as of, rather than through, the closing date of the first court accounting. Requires notice be given 5 court days prior to a hearing on the appointment of a temporary guardian or temporary conservator. Prohibits a court from permitting a person without a valid professional fiduciary's license to continue to carry out the duties of a professional fiduciary.</p>	IV	Improves court's oversight of these cases.
<u>AB 1880</u>	Tran	2008	Oppose	<p>Requires a guardian or conservator to post a separate recovery bond for the benefit of the ward or conservatee and any person interested in the guardianship or conservatorship estate who may bring a surcharge action against the guardian or conservator for breach of duty.</p>	III, IV	Multiple bonds are more difficult to administer, and they would impair the court's ability to provide proper oversight.
<u>AB 2014</u>	Tran	2008	Support	<p>Requires a guardian or conservator to use ordinary care and diligence to determine whether the ward or conservatee owns real property in a foreign jurisdiction and to preserve and protect that property.</p>	IV	Improves court's oversight of these cases.
<u>AB 2247</u>	Spitzer	2008	Oppose unless amended, neutral if amended	<p>Requires a guardian or conservator to file an investment plan with a court not more than six months after the issuance of letters of guardianship or conservatorship. Revises and expands the list of obligations and securities in which a guardian or conservator may invest funds of the estate without court authorization.</p>	IV	Interferes with the ability of the court to protect conservatees' assets.

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

- Goal I – Access, Fairness, and Diversity
- Goal II – Independence and Accountability
- Goal III – Modernization of Management and Administration
- Goal IV – Quality of Justice and Service to the Public
- Goal V – Education for Branchwide Professional Excellence
- Goal VI – Branchwide Infrastructure for Service Excellence

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 1264</u>	Harman	2008	Support	Beginning January 1, 2010, revises, recasts, and clarifies the law governing no contest clauses in wills and trust instruments. Limits the enforceability of no contest clauses to direct contests brought without reasonable cause, transfers of property, or creditor claims as specified. Defines direct contest and probable cause for these purposes. Eliminates provisions regarding the authority of a beneficiary to apply to a court for a determination regarding a no contest clause.	I, IV	Improves access to the courts and enhances court administration.
<u>AB 1727</u>	Committee on Judiciary	2007	Support	Enhances a court investigator's access to confidential medical information. Prohibits a conservatorship of the person or of the estate from being granted unless the court makes an express finding that the granting of the conservatorship is the least restrictive alternative needed for the protection of the conservatee. Creates new requirements on courts when guardianships and conservatorships are transferred from other jurisdictions.	II, IV	Improves court's ability to provide oversight of these cases.
<u>SB 340</u>	Ackerman	2007	Co-sponsor	Broadens list of agencies entitled to receive criminal history reports to include probate court conservatorship and guardianship investigators.	II, IV	Improves the court's ability to provide oversight in guardianship and conservatorship cases.
<u>AB 1363</u>	Jones	2006	Support if funded	Makes a number of reforms to the probate conservatorship system, including enhanced court reviews of conservatorships primarily through increasing the frequency and scope of court investigations.	II, IV	Improves court's ability to provide oversight of these cases.
<u>SB 1116</u>	Scott	2006	Support	Increases court oversight of moves of conservatees and the sale of their homes.	II, IV	Improves the court's ability to provide oversight of these cases.
<u>SB 1550</u>	Figeroa	2006	Support	Enacts the Professional Fiduciaries Act, which establishes in the Department of Consumer Affairs a new licensure scheme governing professional conservators, guardians, and other fiduciaries.	II, IV	Improves the courts oversight in these cases.
<u>SB 1716</u>	Bowen	2006	Support if funded	Authorizes the court to take action in response to ex parte communications regarding a guardian's or conservator's performance of his or her fiduciary duties.	II, IV	Improves the court's oversight of these cases.
<u>AB 541</u>	Harman	2005	Support	Allows the court to test prospective guardians for drugs or alcohol and exempts guardians of the person	II, IV	Enhances court's discretion and improves court's ability to oversee these cases.

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

Goal I – Access, Fairness, and Diversity
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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				only from having to register with the Statewide Registry.		
<u>AB 1152</u>	Liu	2004	Support	Requires the Judicial Council to adopt a rule of court that specifies the qualification and educational requirements of private professional conservators and private professional guardians.	II, IV	Improves court's ability to oversee these cases.
<u>AB 1851</u>	Harman	2004	Support	Revises and recasts the law concerning the court's responsibility to approve compromises of claims of minors, and settlements or actions or disposition of judgments in favor of minors or "incompetent persons." Permits the court to establish a special needs trust for a disabled minor that will continue under court supervision after the minor reaches age 18.	IV	Improves the court's ability to administer these cases.
<u>AB 1883</u>	Harman	2004	Support	Prevents routine waivers but allows court discretion in waiving bond requirement where it is warranted.	II, IV	Enhances court's discretion.
<u>AB 1784</u>	Harman	2002	Support	Implements the recommendations of the California Law Revision Commission for clarification of Probate Code provisions regarding the construction of trusts and other instruments.	III, IV	Promotes clarity and consistency in the handling of these cases.

V. MISCELLANEOUS

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 1208</u>	Calderon	2011	Oppose	Significantly lessens the role of the Judicial Council in determining the allocation of funds to trial courts and allocating funds in a manner to support implementation of statewide policies and initiatives. Reduces the council's role in ensuring the stability of trial court operations and providing management or oversight of trial court budgets.	I, II, III, IV	
<u>SB 1417</u>	Cox	2010	Support	Modifies the process for formation of Societies for the Prevention of Cruelty to Animals and for the appointment of humane officers.	III, IV	Provides clear court process.
<u>AB 2301</u>	Assembly Judiciary Committee	2006	Support	Provides the State Bar with the authority to collect voluntary financial support from its membership to support organizations that provide free legal services to those of limited means.	I, IV	

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

- Goal I -- Access, Fairness, and Diversity
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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SCA 3	Lowenthal	2006	No position	Shifts redistricting responsibility from the Legislature to an 11-member Independent Redistricting Commission to reapportion legislative and congressional districts. Provides that the California Supreme Court has original and exclusive jurisdiction over all challenges to a redistricting plan adopted by the Commission. Requires the Judicial Council to appoint a panel of ten retired justices of the state courts of appeal, and for that panel to establish a pool of 50 candidates for the Independent Redistricting Commission.	N/A	
SB 1246	Burton	2004	No position	Requires the Supreme Court and the State Bar to develop standards and rules of professional conduct governing the propriety of an attorney appearing before a court where that individual previously served as a judicial officer.	N/A	Outside purview.

A. ACCESS TO JUSTICE

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 590	Feuer	2009	Support	Creates a pilot project to provide legal representation to indigent litigants in specified civil case types including domestic violence, civil harassment, probate conservatorship, elder abuse, child custody matters in which one parent is seeking sole legal or physical custody, and housing-related cases, beginning July 2011, with the revenue from recently enacted increases to a number of miscellaneous civil court fees.	I, IV	Improves access to justice for unrepresented litigants.
AB 2448	Feuer	2008	Sponsor	Revises and redrafts the existing statute governing court fee waivers to ensure that indigent litigants have an opportunity to access the courts in a timely manner, and to provide for recovery of those fees in appropriate cases.	I, III, IV	
AB 171	Beall	2007	Support	Establishes the Assumption Program for Loans for Law in the Public Interest, to provide up to \$1,000 in loan assumption benefits over a four-year period to public interest attorneys.	I	

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1723	Committee on Judiciary	2007	Support	Requires banks that hold interest on lawyer trust accounts (IOLTA) to allow those accounts to participate in higher-paying investment products, or receive an interest rate that is comparable to the rates paid by those investment products (referred to as IOLTA comparability).	I	

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

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ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/1/2012
PREPARED BY	Curt Child
OFFICE NAME	<u>Office of Governmental Affairs</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	144
JUDICIAL COUNCIL DIRECTIVE	E&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 require.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>The SEC Report notes in its recommendation that it is unclear how overall attorney resources are prioritized in the AOC and that OGA would benefit from the use of leveraged resources. It has long been the OGA practice to utilize OGC attorneys and others with subject matter expertise on budgetary and policy issues. All OGA advocates routinely and frequently utilize other AOC staff including OGC counsel and have been advised to do so in the future. This recommendation was also discussed with Mary Roberts and she will continue to ensure that OGC attorneys will be available to assist OGA.</p> <p>A memorandum was distributed to all Office of Governmental Affairs (OGA) staff on October 1, 2012 to advise staff of the recommendation adopted by the Judicial Council regarding the utilization of subject matter expertise outside of OGA to assist in legislative advocacy.</p>	
<div style="border: 1px solid gray; padding: 5px;">  <p>E&P Recomm 09282012.pdf Adobe Acrobat Document 4.11 MB</p> </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	
<div style="border: 1px solid gray; height: 20px; width: 100%;"></div>	
<div style="border: 1px solid gray; padding: 5px;">  File Attachment </div>	
<input type="checkbox"/> Other:	

<input type="button" value="File Attachment"/>

TIMELINE AND RESOURCES FOR IMPLEMENTATION	
IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	Immediately and ongoing.
RESOURCES REQUIRED FOR IMPLEMENTATION	No additional resources needed. It is expected that this recommendation be implemented within existing AOC resources.

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)
--

<input checked="" type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<p>This recommendation called for ensuring that OGA leverage existing subject matter experts and counsel within AOC to assist in their advocacy. OGA staff were reminded and invited to continue utilizing existing subject matter resources in their advocacy work as they have done in the past.</p> <input type="button" value="File Attachment"/>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<p>No additional training was developed.</p> <input type="button" value="File Attachment"/>
<input type="checkbox"/> SAVINGS	<p>No savings identified.</p> <input type="button" value="File Attachment"/>
<input type="checkbox"/> COST	<p>No costs identified.</p> <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> EFFICIENCIES	<p>Continued use by OGA advocates of available resources within the AOC will ensure that subject matter experts are being utilized and therefore maximize OGA resources.</p> <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>Continued use by OGA advocates of available resources within the AOC will ensure that subject matter experts are being utilized and therefore maximize OGA resources.</p> <input type="button" value="File Attachment"/>
	<p>Continued use by OGA advocates of available resources within the AOC will ensure that subject matter experts are being utilized and therefore maximize OGA resources.</p>

<input checked="" type="checkbox"/> OTHER	<input type="text" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>




Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 1240 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

MEMORANDUM

Date	Action Requested
September 28, 2012	Please Review
To	Deadline
Office of Governmental Affairs Staff	None
From	Contact
Curtis Child  Director, Office of Governmental Affairs	Curtis L. Child Office of Governmental Affairs 916-323-3121 phone 916-323-4347 fax curtis.child@jud.ca.gov
Subject	
Executive and Planning Committee Recommendations	

As you are aware, on August 27, 2012, the Judicial Council adopted recommendations proposed by the Executive and Planning Committee (E&P) after considering the recommendations contained in the May 2012 Strategic Evaluation Committee (SEC) report. The specific recommendations that were adopted are outlined in Attachment 1 to the August 27, 2012, E&P report to the Judicial Council and track, for the most part, the SEC recommendations.

There are four recommendations adopted by the Judicial Council that relate to the Office of Governmental Affairs (OGA): No. 23 (identify legislative requirements that impose unnecessary reporting and other mandates on the courts and the AOC and seek revision or repeal of the requirements); No. 61 (direct that legislative proposals follow the process established by the Policy Coordination and Liaison Committee (PCLC)); No. 143 (direct that OGA should represent the interests of the judicial branch on the clear direction from PCLC and ensure that PCLC is fully apprised of the views of the courts before determining legislative positions); and, No. 144 (OGA should draw upon other attorney resources in the AOC to assist OGA with legislative

September 28, 2012

Page 2

demand)¹. Of these four recommendations three are existing OGA requirements that OGA should ensure are part of their ongoing responsibilities. The fourth, No. 23-relief from statutory mandating requirements, will require additional analysis and a report and Judicial Council action to complete.

The purpose of this memo is to note the recommendations adopted by the Judicial Council regarding legislative advocacy on behalf of the branch and to repeat the need to ensure they are part of OGA advocacy practice. Continued adherence to these recommendations will make certain that OGA advocacy on behalf of the branch will be consistent with Judicial Council direction as informed by branch stakeholders. It is my intent to report to the Judicial Council for its October 26, 2012, meeting that the three recommendations noted above have been implemented, are ongoing, and will be monitored by the Administrative Director of the Courts.

Recommendation 61: E&P recommends to the Judicial Council that any legislative proposals generated by the AOC must follow the process established by PCLC.

The corresponding SEC report recommendation for this recommendation (No. 7-6) called for ensuring that legislative proposals generated by the Center for Families, Children and the Courts are limited to those required by court decisions and statutory mandates and approved by the Judicial Council Advisory Committees. E&P's recommendation looks more broadly toward ensuring that any legislative proposals generated by the AOC on behalf of the Judicial Council follow the process established by PCLC. That process is set forward in the PCLC Resource materials provided to PCLC as part of their orientation and to the new Judicial Council members as part of theirs. The orientation materials for this upcoming year and Legislative Policy Guidelines are attached. Also, early in the calendar year Justice Baxter provided a memorandum to the Advisory Committee chairs and staff advising them of the timelines and process for developing Judicial Council-sponsored legislation. The memo that went out on February 2, 2012, is also attached and a reminder to the committee chairs with timelines went out a few weeks ago.

As you work with your Advisory Committees on legislative proposals, whether they be timely developed proposals or on proposals with more urgent need, please continue to remind the Advisory Committees of the PCLC process and the need to track the process to the greatest extent possible to ensure that legislative proposals are fully developed so that PCLC can make comprehensive and informed recommendations for Judicial Council-sponsored legislation. Importantly, please remind Advisory Committee staff of the process and continue working with

¹ A fifth recommendation, No. 142—AOC organizational staffing changes including the reporting line of responsibility for OGA, was adopted by the Judicial Council at its August 31, 2012, meeting. That action established a revised organization structure for the AOC which placed OGA as a direct report to the Administrative Director of the Courts.

them to coordinate all aspects of the proposal. This will ensure that legislative proposals are fully vetted prior to submission to PCLC.

Additionally, when exigent circumstances or legislative positions are being formulated as part of the budget process which requires Judicial Council support we need to continue to bring those proposals to Justice Baxter and PCLC for decisions.

Recommendation 143: E&P recommends that the Judicial Council direct the Administrative Director of the Courts that OGA should represent the interests of the judicial branch on the clear direction of its 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 legislative positions or proposals.

While the SEC report and recommendation on this issue (No. 7-81) is not specific on the problem that needs to be addressed, the report does serve as an important reminder that the fiscal and policy impacts of legislation on both the trial and appellate courts need to continue to be an important issue for PCLC in making their decisions. Historically, OGA has sought court participation on policy and impacts through multiple sources. Legislative proposals that impact the trial courts have been vetted through the relevant subject matter Advisory Committees and/or Trial Courts Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Legislative Working Group and with the TCPJAC leadership. On fiscal issues the Operational and Budget Impact Working Group of CEAC has designated experts in large, medium, small, urban, and rural courts on the fiscal impact of legislation. OGA staff working on fiscal analyses has also, working directly with Finance Division staff, sought fiscal impacts from judges and staff in individual courts. In the appellate courts we directly work with the Administrative Presiding Justices Advisory Committee and the California Appellate Court Clerk's Association (CACCA) on both legislative and fiscal issues to inform PCLC.

The SEC report noted that some courts perceive that OGA does not effectively represent their interests in Sacramento on certain issues. While there is no detail that would better inform us on implementing this recommendation it is important that OGA cast its input net as broadly as possible in seeking both trial and appellate court impacts, including the fiscal impacts of proposed legislation. The SEC report does note, importantly, that it may not be feasible to represent the *individual* interests of particular courts because those interests vary from court to court. The report correctly notes that the varied interests of the courts should be considered in establishing a legislative agenda.

Thus, in implementing this recommendation OGA advocates should ensure that they seek both the formal and informal participation of the trial and appellate courts on the impact legislative and budget proposals have on their courts through the existing committee structure. All PCLC reports should continue to include in them the efforts made to obtain the courts' impact analysis

and clearly state that impact on the courts. Advocates should continue the practice of inviting advisory committee representatives to participate in PCLC meetings when deemed appropriate by the Chair.

Finally, although there are no findings in the SEC report regarding the participation of other branch stakeholders on legislation and budgetary issues, advocates should continue to assist the appropriate Advisory Committees to ensure that other stakeholder impacts and interests are appropriately considered and presented to PCLC in their reports.

Recommendation 144: E&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 demand may require.

The SEC Report notes in its recommendation that it is unclear how overall attorney resources are prioritized in the AOC and that OGA would benefit from the use of leveraged resources. It has long been OGA practice to utilize attorneys and others with subject matter experts on budgetary and policy issues; with such prominent examples as SB 1407, the Public Contracts Code, public records legislation, fee and fine increases, traffic, civil practice, etc. I have reported that all advocates routinely and frequently utilize other AOC staff including OGC counsel and will continue to do so in the future. I have also discussed this recommendation with Mary Roberts and she, of course, will continue to assure that her attorneys will be available to assist OGA, resources permitting. Please continue to call upon OGC and other subject matter experts within the AOC as you do your advocacy work.

Conclusion

While it may understandably feel like these recommendations are self-evident it is important to remind ourselves of the importance of the underlying substance behind these recommendations in making sure that our work effectively represents the judicial branch in the legislative and executive branches of government. It is fortunate that we can note that the above recommendations have been completed while we provide assurances that we will be diligent in meeting the goals in the E&P recommendations. Thank you all for the professional and diligent manner in which you advocate on behalf of the judicial branch.

Bobino, Luz

From: Casillas, Yvette
Sent: Thursday, February 02, 2012 10:53 AM
To: AOC JC Adv. Comm and TF Coordinators; AOC JC Policy Coord. Committee; AOC Directors - All; AOC Comm Comm
Subject: Memo from Justice Baxter to Advisory Committees: re: developing proposals for sponsored legislation
Attachments: JC-sponsored_legislation_calendar.doc; Baxteradviscommreminder020212.doc

Colleagues:

Please see attached memo from Justice Baxter regarding the development of legislative proposals for possible Judicial Council sponsorship in 2013, together with the timeline for this year.

If you have any questions, please feel free to contact Dan Pone, daniel.pone@jud.ca.gov, or Donna Hershkowitz, donna.hershkowitz@jud.ca.gov or by phone at 916-323-3121.

Thank you.

Yvette Casillas
Administrative Coordinator
Office of Governmental Affairs
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Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

Date	Action Requested
February 2, 2012	Please review
To	Deadline
Advisory Committee Chairs and Staff	N/A
From	Contact
Hon. Marvin R. Baxter, Chair Policy Coordination and Liaison Committee	Donna S. Hershkowitz, Assistant Director Office of Governmental Affairs 916-323-3121 phone donna.hershkowitz@jud.ca.gov
Subject	
Deadlines for Judicial Council-Sponsored Legislation	

As Chair of the Judicial Council's Policy Coordination and Liaison Committee, I am writing to advise you of the timelines and process for developing potential proposals for Judicial Council-sponsored legislation. Each year, the council sponsors bills that seek to improve the administration of justice in California and assist, where needed, in accomplishing branchwide goals and objectives. Judicial Council advisory committees are ideally positioned to identify and develop proposals for statutory change given committee members' extensive expertise in the committee's subject area.

In order to meet the deadlines for developing, refining, circulating, and revising proposals for possible Judicial Council sponsorship in 2013, your committee should be developing proposals in January - March of this year. The timeline for the development of sponsored legislation is attached for your reference. Please contact your advisory committee staff, or Donna Hershkowitz in the Office of Governmental Affairs at 916-323-3121, if you have any questions. Thank you.

Calendar for Judicial Council–Sponsored Legislation

	Advisory committee staff due date
<p>Proposal development Advisory committee, in consultation with OGA staff, develops proposals for Judicial Council–sponsored legislation.</p>	January–March 2012
<p>Proposals to OGA Staff Advisory committee staff forwards draft Invitations to Comment to OGA staff for review before submission to PCLC.</p> <p>OGA staff, in consultation with advisory committee staff, finalizes Invitations for Comment and submits them to PCLC.</p>	<p>March 19, 2012</p> <p>April 5, 2012</p>
<p>PCLC meeting to review Invitations to Comment PCLC determines if proposals may be circulated for public comment.</p>	April 12, 2012
<p>Comment period Advisory committee staff, in consultation with OGA staff, circulates draft Judicial Council–sponsored legislation proposals to interested and affected parties.</p>	April 17–June 15, 2012
<p>Staff consultation Advisory committee staff consults with OGA staff regarding responses to comments and further development of proposals for Judicial Council–sponsored legislation.</p>	June–August 2012
<p>Final Proposals for council-sponsorship sent to PCLC</p>	October 12, 2012
<p>PCLC meeting to review proposals for possible council-sponsorship</p>	October 25, 2012
<p>Judicial Council meeting Judicial Council takes action on proposals for Judicial Council–sponsored legislation for upcoming legislative year.</p>	December 14, 2012

Judicial Council-sponsored Legislation Schedule: August - December 2012

	Due Dates
Leg proposals from Advisory Committees due to OGA (in JC report format)	Friday, September 7
OGA returns proposals with suggested edits to Advisory Committee staff	Friday, September 14
Advisory Committee staff return proposals to OGA	Friday, September 28
OGA sends materials to Policy Coordination & Liaison Committee (PCLC)	Thursday, October 11
PCLC meeting (In Person)	Thursday, October 25
OGA sends draft proposals to editing and to E&P with Secretariat Briefing Sheet (SBS)	Tuesday, November 6
Editors return edited proposals to OGA; OGA confers with Advisory Committee staff for final approval	Tuesday, November 20
OGA sends final proposals to Secretariat & JC binder (in PDF format also)	Wednesday, November 28
ASU mails JC binders	Wednesday, December 5
JC meeting	Friday, December 14



Policy Coordination and Liaison Committee

2012 RESOURCE MATERIALS



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

**Judicial Council of California
Administrative Office of the Courts
Office of Governmental Affairs**

**Policy Coordination and Liaison Committee
Resource Materials**

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Policy Coordination and Liaison Committee

The role of the Policy Coordination and Liaison Committee (PCLC) is to represent the council before the legislative and executive branches of government, build consensus with entities and individuals outside the branch and coordinate an annual plan for communication and interaction with other agencies and entities.

The charge and duties of the committee, set forth in California Rules of Court, rule 10.12, including the following:

- 1) Review and make recommendations on all proposals for Judicial Council–sponsored legislation and on an annual legislative agenda after evaluating input from council advisory bodies, the courts, and the Administrative Office of the Courts;
- 2) Review pending legislation and formulate the council’s policy position, if any, after evaluating input from council advisory bodies, the courts, and the Administrative Office of the Courts;
- 3) Advocate positions of the council before the Legislature and other bodies or agencies and act as liaison with other governmental entities, the bar, the media, the judiciary, and the public regarding council-sponsored legislation, pending legislative bills, and the council’s legislative positions and agendas;
- 4) Build consensus on issues of importance to the judicial branch consistent with the council’s strategic plan with entities and individuals outside of the branch; and
- 5) Oversee the development, coordination, and maintenance of communication and relations with other branches and levels of government, components of the justice system, the bar, the media, and the public.

Typical Judicial Council–sponsored Legislation Calendar

Month	Judicial Council
Jan – March	<ul style="list-style-type: none"> Advisory committees, in consultation with Office of Governmental Affairs (OGA) staff, develop proposals for council–sponsored legislation.
April – May	<ul style="list-style-type: none"> Advisory committee, in consultation with OGA staff, circulates draft proposals for council–sponsored legislation to interested and affected parties.
June	<ul style="list-style-type: none"> Deadline for public comment on proposed council–sponsored legislation.
June – August	<ul style="list-style-type: none"> Advisory committee consults with OGA staff regarding responses to comments and further development of proposals for council–sponsored legislation.
September – October	<ul style="list-style-type: none"> Deadline for advisory committee and OGA staff to jointly submit finalized draft proposals for council–sponsored legislation to the Policy Coordination and Liaison Committee.
October	<ul style="list-style-type: none"> PCLC makes recommendations for council action on council–sponsored legislative proposals for upcoming legislative year.
December	<ul style="list-style-type: none"> Judicial Council acts on PCLC recommendations for council–sponsored legislation for upcoming legislative year.

Guidelines for Development of Judicial Council–sponsored Legislation

This summary describes the typical process the Judicial Council follows when developing and approving proposals for sponsored legislation. It also describes how OGA advocates for enactment of these proposals in the Legislature.

I. Judicial Council Process

A. Sources of Legislative Proposals

Because it often takes several months to fully develop a legislative proposal, the process should begin early in the year. (*See the Judicial Council–sponsored Legislation Calendar.*) Judicial Council advisory committees are well situated to identify and develop proposals for statutory change. Committee members have extensive expertise in the committee’s subject area and often have ideas for improving statutory law. In addition, advisory committees may receive requests for council sponsorship of legislative proposals from outside sources.

Suggestions for how an advisory committee may wish to identify proposals for council–sponsored legislation follow:

- The advisory committee chair may devote a portion of one or more meetings each year to identifying legislative proposals for the following year’s legislative session.
- The advisory committee may establish a working group or task force composed of committee members responsible for reviewing the relevant codes, or specific subjects or issues within those codes, to identify potential legislation.
- Advisory committees may receive legislative proposals from outside sources. When a person or organization submits a legislative proposal to the Judicial Council, staff from the Administrative Office of the Courts forwards the proposal to the appropriate advisory committee and OGA staff for consideration.

B. Advisory Committee Process for Developing Proposals

This section describes the steps an advisory committee takes to develop and review legislative proposals for substantive merit. It also lists criteria that an advisory committee should consider in determining whether a legislative proposal appears suitable for council sponsorship.

1. Assess Viability of Proposal – For each legislative proposal, the advisory committee takes the following actions:

- The advisory committee, in consultation with OGA staff, determines a time frame for consideration of the proposal, keeping in mind the

September/October deadline for submission of legislative proposals to the PCLC.

- If the advisory committee rejects a proposal submitted by an outside source, committee staff will notify the proponent of that action.
- If the advisory committee accepts or modifies a proposal from an outside source, or decides to recommend sponsorship of an internally generated proposal, the committee proceeds to the next steps.

2. Coordination with Office of Governmental Affairs Staff – Advisory committee staff will work with OGA staff to coordinate work on all aspects of the proposals.

3. Review and Analyze – Advisory committees review proposals for substantive merit before transmitting them to the PCLC. A typical analysis of a proposal should include:

- A description of the problem to be addressed, including its scope.
- A description of how the problem affects the judicial branch.
- A description of the proposed solution.
- A discussion of any alternative solutions, including an analysis of why the recommended solution is preferable.
- A discussion of any minority viewpoints.
- A description of any foreseeable problems with the proposed solution.
- Draft language for the proposed legislation.
- A determination whether the Judicial Council and/or the Legislature should give the proposal urgent consideration and the reasons for this.

A worksheet that advisory committees use for laying out this analysis and other important considerations can be found on page 15.

4. Evaluate Sponsorship Criteria – Once an advisory committee determines that a particular proposal has merit, the committee should consider certain criteria in assessing whether Judicial Council sponsorship is appropriate and desirable. Limited resources, competing priorities, and political realities impose practical limitations on the council's ability to sponsor every worthwhile legislative proposal presented. The advisory committee and OGA staff should jointly consider each of the following questions:

- Is the proposal within the Judicial Council's jurisdiction?

Council-sponsored measures should involve only those issues that are central to the council's mission and goals as stated in the Judicial Council's Strategic Plan.

- Should the proposal be addressed through the Judicial Council's rulemaking authority rather than by a change in statute?

The council prefers to implement changes through rules of court whenever appropriate.

- Is the Judicial Council the best sponsor?

The advisory committee and OGA staff may determine that a proposal more closely serves the mission or objectives of another organization such as the State Bar. A Judicial Council-sponsored proposal should address issues fundamental to the administration of justice and broadly serve the needs of the courts statewide.

- What political factors are associated with the proposal?

OGA staff are responsible for providing advice about the political factors associated with a proposal.

5. Circulate for Comment – If an advisory committee wishes to circulate a proposal for comment, the committee staff consults with OGA staff. If it is determined that the proposal may be appropriate for circulation, the committee submits the proposal to PCLC for consideration. If PCLC agrees with the advisory committee's recommendation, the proposal may be circulated for public comment. After the comment deadline, committee staff and OGA staff jointly review the comments. Advisory committee staff then summarize and present the comments to the committee. Following consideration of the comments, the advisory committee may modify the proposal based on the comments, recommend adoption of the proposal as originally presented, or recommend non-adoption based on the comments received.

6. Advisory Committee Action – Upon completion of the review procedures and consideration of the evaluation criteria above, the advisory committee may adopt one of the following actions:

- Approve the proposal as submitted.
- Approve the proposal with modifications.

- Reject the proposal. The advisory committee should inform the source of the proposal of this decision.

If the advisory committee approves the proposal, the committee forwards the proposal to PCLC for consideration. Final proposals must be submitted to the PCLC using the template for memos to Judicial Council internal committees by the September/October deadline in order to be considered for Judicial Council sponsorship during the following legislative year. All advisory committee proposals submitted to the PCLC are referred to OGA, which may prepare a separate analysis and recommendation for the PCLC.

C. Policy Coordination and Liaison Committee Action

In October, the PCLC reviews the proposal, the advisory committee recommendation, and any analysis and recommendation prepared by OGA staff. After considering the proposal, the PCLC may recommend it for Judicial Council sponsorship and forward it to the Judicial Council, send it back to the advisory committee for further consideration, or take other action as necessary. If the PCLC modifies or rejects the proposal, OGA staff returns the proposal to the submitting advisory committee. The advisory committee may either accept the PCLC action or request that the full council review the PCLC recommendation.

D. Judicial Council Action

The legislative proposal is presented by the PCLC to the Judicial Council in December for consideration. The Judicial Council reviews the proposal, along with the PCLC recommendation contained in a report prepared by OGA staff. Once the council approves a proposal, it becomes “sponsored” legislation. If the Judicial Council does not approve the proposal for sponsorship, or takes some other action on the proposal, OGA staff will communicate the action to the submitting advisory committee.

E. Delegation of authority to PCLC to sponsor legislative proposals on behalf of the council

The Judicial Council delegated to the PCLC the authority to take positions to sponsor proposals on behalf of the council when time is of the essence. This situation most often will arise in the context of the budget and related “trailer bill language.” Acting under this delegation, PCLC notifies the chairs of the Executive and Planning Committee and the Rules and Projects Committee of any PCLC meetings at which such actions will be considered so that they may participate if available. PCLC is also required to notify all other Judicial Council members, if feasible, of the intended action. After acting under this delegation, PCLC is required to notify the Judicial Council of all actions taken.

II. Advocacy Process

A. Legislative Author

Staff at the Office of Governmental Affairs seek a legislator to introduce the council-sponsored proposal. Ideally, an appropriate author for the bill would be one who:

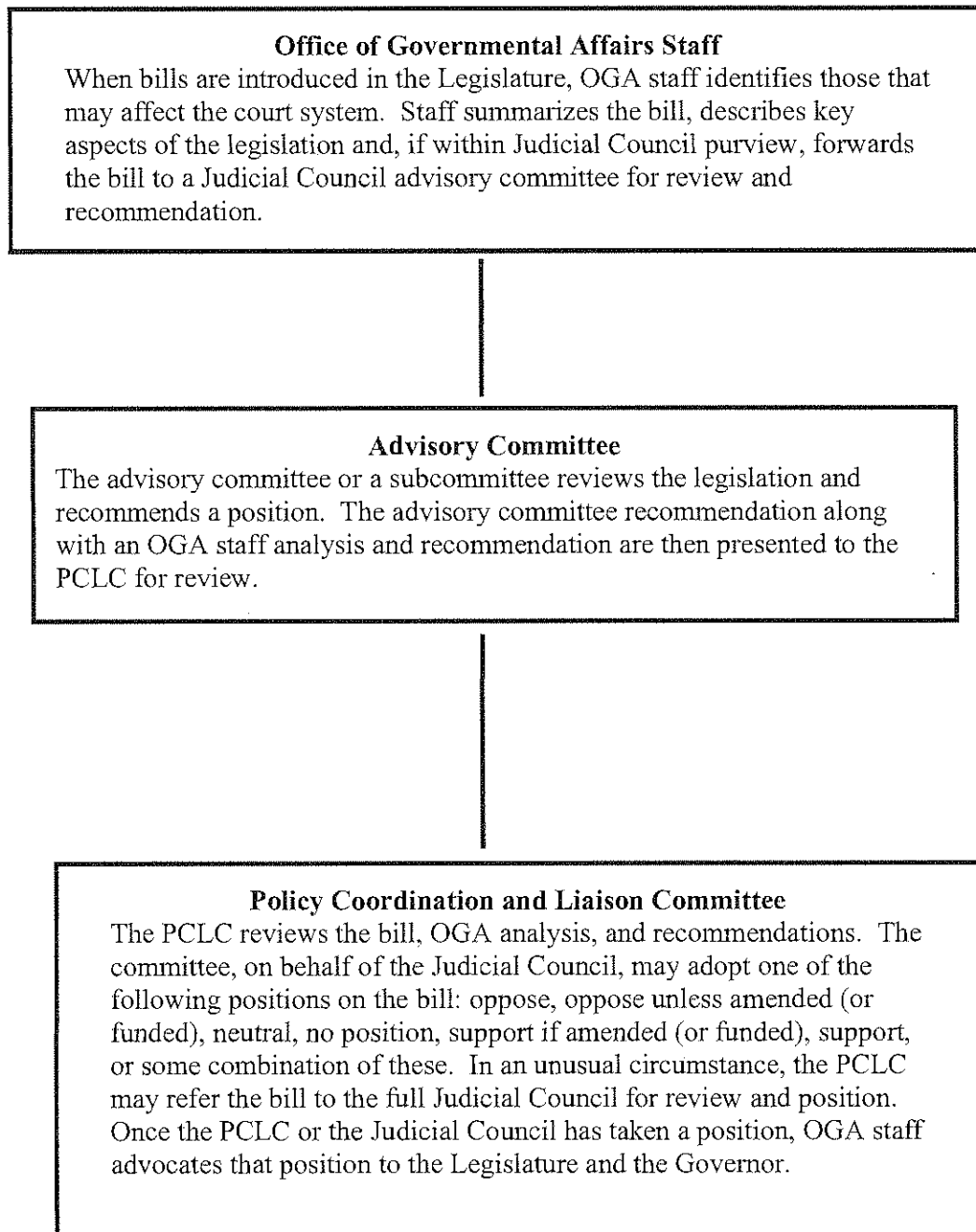
- Has substantial experience with the subject of the bill; often the author is the chair or a member of the policy committee with subject-matter jurisdiction over the bill.
- Understands Judicial Council needs and objectives.
- Has experience with the legislative process.
- Is an effective negotiator with members of both parties.

B. Office of Governmental Affairs Responsibilities

OGA staff members are the primary advocates for Judicial Council-sponsored legislation. Responsibilities include, among other things:

- Preparing background material for the bill, including an analysis for the author. This material includes a description of the problem the bill seeks to address, an explanation of how the bill corrects that problem, the likely supporters and opponents of the bill, questions the bill raises that may need further research, and any other information that explains the issue.
- Communicating information about the bill to every legislative committee that hears the bill. This means working extensively with committee staff and legislators who are members of those committees. In moving through the legislative process, a bill will be heard by a policy committee (such as the Judiciary Committee), and, if appropriate, by a fiscal committee before being debated and voted upon by the full membership on the floor of each house.
- Coordinating with other supporters to build a broad coalition in support of the bill.
- Coordinating the content and timing of correspondence between all supporters, and the Legislature.
- Negotiating with the proposal's opponents to determine whether amendments can eliminate opposition and still achieve the council's objectives.
- Meeting with the Governor and/or his or her staff to advocate that the bill be signed into law.

Formulating a Judicial Council Position on Pending Legislation



Formulating a Position on Pending Legislation

The Judicial Council, acting through the Policy Coordination and Liaison Committee (PCLC), strives to improve the administration of justice by representing the interests of the courts to the Legislature, the executive branch, other entities involved in the legislative process, other entities interested in the judiciary, and the general public.

Following are procedures the Office of Governmental Affairs uses in developing recommendations for and carrying out the PCLC and council directives.

Positions on Legislation

OGA staff review all introduced and amended legislation to determine whether a bill is of interest to the judicial branch. For each bill of interest, OGA staff indicates whether the council is likely to take, or may want to take a position. Appropriate to the subject area, one or more council advisory committees (or subcommittees) review each bill on which the council may want to take a position. The advisory committees either recommend a position or recommend that the council take no position.

OGA staff present bills on which an advisory committee recommends a position to the PCLC for determination of a council position. Staff may also choose to bring a bill before the PCLC on which an advisory committee has recommended no position. The staff present each bill to the PCLC with an analysis that includes a summary of the bill, a recommended position from an advisory committee and, if different, the OGA staff recommendation, the rationale for the recommendation, positions the council has taken on related bills, fiscal and workload impact, and other relevant information.

The council has established several positions the PCLC may take on a bill. These positions do not indicate the relative strength of the council's support or opposition, but the aims of OGA staff's lobbying efforts. The positions are:

1. Oppose. Position taken on a bill that conflicts with established council policies, and for which obvious changes would not resolve the conflict.
2. Oppose unless amended (or unless funded). Position taken on a bill that the council will oppose unless identified amendments are taken to address those provisions that conflict with council policy, or unless funding issues are resolved.
3. Oppose unless amended; support if amended. Position taken on a bill that the council will oppose unless identified amendments are taken. If amendments are taken, the council will support.
4. Neutral. Position taken on a bill the substance of which does not implicate council policy, but on which technical corrections would improve the measure.
5. No position. Position taken on a bill that addresses substantive issues on which the council takes no position, though the measure may affect the courts.

6. Support in concept. Position taken on a bill that, in concept, furthers council policy, but that is not yet drafted in sufficient detail for the council to support.
7. Support if amended (or if funded). Position taken on a bill that, with specified amendments or funding, would further the council's policies. Absent the amendments or necessary funding the council position is neutral.
8. Support. Position taken on a bill that furthers council policy.

PCLC may also combine several of the above positions.

The PCLC Meeting Schedule and Agenda

The PCLC meets regularly during the legislative session, usually by conference call. Beginning in late February or early March, the committee sets a schedule of meetings for a set time every three weeks. If a meeting is not needed, OGA staff notify PCLC members by e-mail. Late in the legislative session, and during budget negotiations, it is sometimes necessary to schedule several meetings on short notice to discuss or resolve late-breaking issues.

OGA staff prepare a written analysis of each bill for the PCLC. OGA staff place bills that do not appear to require discussion or deliberation on the PCLC's consent calendar. The consent calendar saves the committee time by eliminating the need to rearticulate clearly established council policies and positions. However, any committee member may remove an item from the consent calendar to discuss the bill's merits or recommended action.

Bills that are on the discussion agenda include those that appear to require discussion, and those bills on which the OGA staff recommendation differs from the recommendation of an advisory committee. In the latter instance, OGA staff will request that a representative of the advisory committee participate in the PCLC conference call. The guest presents the advisory committee's views, and takes questions from PCLC members. The PCLC may then excuse the guest and deliberate further and then vote on the position.

Legislative Advocacy

Once the PCLC adopts a position on a bill, that position and associated policies become the cornerstone of OGA's advocacy efforts. The information is presented in subsequent negotiating sessions, discussions with interested parties, and meetings with legislators. A letter setting forth the position and policies is sent to the bill's author, to legislative committee members, and other interested parties.

Generally, the PCLC's initial guidance and position suffices to direct OGA staff's advocacy throughout the legislative process. Sometimes, as a bill progresses or is amended, OGA staff require further direction from the PCLC because of a particular bill's significance or complexity, the sensitivity of an issue or the direction taken by the amendments. The PCLC may be asked to reconsider the matter at a subsequent meeting. If legislative events demand an immediate response, the staff may seek direction from a member or subcommittee the PCLC designates on that issue.

Coordination with other groups

The Judicial Council advances its position on legislation most successfully when it allies itself with other entities such as county government representatives, law enforcement, attorneys, and consumer advocates. OGA staff work to develop coalitions on issues of common interest. These coalitions often last for years, effectively supporting and opposing a variety of bills. For example, the council's efforts regarding trial court facilities legislation involved close coordination with the California State Association of Counties. Other groups with which the council has long-standing working coalitions include the Consumer Attorneys of California, the California Defense Counsel, the California Judges Association (CJA), the State Bar of California, and others. These and other working relationships have evolved during many years of cooperative effort.

On most court-related issues, OGA staff maintain close contact with representatives and staff of CJA and the State Bar. Additionally, OGA staff confer regularly with the California Court Association Legislation Committee (CCALC) to discuss or request analytical information about pending legislation with members of the court community. The CCALC members are court employees who provide vital input related to the operational impact of proposed legislation.

Legislative fiscal analysis

During its legislative screening process, OGA staff identify bills that require a fiscal analysis. In the years since the state assumed responsibility for trial court funding, the AOC, through joint efforts of OGA and the Finance Division, has developed a process to ensure that both timely and accurate fiscal analyses are submitted to the Legislature. When reviewing a bill for court-related policy issues, OGA legislative advocates also identify any provisions that may have costs associated with them. The OGA legislative advocate consults with fiscal staff in OGA and the Finance Division who are responsible for the development of fiscal analyses. Fiscal staff confirm the cost issues and, if necessary, work with the advocate to determine an appropriate approach and methodology, identify available resources, and clarify any technical issues affecting the analysis.

There are a variety of resources available to assist in the development of fiscal and workload analyses. Staff of the AOC's Office of Court Research assist in data collection and analysis. OGA staff also work closely with other AOC staff in specific program areas such as civil, criminal, family, and juvenile law; jury service; traffic programs; and the court interpreter program. These staff can provide direct information and referrals to local court staff to assist in the development of fiscal analyses.

Additionally, a process was recently developed to obtain greater input from court staff identified by court executive officers as subject matter experts. The Operational and Budget Impact Working Group of the Court Executives Advisory Committee identified staff in their courts and other courts whom OGA can consult to get input from court designated experts in large, medium, small, urban, and rural courts on the fiscal impact of legislation.

Judicial Council Legislative Policy Guidelines

The Judicial Council Legislative Policy Guidelines provide a historical summary of legislative action. The Guidelines are intended to ensure that council members, advisory committee members, and AOC staff have a common understanding of council policy on issues presented in proposed legislation and are guided by that council policy and practice. The document sets forth concise council policy guidelines regarding court-related legislative proposals. The policy guidelines are organized by topic and further the objectives of the six Judicial Council Strategic Plan goals.

Proposal for Judicial Council–Sponsored Legislation

Advisory Committee: _____

Date: _____

Contact Person: _____

OGA Liaison: _____

1. Problem to be addressed.
2. How does this problem affect the judicial branch?
3. Proposed solution.
4. Alternative solutions. Why is the recommended solution preferable?
5. Minority viewpoints.
6. Any foreseeable problems with the proposed solution?
7. Should the Judicial Council give this proposal urgent consideration?
If so, why?
8. Is the proposal within the Judicial Council’s jurisdiction?
9. Should the proposal be carried out by amending the California Rules of Court instead of statute?
10. Why is the Judicial Council the best sponsor?
11. What political factors are associated with the proposal?

Please attach draft language.

The Office of Governmental Affairs

The mission of the Office of Governmental Affairs is to promote and maintain effective relations with the legislative and executive branches and to present the Judicial Council's recommendations on legislative matters pursuant to constitutional mandate.

(Cal. Const., art. VI, § 6). OGA staff are responsible for the following subject matters:

Subject Matter	Contact
General Advocacy	OGA Director, Donna Hershkowitz
Access to Justice/Self-represented Litigants	Tracy Kenny
Appellate Law	Tracy Kenny, Daniel Pone, TBD
Bench-Bar Coalition	Dia Poole
Budget	OGA Director, Andi Liebenbaum
Civil Procedure	Daniel Pone
Communications Liaison	Dia Poole
Court Facilities	TBD
Court Interpreters	Tracy Kenny
Court Reporters	Donna Hershkowitz
Court Security	Donna Hershkowitz
Criminal Procedure	TBD
Day on the Bench	Dia Poole
Employment Issues (trial court labor, court staff retirement)	Donna Hershkowitz
Family Law	Tracy Kenny
Fiscal Impact of Legislation	Andi Liebenbaum
Judgeships and Subordinate Judicial Officers	Donna Hershkowitz
Judicial Administration Fellowship Program	Dia Poole
Judicial Conduct	TBD
Judicial Education	Tracy Kenny
Judicial Elections	TBD
Judicial Service	Tracy Kenny, Donna Hershkowitz
Jury Issues	TBD
Juvenile Delinquency	Tracy Kenny
Juvenile Dependency	Tracy Kenny
Probate and Mental Health	Daniel Pone
Redistricting/Judicial Redistricting	TBD
State Bar/Practice of Law	Daniel Pone
Traffic Law	TBD

Staff Biographies

Donna Hershkowitz has been the Assistant Director of the Office of Governmental Affairs since joining the AOC in January 2006. She is currently serving as Acting Director of OGA. Prior to joining the AOC, Ms. Hershkowitz most recently served as principal consultant with the Senate Office of Research. Prior to that, she worked for the state Department of Child Support Services, first as senior staff counsel, then deputy director. She also worked for four years as principal consultant to the Assembly Judiciary Committee. Ms. Hershkowitz has a bachelor's degree from Duke University and a juris doctorate from UCLA School of Law.

Katie Asher is an administrative coordinator with the Office of Governmental Affairs. Prior to joining the AOC, Ms. Asher worked for Electronic Data Systems (EDS). While employed with EDS, she worked as a public affairs coordinator for the Office of Governmental Affairs, as an administrative coordinator for Global Marketing Operations, and as a regional coordinator for the Americas Communications division. Ms. Asher has a bachelor's degree in communications from UC Davis.

Luz Bobino is an executive secretary to the director of the Office of Governmental Affairs. She began working at OGA in 2000. Prior to working for OGA, Ms. Bobino was an application support analyst for the Sutter Health Information Technology Center.

Larissa Brothers is a secretary with the Office of Governmental Affairs. Prior to joining the AOC, Ms. Brothers worked in an administrative capacity for Telpro Products, Inc. and Dish Network. For several years, Ms. Brothers ran a home-based confectionery business while pursuing a degree in paralegal studies.

Yvette Casillas is an administrative coordinator with the Office of Governmental Affairs and has been employed by the AOC since 1997. She is responsible for coordinating bill tracking and screening criminal and traffic legislation, as well as supporting the work of three advocates and the PCLC. Ms. Casillas relocated to Sacramento in 1995 from Southern California and attended Sacramento City College, majoring in administration of justice.

Tracy Kenny is an attorney with the Office of Governmental Affairs and has been employed by the AOC since 2001. Prior to joining the AOC, she worked as a fiscal and policy analyst at the Legislative Analyst's Office. Ms. Kenny is responsible for advocacy on family law, domestic violence, court interpreters, access to justice, juvenile dependency and delinquency issues, and judicial retirement. She has a bachelor's degree in history, a master's degree in public policy, and a juris doctorate from the University of California at Berkeley.

Monica LeBlond has been the supervising administrative coordinator in the Office of Governmental Affairs since January 2002. Prior to joining the AOC, she worked as an administrative and quality manager for an environmental consulting firm in Sacramento. Ms. LeBlond has a bachelor of music degree from the State University of New York.

Andi Liebenbaum joined the Office of Governmental Affairs in April 2012 as a senior governmental affairs analyst. She previously served as a senior consultant for Assembly

Member Jared Huffman in the California Legislature. Ms. Liebenbaum served as the president of the Los Angeles League of Conservation Voters, an environmental political action committee, for over a decade, and provided youth, workforce development and environmental policy training for the US Department of State in Central and South America. Ms. Liebenbaum, who is bilingual in English and Spanish, has two bachelors' degrees from Boston University and a juris doctorate from Loyola Law School Los Angeles.

Kate Nitta is a 2012-13 Judicial Administration Fellow at the Office of Governmental Affairs. The Judicial Administration Fellowship program is a graduate professional program administered by the Center for California Studies at California State University, Sacramento, and co-sponsored by the Judicial Council. Ms. Nitta graduated in May 2012 from Golden Gate University School of Law and sat for the July 2012 California Bar Exam. While in law school, she earned specialization certificates in Environmental Law and Public Interest Law. Prior to attending law school, Ms. Nitta worked as a legal secretary for a Sacramento real estate law firm. Ms. Nitta has a bachelor's degree in English from the University of California at Davis.

Daniel Pone is a senior attorney with the Office of Governmental Affairs and has been employed by the AOC since 2001. Prior to joining the AOC, he worked for four years as a principal consultant for the California Assembly Judiciary Committee, working in areas of civil rights, constitutional law, general civil law, contracts, probate, mental health, consumer protection, and privacy. Prior to working in the Assembly, Mr. Pone worked for more than 11 years as a senior attorney for Protection & Advocacy, Inc., specializing in mental health law. Mr. Pone has a bachelor's degree in psychology from the University of Oklahoma and a juris doctorate from University of California at Davis.

Dia Poole joined the Office of Governmental Affairs in January 2004 as a senior governmental affairs analyst. She previously held a four-year appointment as the public affairs director for the California Department of Fair Employment and Housing. Prior to her appointment at DFEH, Ms. Poole served as a policy consultant in several legislative and committee assignments with the California Legislature. Ms. Poole graduated from California State University, San Bernardino and worked for the County of San Bernardino for 13 years before accepting a California State Assembly fellowship and relocating to Sacramento in 1994.

Outreach Activities

The Office of Governmental Affairs seeks to promote effective communications within California's judicial branch and with the legislative and executive branches of government. To enhance these efforts, OGA has established outreach programs that inform the Governor, members of the Legislature, and the legal community about the judicial branch and issues of mutual concern.

State of the Judiciary Address and the Judicial-Legislative-Executive Forum

The Chief Justice of California typically delivers an annual State of the Judiciary address early in the calendar year to a joint session of the Legislature. The address focuses on significant issues and challenges facing the judiciary in the upcoming year. Following the address, a Judicial-Legislative-Executive Forum is conducted, providing an opportunity for members of the Legislature, the executive branch, appellate and trial courts, and the Bench-Bar Coalition to discuss issues and meet informally with the Chief Justice and other judicial branch leaders.

Liaison Program

Working with other groups toward achieving common goals has been a long-standing component of the Office of Governmental Affairs' advocacy work. The liaison program is the office's ongoing effort to maintain contact and work cooperatively with groups involved with the judicial branch, including the California Judges Association, the California State Association of Counties, the California District Attorneys Association, the California Public Defenders Association, the State Bar, civil plaintiffs and defense bars, and others. Where our positions on issues concur, we form alliances to enhance our advocacy efforts. When our positions on issues differ, we negotiate to reach agreements whenever possible. In support of this ongoing liaison effort, the Chief Justice hosts annual meetings with the leadership of several external organizations to discuss issues of mutual concern.

Statewide Bench-Bar Coalition

The Administrative Office of the Courts and the State Bar of California coordinate the statewide Bench-Bar Coalition (BBC). The BBC enhances communication and coordinates the activities of the judicial community with the State Bar; local, minority, and specialty bars; and legal services organizations regarding issues of common interest, particularly in the legislative arena.

Day on the Bench Program

The Day on the Bench program is an event in which a legislator spends a day (or portion of a day) in court with a judge in the legislator's district. This program, cosponsored with the California Judges Association, is designed to give legislators an understanding of the volume, complexity, variety, and difficulty of a trial court judge's daily duties and responsibilities.

California Court Association Legislation Committee

The California Court Association Legislation Committee is composed of professional court staff from various courts throughout the state, including court managers, supervisors, and technical staff. Throughout the legislative session, OGA staff confers with CCALC to exchange information on pending legislation and help inform Judicial Council positions. In November of each year, CCALC and OGA staff jointly conduct the New Laws Workshops to provide court staff throughout the state with information regarding newly-enacted legislation that makes changes to court operations and procedures.

Publications and Information Services

To facilitate communication, staff distributes the following information on current legislative developments.

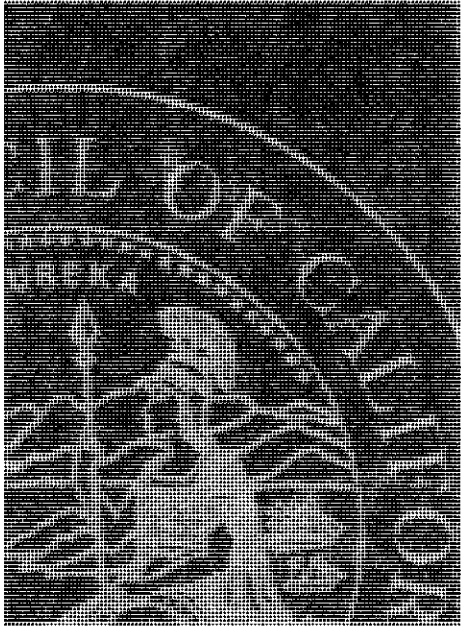
Each year, the Office of Governmental Affairs publishes a comprehensive summary of enacted legislation that affects the courts or is of general interest to the legal community. The Legislative Summary includes brief descriptions of the measures, organized by subject. Current and prior-year summaries can be downloaded from the California Courts Website, Court-related Legislation page: <http://www.courts.ca.gov/4121.htm>

Legislative Status Chart – The Office of Governmental Affairs prepares a chart that provides an easy reference to all council actions on pending legislation, including Judicial Council-Sponsored legislation.

Table of Bills Affecting Appellate Courts – The Office of Governmental Affairs prepares a chart of legislative bills that affect the appellate courts or that respond to California appellate court decisions.

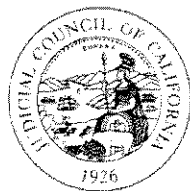
To view bills being tracked by the Office of Governmental Affairs visit the California Courts website at <http://www.courts.ca.gov/4121.htm>

A copy of any legislative measure may be obtained from the Bill Room in the State Capitol building by calling (916) 445-2323. Bills and legislative analyses can also be accessed on the Internet at www.leginfo.ca.gov/bilinfo.html free of charge.



2011 Legislative Policy Guidelines

HISTORICAL SUMMARY OF
LEGISLATIVE ACTIVITY



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

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JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
OFFICE OF GOVERNMENTAL AFFAIRS
HISTORICAL SUMMARY OF LEGISLATIVE ACTION

OCTOBER 2011

The Administrative Office of the Courts' Office of Governmental Affairs monitors legislative activity and represents the Judicial Council before the Legislature, the Governor's Office, and executive branch agencies and departments. The following summary of council action sets forth concise policy guidelines regarding court-related legislative proposals. The policy guidelines are organized by topic and further the objectives of the six goals of *Justice in Focus: The Strategic Plan for California's Judicial Branch, 2006–2012*. The table that follows each policy guideline shows actions taken on legislation that illustrate the policy. The table does not include every bill on which a council position was taken.

This document is updated annually. The electronic version of this document contains hyperlinks for viewing the text of the bills.

GENERAL PRINCIPLES

The Judicial Council supports the integrity and independence of the judicial branch and seeks to ensure that judicial procedures enhance efficiency and access to the courts. The council generally takes no position on bills involving substantive law. However, it may take a position on an apparent issue of substantive law if issues of procedure and substance are so inextricably intertwined that they directly affect court administration or judicial discretion or negatively affect existing judicial services by imposing unrealistic burdens on the system.

LEGISLATIVE ACTIVITY

I. COURT OPERATIONS

A. COURT STRUCTURE

The council supports a structure of general jurisdiction to improve court efficiency and flexibility in the use of judicial resources. For specialty calendars (e.g., drug courts, dependency drug courts, domestic violence courts, etc.) established in the trial courts, the council supports evaluation and development of best practices.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 848</u>	Emmerson	2011	Oppose	Reorganizes the Court of Appeal into seven districts by removing the counties of Riverside, San Bernardino, and Inyo (currently Division Two) from the Fourth Appellate District and creating a new Seventh Appellate District consisting of those counties.	III	
<u>AB 1925</u>	Salas	2010	No position	Authorizes superior courts to develop and implement veterans courts for eligible veterans of the United States military.	N/A	Outside Judicial Council purview
<u>SB 851</u>	Steinberg	2007	Oppose unless amended. Neutral if amended	Authorizes superior courts to establish and implement mental health courts, which may operate a pre-guilty plea program or a deferred entry of judgment program. Authorizes the California Department of Corrections and Rehabilitation to contract with a superior court and county to use mental health courts as a program for parolees with serious mental illnesses who either violate the terms of parole or receive new terms, as an alternative to custody. As proposed to be amended, a parolee's participation in the mental health court program would be voluntary, and the parolee would be required to sign a waiver indicating agreement that participation in the program is in lieu of parole revocation proceedings. Parolees would remain under legal custody of the Department of Corrections and Rehabilitation.	II	Inappropriately creates shared jurisdiction over parolees.
<u>ACA 35</u>	DeVore	2006	Oppose	Provides that the Supreme Court has original jurisdiction, and no other state court has jurisdiction, in any civil action challenging the facial validity of any statewide initiative measure or referendum placed on	II	

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

Goal I - Access, Fairness, and Diversity

Goal II - Independence and Accountability

Goal III - Modernization of Management and Administration

Goal IV - Quality of Justice and Service to the Public

Goal V - Education for Branchwide Professional Excellence

Goal VI - Branchwide Infrastructure for Service Excellence

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				the ballot by signature petition of the voters and approved by the voters at a statewide election. Requires the Supreme Court to issue its decision within 90 days of the filing of the action, and establishes a 90-day statute of limitations for civil actions challenging the facial validity of this type of initiative measure or referendum.		
<u>AB 1453</u>	Daucher	2005	Oppose	Creates new Water Courts to adjudicate cases involving the production of groundwater.	II	Interferes with court administration.
<u>SCA 16</u>	Runner	2005	Oppose	Provides that Los Angeles County shall be divided into judicial districts established by three special masters appointed by the Supreme Court within 30 days after the effective date of the measure. Provides that each district must be geographically compact and contiguous to the extent practicable, and consist of no more than 36 superior court judges. The districts must also comply with the federal Voting Rights Act.	I, III, IV	
<u>AB 2472/</u> <u>SB 1424</u>	Wolk/ Burton	2004 2004	Oppose unless amended; neutral if amended	Creates the California Tax Court, which would replace the State Board Equalization (BOE) as the forum that would hear and determine certain tax appeals. Provides that a taxpayer's option to file an appeal with the California Tax Court would be in lieu of filing an appeal in the California Superior Court. The bills provide further that, within 90 days of the date a determination by the California Tax Court becomes final, a taxpayer or the applicable state agency may appeal the determination of the California Tax Court to the Court of Appeal.	II	Amendments sought to eliminate use of terms court and judge and to allow review by extraordinary writ only.

B. COURT FUNDING

The council supports funding of the courts at a level that will ensure an adequate and stable source of necessary resources. The council generally opposes funding the courts by fees or fines, but departs from this general position in certain circumstances.

L. Budget

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 93	Florez	2005	Neutral	Allows Tulare County to pay any interest and	III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				penalties owed to the Trial Court Trust Fund and the Trial Court Improvement Fund over a period of 10 years.		
<u>AB 750</u>	Mullin	2005	Oppose	Authorizes San Mateo County to reduce the amount it is required to remit to the state for funding court operations by 10 percent for 3 years beginning on July, 1 2005.	IV	
<u>SB 324</u>	Florez	2003	Oppose unless amended	Forgives non-remittance of revenues by Tulare County to the Trial Court Trust Fund.	III	Amendment sought to add an appropriation to reimburse the Trial Court Improvement Fund.
<u>SB 1343</u>	Tortakson	2002	Neutral	Forgives retroactive repayment of MOE amounts to the Trial Court Trust Fund.	IV	
<u>SB 1396</u>	Dunn	2002	Support	Clarifies allowable and unallowable costs for court security.	IV	
<u>SB 1153</u>	Johannessen	2001	Oppose	Provides that costs related to court security in counties with a population of less than 103,000 shall be paid by the state.	IV	
<u>AB 2459</u>	Wiggins	2000	No position	Requires the council to adopt rules to provide for public access to budget allocation and expenditure information.	II, IV	

2. *Fees, fines, penalties*

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 221</u>	Simitian	2011	Support	Increases small claims court jurisdiction for actions brought by natural persons from \$7,500 to \$10,000. Delays, until January 1, 2015, operation of jurisdictional increase for bodily injury claims resulting from vehicle accidents.	I	
<u>AB 1826</u>	Beall	2008	Sponsor	Clarifies that the filing fee for filing an action seeking return of seized property in connection with controlled substance offenses is the same as the first paper filing fee in unlimited civil actions.	III	
<u>AB 367</u>	De León	2007	Sponsor	Establishes a task force on criminal court-ordered fines and penalties that will make recommendations for simplifying California's criminal fine and penalty assessment, collection, and distribution system. Reduces the minimum fine required by the Franchise	III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1248	Evans	2007	Sponsor	Tax Board Court-Ordered Debt Collection Program from \$250 to \$100 and expands the program to include collections for registration, pedestrian, and bicycle violations. Makes technical and clarifying changes to the Uniform Civil Fees and Standard Fee Schedule Act of 2005, clarifies the fine for production of documents pursuant to demand for production, increases the cap on habeas investigations costs paid by the Supreme Court, allows the courts to collect bail forfeitures in installment payments without requiring the individual to make an appearance in court, and changes the date when the Judicial Council must adjust the amount a parent or guardian may be liable for minors' actions.	III, IV	
AB 145	Committee on Budget	2005	Sponsor	Establishes statewide uniform first-paper and first-response paper fees at three graduated levels: the filing fee for limited civil cases where the demand is less than or equal to \$10,000 is \$180; the filing fee for limited civil cases where the demand is greater than \$10,000 but less than \$25,000 is \$300; and the filing fee for unlimited civil cases is \$320.	II, III, IV	
SB 246	Escutia	2004	Sponsor	Allows courts, in addition to counties, to refer delinquent fines to the Franchise Tax Board.	II, III	
AB 934	Reyes	2003	Oppose	Adds a \$25 filing fee for deposit in the Child Abduction Prevention Fund established in the office of the district attorney in Fresno County.	II	
SB 940	Escutia	2003	Sponsor	Requires the Judicial Council to adopt guidelines for a comprehensive collection program, establish a collaborative court-county working group on collections, and report on the effectiveness of collection programs.	II, III	
AB 1819	Robert Pacheco	2002	Support	Removes the \$100 minimum requirement to identify and collect delinquent fines and forfeitures with or without a warrant and provides that any county or court may establish a minimum base fine or forfeiture amount for inclusion in the program.	II, III	
AB 2690	Cardoza	2002	Oppose	Requires each court to submit to the Bureau of State Audits an annual financial statement showing	II, III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				outstanding delinquent fines.		

C. COURT FACILITIES

The council seeks ways to fund necessary courthouse construction projects on a statewide basis.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SBX2 12</u>	Steinberg	2009	Sponsor	Provides for the continuous appropriation of revenue created by SB 1407 (Stats 2008, ch. 311) to support courthouse construction projects. Creates an expedited authority process for trial court construction projects.	I, II, III, VI	
<u>SB 1407</u>	Perata	2008	Sponsor	Authorizes a \$5 billion program for the construction, rehabilitation, renovation, and replacement of court facilities. Increases civil first paper filing fees and criminal and traffic fees and penalties to generate the revenue to fund future revenue bonds.	I, III, VI	
<u>SB 10</u>	Dunn	2006	Co-sponsor	Revises the Trial Court Facilities Act of 2002 to allow buildings with a seismic level V rating to transfer to the state so long as counties remain liable for earthquake-related damage, replacement, injury, and loss to the same extent that they would have been liable if the responsibility for court facilities had not transferred to the state.	I, III	
<u>SB 1375</u>	Lowenthal	2006	Support if amended	Requires the state to become a party to any public-private partnership agreement entered into by a county that involves a capital lease for construction of replacement court facilities and to become the lessee.	II, III	Amendment sought to remove requirement that the state participate in negotiations with counties and private developers regarding the construction of a new court facility
<u>AB 262</u>	Berg	2005	Oppose	Prohibits the Judicial Council from requiring that a structure proposed for transfer from a county to the state for court occupancy meet a building code stricter than the standard adopted for the county buildings in the county proposing the transfer.	II, III	
<u>AB 1435</u>	Evans	2005	Support	Adds expenditures on "court facilities" to the list of allowable uses of local courthouse construction funds.	III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 395</u>	Escutia	2005	Sponsor	States the intent of the Legislature to enact the California Court Facilities Bond Act of 2006 to acquire, construct, and finance court facilities.	I, III, VI	
<u>AB 688</u>	Nakanishi	2003	Oppose	Requires the Amador County courthouse and hospital transfer to the state on January 1, 2004, and relieves Amador County of its responsibility to provide court facilities pursuant to SB 1732 (Escutia), Stats. 2002, ch. 1082.	II	April 28, 2003 amendments provide that in establishing the recommended priorities for funding of projects under the California Court Facilities Construction and Renovation Bond Act of 2004, the Judicial Council shall consider all relevant factors bearing on the priority of each proposed project, including a proposal for matching funds. Council opposition withdrawn.
<u>SB 655</u>	Escutia	2003	Sponsor	Authorizes the issuance of bonds, the proceeds of which would be deposited in the State Court Facilities Construction Fund.	I, III, VI	
<u>SB 1732</u>	Escutia	2002	Cosponsor	Establishes a process for the transfer of responsibility for court facilities from the counties to the state.	I, II, III, VI	

D. COURT MANAGEMENT

1. *Personnel issues* – The council seeks to maintain the ability of the judicial branch to manage relationships between courts and court employees and independent contractors such as court reporters and court interpreters.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 1699</u>	Hernandez	2010	Oppose unless amended	Provides that the General Fund and other special funds are to be continuously appropriated in an amount necessary for employee compensation and benefits, so that state employees will be fully paid in the absence of a state budget. The contents of this bill are identical to the provisions of AB 790.	II, III	Inappropriately treats judicial branch employees differently than other public employees.
<u>AB 1749</u>	Lowenthal, Bonnie	2010	Support	Extends the existing provisions of the California Whistleblower Protection Act (CWPA) to the judicial branch.	II	Promotes accountability and transparency.
<u>SB 752</u>	Wiggins	2009	Support	Requires that counties in joint PERS contract with a court, prior to issuing a pension obligation bond (POB) (1) identify court employees as of January 1, 2001 (2) require PERS to complete an actuarial analysis, and (3) reach agreement with the court on	II	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 276	Solorio	2007	Oppose	the financial and legal impact of the POB on the court's employer contribution rate. Provides that a limited-term employee is a regular trial court employee if the limited-term employee has completed 180 days of service, and if the assignment, position, or project of the limited-term employee is an integral part of the long-term, regular work of the trial court. This bill would remove the right to bargain with employee organizations over the use of temporary or limited term employees. Eliminates or delays the courts' ability to seek injunctive relief when court employees or when county employees strike and essential court employees will not cross a picket line. Removes a court's ability to seek injunctive relief in superior court for the return of a limited number of employees instead. Requires all injunctive relief to be sought through Public Employment Relations Board.	II, III	
AB 553	Hernandez	2007	Oppose	Increases the fee for the original and copies of court reporter transcripts for 3 consecutive years by a specified amount and then annually by the Consumer Price Index.	I, IV	As amended May 23, 2007 council position changed to take no position on amount of transcript rate increase, if funded, support the uniform transcript standards, and oppose unless amended to address increased costs on low income litigants.
AB 582	Evans	2007	Oppose unless amended and funded	Prohibits use of limited-term for work that is an integral part of the long-term, regular work of the trial court.	II	
AB 1797	Bermudez	2006	Oppose	Requires the assets and liabilities of the Superior Court of Butte County and the County of Butte to be kept in separate accounts within the Public Employees Retirement System fund.	II, III	Amendment sought to delete the requirement that assets and liabilities be split and instead require the Judicial Council to report to the Legislature by January 1, 2006 on how to fairly resolve the issues raised in Butte and Solano counties.
SB 733	Aanestad	2005	Oppose unless amended	Grants to the Public Employment Relations Board authority to process claims involving violations of statutes or rules relating to employment relations between trial courts and recognized employee organizations.	II, III	
AB 782	Keheo	2003	Oppose unless amended			

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 371</u>	Escutia	2002	Support	Establishes the Trial Court Interpreter Employment and Labor Relations Act, providing for the employment and compensation of certified and registered trial court interpreters.	II, III	
<u>SB 2011</u>	Burton	2002	Support	Establishes the Workers' Compensation Fund. Allows the courts to be uninsured for workers' compensation in the same way the state, as an employer, is uninsured.	II, III	
<u>AB 1571</u>	Shelley	2001	Oppose	Eliminates the statutory "at pleasure" status of the Supreme Court and Court of Appeal employees.	II, III	
<u>SB 2140</u>	Burton	2000	Support	Establishes the trial court as the employer of court employees.	III	

2. *Management and administration* – The council closely examines the fiscal and resource implications of any legislative proposal that places additional responsibilities on court administration. When appropriate, the council informs the Legislature of the need for additional resources to carry out new legislatively imposed responsibilities, or seeks to improve the efficiency of the new procedure.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 973</u>	Campos	2011	Support if amended; neutral if not amended.	Requires trial courts, prior to adopting a baseline budget plan for the fiscal year, to accept public input by holding a public hearing where testimony may be presented and by receiving written comments. Requires that, during the current 60-day notice period regarding notice of courtroom closures, or closure or reduction in the hours of clerks' offices, the public be given an opportunity to submit written comments on the court's plan.	II	Support contingent on amendments to provide flexibility to the trial courts on how the opportunity for public comment is provided, rather than mandating a public hearing.
<u>SB 326</u>	Yee	2011	Oppose	Requires the Judicial Council to adopt a rule of court requiring courts to make newly filed or lodged court records available for public inspection at the courthouse no later than the end of the same day on which those records are received by the court.	IV	Unworkable burden on courts.
<u>SB 858</u>	Gaines	2011	Oppose	Provides that the Chief Probation Officer of Nevada County shall be appointed by the Nevada County Board of Supervisors.	II	Codifies a one-sided governance structure that ignores the critical role of the court in probation activities.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 1697</u>	Hall	2010	Oppose	Takes the authority to allocate funding for court security away from the Judicial Council. Directs that the allocation to each sheriff be determined by the Judicial Council's Working Group on Court Security; makes all persons who provide court security services employees of and under the direction of the county sheriff.	II	Inappropriately interferes with Judicial Council governance; inappropriately takes funding authority away from the Judicial Council.
<u>AB 1926</u>	Evans	2010	Sponsor	Authorizes courts to create, maintain, and preserve records in any form or forms—including paper, optical, electronic, magnetic, micrographic, or photographic media or other technology—that satisfies standards or guidelines established by the Judicial Council.	VI	Promotes efficient management of court records.
<u>AB 273</u>	Anderson	2009	Oppose	Requires the superior courts to submit all unpaid court-ordered debt to the Franchise Tax Board, regardless of the amount, if the debt is at least 90 days delinquent. Allows the Franchise Tax Board to include in the total amount owed by the debtor that is subject to collection, the "actual and reasonable cost of collection."	II	
<u>AB 1338</u>	Anderson	2009	Oppose unless funded	Authorizes the presiding judge of the superior court, or a judge designated by the presiding judge, together with the district attorney and the public defender, to establish and conduct an arraignment court program. Also authorizes the presiding judge of the superior court to establish extended hours for the operation of an arraignment court program.	III	Unnecessary. Interferes with court management.
<u>AB 2357</u>	Duvall	2008	Oppose unless amended	Requires the Judicial Council to develop and implement policies and procedures for the protection of personal information maintained by a superior court and processed or stored by private service providers, consistent with the best interests of the public. Requires the council, as part of the process of developing these policies and procedures, to consider, among other things, the effect and advisability of prohibiting the outsourcing of data entry services outside the United States.	III, IV	Sought amendment to direct the Judicial Council to take a comprehensive look at protecting personal information and to develop policies and procedures that are in the best interests of the public.
<u>AB 112</u>	Wolk	2007	Oppose	Designates a segment of State Highway Route 12 in Solano and San Joaquin Counties as a Safety Enhancement-Double Fine Zone upon approval of specified county resolutions and until January 1, 2012.	III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 117</u>	Beall	2007	Oppose	Provides that, until January 1, 2010, a county may choose to levy an additional assessment for a highway traffic violation in the amount of \$2 for every \$10 or fraction thereof, upon each base fine, excluding other penalty assessments, fees, or additions. Requires that the collected assessment be deposited in a Traffic Safety Committee Network fund, and that the monies be allocated so that, after deducting administrative costs, 85 percent shall be used in traffic safety programs approved by the county board of supervisors, and 15 percent shall be deposited in the county's courthouse construction fund.	III	
<u>SB 57</u>	Alarcon	2005	Oppose	Authorizes a county board of supervisors to levy a \$2 penalty assessment for every \$10 in base fine, for seat belt, speed limit, DUI and domestic violence offenses.	III	Imposed undue burden on court case-management systems.
<u>SB 324</u>	Florez	2004	Oppose unless amended to include an appropriation to the Trial Court Improvement Fund	Validates the incorrect distribution of fines, forfeitures, and penalties made by the County of Tulare to the State Treasurer for deposit in the Trial Court Improvement Fund in the 1996-97 to 1999-2000 fiscal years.	II, IV	
<u>SB 1801</u>	Flores	2004	Oppose	Prohibits any state or local agency or court that accepts a credit card or debit card as a payment from imposing any processing fee or charge for the use of that card that is not also imposed upon persons who pay by cash or check.	II, III	
<u>AB 3036</u>	Corbett	2002	Oppose unless funded	Increases the accountability of guardians by assisting courts in overseeing guardianship cases and helps ensure proper care and treatment for wards.	II, III	
<u>AB 1421</u>	Thomson	2001	Oppose unless funded	Authorizes a new involuntary outpatient treatment scheme for certain mentally ill persons. Sets forth new court duties for implementing this program.	III	

E. COURT HOURS

The council seeks to maintain adequate access to the courts.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 996</u>	Anderson	2009	Oppose	Authorizes the courts to operate on a continuous and ongoing basis, 24 hours per day, seven days per week.	II, III	
<u>AB 1641</u>	Keene	2003	Sponsor	Improves procedures authorizing the Chief Justice to issue orders during an emergency.	I, II, IV	

II. THE JUDICIARY

A. JUDGESHIPS

The council is committed to ensuring adequate judicial resources in the courts. The council advocates creation of additional trial and appellate court judgeships in order of most severe need, and pursuant to an orderly statewide review.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 159</u>	Jones	2007	Sponsor	Authorizes the creation of the second set of 50 judgeships, to be allocated pursuant to the council's allocated methodology.	I, II, III, IV	
<u>SB 56</u>	Dunn	2005	Sponsor	Authorizes 50 additional judges based upon the uniform criteria and allocation approved by the Judicial Council pursuant to the Judicial Needs Study. Requires the Judicial Council to report to the Legislature biannually on the continuing need for new judgeships and their allocation based on the same uniform criteria.	I, II, III, IV	
<u>SB 1857</u>	Burton and Hertzberg	2000	Support	Authorizes 20 new trial court judgeships and 12 appellate justice positions	I, II, III, IV	

B. JUDICIAL SERVICE

To ensure the branch's ability to attract and retain highly qualified judges, the council supports appropriate increases to judicial salaries, and an adequate, fully funded judicial retirement plan. The council also seeks ways to improve the administration of justice in areas related to judicial retention, including (1) benefits, wellness subsidies, professional development allowances, personal leave, and supplemental life, disability, or liability insurance; (2) health-care benefits, including services and programs; (3) compensation and retirement; (4) "quality of judicial life" resources and programs; (5) mentorship programs; and (6) special needs of and programs for new and retired judges.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES		
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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 503</u>	Vargas	2011	Cosponsor	Allows JRS II members who previously served as subordinate judicial officers (SJOs) to purchase JRS II service credit for a fraction of their SJO years.	I	
<u>SB 1425/ AB 1987</u>	Simition/ Ma	2010	Oppose unless amended to allow exclusion of judges and SJOs from separation requirement	Prohibits the practice of "pension spiking" by excluding from the calculation of pension benefits out of the ordinary compensation increases paid for the principal purpose of enhancing individuals' pension benefits. Prohibits "double dipping" by requiring at least six months separation before any employee may return to service.	II, III	Fails to address the unique circumstances of the judicial branch. By failing to exclude judges from the double dipping provision, it interferes with the assigned judges program's ability to retain newly retired judges, and the ability to hire retired commissioners while a court awaits a judicial appointment to a converted commissioner position.
<u>AB 32</u>	Lieu	2009	Support	Enhances Internet privacy protections for judicial officers.	II, III	
<u>AB 545</u>	Walters	2008	Support	Amends the Judges' Retirement System II (JRS II) statute to allow a judge who is on leave from the bench because of active duty service in the military to elect to purchase retirement service credit by repaying his or her missed contributions to JRS II.	II, III	
<u>SB 1187</u>	Ackerman	2006	Sponsor	Permits a judge in the Judges' Retirement System II who leaves judicial office after five or more years of service and is not eligible to retire to elect to receive the amount in his or her retirement account as an annuity.	II, III	
<u>SB 1364</u>	Battin	2006	Support	Protects privacy of judicial officers.	II, III	
<u>AB 1035</u>	Spitzer	2005	Support	Prohibits any state or local agency from hosting or providing service to an Internet web site that posts a public safety official's home address or telephone number.	II, III	
<u>AB 1595</u>	Evans	2005	Support	Prohibits selling or trading for value on the Internet the home address or telephone number of any elected or appointed official has made a written demand to not disclose his or her home address or telephone number.	II, III	
<u>SB 506</u>	Poochigian	2005	Support	Extends existing voter registration confidentiality programs to include a public safety official.	II, III	
<u>SB 528</u>	Ackerman and Dunn	2005	Co-sponsor	Declares the Legislature's intent to evaluate the impact of trial court unification on the judges'	II, III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 2905	Spitzer	2004	Support	retirement systems and the resulting increase in the judges' age at the start of their judicial service. Requires that an employing governmental entity reimburse moving and relocation expenses if it is necessary to move because a judge or court commissioner has received a credible threat that a life threatening action may be taken against him or her or his or her immediate family as a result of his or her employment	II, III	Improve quality of judicial service.
AB 2688	Alquist	2002	Support	Establishes a burial benefit in the amount of \$7,500, subject to cost-of-living increases, for all active and retired judges.	III	

C. SELECTION AND ELECTION OF JUDGES

The council seeks to avoid politicizing the election process, and supports a process that is fair and clear to candidates and informative to voters.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 362	Lowenthal	2011	Support	Revises the number of signatures needed for placing an uncontested judicial election on the ballot for a potential write-in contest. Requires that a write-in candidate for the office of superior court judge include on the statement of intent to run his or her compliance with eligibility requirements for a judge of a court of record.	I, II	
ACA 1	Nation	2001	Oppose	Eliminates elections to fill judicial vacancies, providing instead that the governor shall fill vacancies. Provides that all judges appear on the ballot uncontested, with the question presented whether the candidate shall be elected.	II, III	

D. COMMISSIONERS, REFEREES, AND TEMPORARY JUDGES

The council supports clarification of the status, powers, and duties of commissioners, referees, and hearing officers.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 405</u>	Corbett	2011	Sponsor	Ratifies the authority of the Judicial Council to convert 10 additional subordinate judicial officer positions to judgeships in FY 2011-2012 where the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer.	I, II, IV	
<u>AB 2763</u>	Committee on Judiciary	2010	Support	Permits the conversion of up to 10 additional subordinate judicial officer (SJO) positions to judgeships each year. Allows the additional conversions if the conversion would result in a judge being assigned to a family law or juvenile law calendar previously assigned to an SJO.	I, II, IV	Allows the council to expedite the conversion of eligible SJO positions.
<u>AB 159</u>	Jones	2007	Sponsor	Authorizes the conversion of 162 subordinate Judicial Officer positions to judgeships upon vacancy.	I, II, IV	

III. PROCEDURAL LAW

A. CIVIL PROCEDURE

The council supports measures that reduce delay and make court operations more efficient. The council seeks to protect the exercise of judicial discretion in matters of civil litigation. The council generally supports judicial arbitration and other alternative dispute resolution (ADR) programs and procedures that are likely to assist in the equitable disposition of cases, but advocates for limits on the use of court-ordered discovery references to exceptional circumstances.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 5</u>	Evans	2009	Sponsor	Amends the Civil Discovery Act to expressly authorize the discovery of electronically stored information, and authorizes the "copying, testing or sampling" of such information. Allows a party to specify the form in which electronically stored information is to be produced, and if no form is specified, the responding party must produce the information in the form or forms in which it is ordinarily maintained or in a form that is reasonably usable. Establishes procedures for motions to compel and motions for protective orders relating to	III, IV	Improves administration of justice.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 839</u>	Ermerson	2009	Support	<p>the discovery of electronically stored information. Sets forth a procedure for handling disputes over the production of electronically stored information that is subject to claims of privilege or attorney work-product protection.</p> <p>Requires Medi-Cal service providers with a complaint or grievance concerning the processing or payment of money that the provider alleges is payable under the Medi-Cal program to follow specified Department of Health Care Services complaint procedures. In lieu of allowing providers to seek "appropriate judicial remedies" to appeal the department's decision, instead specifies that the provider who has complied with these procedures may, within the time period prescribed in existing law, file a petition for a writ of mandate pursuant to Section 1085 of the Code of Civil Procedure in the superior court.</p>	III, IV	Improves administration of justice.
<u>SB 259</u>	Benoit	2009	Oppose	<p>Provides that, if a court voids any results of a homeowners' association election for one or more Common Interest Development (CID) board members, the court shall not invalidate a decision of the board that was reached after the board was seated pursuant to that election unless the court finds that the action of the board was contrary to law or the governing documents.</p>	II	Interferes with court discretion.
<u>AB 225</u>	Beall	2008	Support	<p>Re-enacts the elder abuse protective orders statute, and expands its scope to allow the court, in its discretion, on a showing of good cause, to extend the protection to include the petitioner's named family or household members, as well as the petitioner's conservator. Provides that a petitioner shall not be required to pay a fee for law enforcement to serve a protective order issued pursuant to the bill's provisions.</p>	III, IV	Enhances court's ability to provide protection to elder abuse victims, and improves access to justice.
<u>AB 2193</u>	Tran	2008	Support	<p>Enacts the Interstate and International Depositions and Discovery Act. Creates a process for the resolution of a dispute regarding discovery conducted in California in connection with an out-of-</p>	IV	Improves administration of justice and enhances court administration.

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<u>AB 2379</u>	Evans	2008	Oppose	state proceeding, and provides that a request for relief in this regard would be filed in the superior court in the county in which the discovery is sought, with payment of specified fees. Permits a party to appeal court orders in connection with a dispute by extraordinary writ to the appropriate court of appeal. Provides that an appeal from an order granting or denying a motion to seal or unseal a court record may be made by filing an extraordinary writ petition or notice of appeal. If a party seeks an appeal, requires that the record relating to the matter and the opening brief be filed within 30 days of notice of entry of the trial court's order. Requires the clerk of the reviewing court to set the appeal for a hearing on the first available court date.	II	Interferes with appellate court calendaring authority.
SB 1608	Corbett, Harman, Steinberg, Runner and Calderon	2008	Neutral	Requires a court, in civil actions involving construction-related accessibility claims, to issue an order, upon request, that grants a 90-day stay of the action and schedules a mandatory early evaluation conference (EEC) if the defendant has satisfied certain requirements relating to inspection of the site at issue by a certified access specialist. Provides that the court must schedule an EEC between 21 and 50 days after issuance of the stay order, and requires that EECs be conducted by a superior court judge or commissioner, or a court early evaluation conference officer, as defined.	IV	Encourages early resolution of these cases.
<u>AB 500</u>	Lieu	2007	Support	Specifies generally that a party may appear by telephone in all general civil cases at case management conferences, and other specified conferences, hearings and proceedings. Provides that a court may require a party to appear in person at such hearings, conferences, or proceedings if the court determines, on a hearing-by-hearing basis, that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.	I, IV	Improves access to the courts and conserves resources.
<u>AB 1264</u>	Eng	2007	Neutral	Prohibits delay reduction rules from requiring the severance of unnamed defendants prior to the	IV	Improves administration of justice.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 2303	Committee on Judiciary	2006	Sponsor (of specified provisions)	conclusion of the introduction of evidence at trial, except upon stipulation or motion of the parties. Clarifies the procedures governing a change of name; makes service times for elder abuse protective orders consistent with other protective orders; authorizes courts to receive notice to appear citations for non-parking Vehicle Code violations electronically if the court has the ability to receive the information and reproduce it in a printed form; and extends the sunset date on existing statutory authority for courts to impose modest monetary sanctions upon jurors who fail to respond to a jury summons.	IV	Improves administration of justice and enhances court administration.
SB 1116	Scott	2006	Support	Increases court oversight of moves of conservatees and the sale of their homes.	IV	Improves the court's ability to provide oversight of these cases.
SB 1550	Figueroa	2006	Support	Enacts the Professional Fiduciaries Act, which establishes in the Department of Consumer Affairs a new licensure scheme governing professional conservators, guardians, and other fiduciaries.	IV	Improves the court's oversight of these cases.
AB 355	Tran	2005	Oppose	Authorizes the court in any action involving joint and several liability to "instruct the jury on the effect of finding any party, including, but not limited to, the State of California, partially liable."	II, III	Would create confusion; interferes with judicial function.
AB 496	Aghazarian	2005	Support if amended	Requires the clerk to maintain the original summons in the court file.	III	Improves court administration and conserves resources.
AB 1322	Evans	2005	Co-sponsor	Modifies grounds for disqualification to require more than casual discussions regarding prospective employment with providers of alternative dispute resolution services.	II, IV	Avoids unnecessary disqualifications of judges.
AB 1742	Committee on Judiciary	2005	Sponsor	Deletes the sunset on CCP section 128.7, thereby continuing the courts' ability to impose sanctions for the filing of frivolous lawsuits. Clarifies and streamlines small claims court procedures, extends the sunset of the security fee, and requires that acceptance of an offer to compromise a lawsuit must be in writing.	III, IV	Improves administration of justice and enhances court administration.
SB 575	Torlakson	2005	Oppose unless amended	Establishes calendar preference for actions to enforce provisions of the Anti-NIMBY law.	II, III	Interferes with court administration.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 3078</u>	Committee on Judiciary	2004	Sponsor	Makes several non-controversial changes to the statute governing the times for service and filing of motion papers, as well as clarifying the cutoff date for discovery in civil cases. Also clarifies standing of emancipated minors in small claims court, and clarifies to whom a clerk must provide notice when a check for filing fees has been returned for non-payment.	III, IV	Improves administration of justice and enhances court administration.
<u>SB 1249</u>	Morrow	2004	Oppose	Provides that the word "hearing," when applied to any demurrer, motion, or order to show cause, signifies oral argument by moving and opposing parties on a record amenable to written transcription which shall be had unless affirmatively waived by the parties.	II, IV	Unnecessary; interferes with judicial function.
<u>AB 2321</u>	Hertzberg	2002	Sponsor	Clarifies the process for tort claims filed against judicial branch entities.	III	Eliminates confusion and streamlines the handling of cases.
<u>AB 3027</u>	Committee on Judiciary	2002	Sponsor	Makes various improvements to civil procedure.	III	Improves administration of justice and enhances court administration.

1. *Alternative dispute resolution*

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 202</u>	Harman	2005	Support	Provides that filing a petition to compel arbitration pursuant to Code of Civil Procedure section 1281.2 is the exclusive means by which a party to an arbitration agreement may seek to compel arbitration of a controversy alleged to be subject to that arbitration agreement.	III, IV	Would conserve judicial resources by eliminating unnecessary side litigation over issue.

2. *Disqualification Motions (170.6)*

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 1894</u>	Monning	2010	Support	Extends, for civil cases only, the time period for moving to disqualify a judge from 10 to 15 days and requires the moving party to notify all other parties within 5 days of making the motion.	II, IV	Clarifies timeline for bringing motions, which should help avoid confusion.

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2. Miscellaneous

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 2119	Tran	2010	Support	Provides that when any law governing civil procedure requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, excluding the date of the hearing.	IV	
AB 2284	Evans	2010	Support	Establishes the Expedited Jury Trials Act. Among other things, defines expedited jury trial as a binding jury trial before a reduced jury panel and judicial officer. Requires the Judicial Council, by January 1, 2011, to adopt implementing rules and forms. Makes the Act operative until January 1, 2016	I, III, IV	
SB 1274	Committee on Judiciary	2010	Sponsor	Authorizes service by electronic notification by defining electronic service to include both electronic transmission and electronic notification. Authorizes electronic service of all types of documents and expands the courts ability to serve certain documents electronically.	III, IV	

4. Small claims – The council advocates a small claims court system that provides a speedy, fair, and inexpensive alternative for resolving conflicts of low monetary value. The council supports adequate funding for small claims human resources in all counties.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 712	Evans	2009	Support	Specifies that a small claims court has jurisdiction over an action for an injunction or other equitable relief when a statute expressly authorizes a small claims court to award that relief. Expressly provides that this legislation does not expand and is not encouraging the expansion of the jurisdiction of the small claims court.	I, IV	Improves administration of justice.
AB 1873	Lieu	2008	Sponsor	Clarifies that a court is authorized to charge the same fees for post-judgment motions related to the enforcement of a small claims judgment as a court charges for the enforcement of a regular civil judgment. Authorizes a court to charge and collect a nonrefundable postponement fee of \$10 from either	III, IV	Improves administration of justice and enhances court administration.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				party who makes more than one <i>pre-service</i> request to postpone a small claims trial. Provides that this fee would only be assessed after a party has already been granted one prior postponement.		
<u>AB 2846</u>	Feuer	2008	Support	Provides that if a dispute exists between the owner of a separate interest and a homeowners' association regarding any disputed charge or sum levied by the association, and the amount in dispute does not exceed the jurisdictional limits of the small claims court, the owner of the separate interest may pay under protest the disputed amount and all other amounts levied, including certain fees, costs, and other specified amounts, and commence an action in small claims court.	I, IV	Improves access to the courts.
<u>SB 1432</u>	Margett	2008	Support	Increases the jurisdiction of the small claims court from \$4,000 to \$6,500 for any action brought by a natural person against a defendant guarantor that charges a fee for its guarantor or surety services.	I, IV	Improves access to the courts.
<u>AB 2455</u>	Nakanishi	2006	Support	Provides that the small claims court has jurisdiction in an action brought by a natural person against the Registrar of the Contractors State License Board as the defendant guarantor holding a contractor's cash deposit if the amount of the demand does not exceed \$7,500.	I, IV	Enhances access to the courts.
<u>AB 1459/</u> <u>SB 422</u>	Canciamilla	2005	Oppose unless amended, support if amended	Increases the jurisdiction in small claims court from \$5,000 to \$7,500 for actions brought by <i>natural persons</i> .	I, III, IV	Enhances access to the courts by raising jurisdictional amount to \$7500, opposition to proposal to expand jurisdiction to \$10,000 because too much complexity for small claims.

5. Summary adjudication/summary judgment

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 384</u>	Evans	2011	Support	Authorizes a motion for summary adjudication of a legal issue or claim of damages, other than punitive damages, that does not completely dispose of a cause of action, an affirmative defense, or an issue of duty. It does this upon stipulation of the parties whose	III, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				claims or defenses are put at issue by the motion, and a prior determination by the court, that the motion will further the interests of judicial economy by reducing the time required for trial or increasing the ability of the parties to settle. Clarifies the law governing fees in complex civil cases.		
<u>AB 2961</u>	Wayne	2002	Oppose	Authorizes a motion for summary adjudication of a legal issue or claim of damages other than punitive damages that does not completely dispose of a cause of action, an affirmative defense, or an issue of duty, if brought upon stipulation of the parties whose claims or defenses are put at issue by the motion.	II	Interferes with court's management of litigation.

6. Unlawful detainer – The council supports efforts to reduce delays and abuses in unlawful detainer actions, and seeks to ensure that processes are not overly burdensome to the courts.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 1126</u>	Eng	2007	Support	Provides that in unlawful detainer actions and other specified summary proceedings involving the possession of real property, a discovery motion may be made at any time upon giving five days notice. Requires the Judicial Council to adopt rules prescribing the time for the filing and service of opposition and reply papers relating to specified motions filed in connection with the above summary proceedings.	II, IV	Improves administration of justice.
<u>AB 664</u>	Jones	2005	Support	Allows the court to list legal service providers not funded by the federal Legal Services Corporation on unlawful detainer notices.	I, IV	Ensures best information on legal service providers for UD defendants.
<u>SB 345</u>	Kuehl	2003	Oppose unless amended	Denies access to unlawful detainer records until 60 days following the date final judgment has been entered in favor of the landlord after a trial or summary judgment motion.	III	Administrative record keeping requirements unduly burdensome on the courts.

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B. CRIMINAL PROCEDURE

1. *Criminal and capital case processing* – The council seeks to expedite the resolution of criminal cases at the trial and appellate level. The council seeks to maintain the courts' ability to efficiently and effectively manage the procedures and administration of the court system while improving the delivery of justice to the public, and to protect the exercise of the judicial discretion in criminal cases.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 109	Committee on Budget	2011	No position	Enacts broad changes to the criminal justice system by realigning postrelease supervision of inmates from the state to the county and redefining felony to be punishable, with specified exceptions, in county jail instead of state prison.	IV	The Judicial Council took no position on the policy as outside the council's purview, but due to the magnitude of the realignment and impacts on the courts, the council directed staff to submit a letter to the Governor and Legislature on behalf of the Judicial Council expressing grave concerns about the concept of shifting parole jurisdiction to the judicial branch and the critical need to provide adequate resources.
AB 1284	Hagman	2011	Oppose	Permits the court, in lieu of revoking probation, to allow the defendant to post bond to secure appearance at any future hearing regarding a violation of the court-imposed conditions of probation. Requires the court to notify the defendant, the surety, and the bail agent of the probation revocation hearing.	I, II	
AB 447	Nestande	2010	Oppose	Makes mandatory on the court and defendant several provisions permissive under current law relating to the court's determination of a defendant's ability to pay for counsel.	II, III	Imposes enormous unnecessary workload; existing law and practices are effective.
AB 2056	Miller	2010	Oppose	Adds cases involving assault with the intent to commit rape to the list of types of cases that are categorically eligible for a good cause continuance in criminal proceedings when the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in another case.	II	Inappropriately interferes with the court's function to have the court determine whether there is good cause for a continuance on a case-by-case basis.
AB 2505	Strickland	2010	Support	Allows an oath by an affiant seeking a search warrant to be made using a telephone and computer server, in addition to a fax machine or email, and allows the affiant's signature to be in the form of an electronic signature.	III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>SB 1449</u>	Leno	2010	Support	Reclassifies from a misdemeanor to an infraction simple possession and possession while driving of not more than 28.5 grams of marijuana.	III, IV	Increases court efficiency.
<u>SCA 27</u>	Harman	2010	Support	Authorizes the Supreme Court to transfer a case to a court of appeal when a judgment of death has been pronounced and requires the Supreme Court to review the resulting decision of the court of appeal affirming or reversing that judgment.	IV	
<u>AB 250</u>	Miller	2009	Support	Requires a criminal defendant's withdrawal of a waiver of his or her speedy trial time limits to be done in open court.	III, IV	Improves court efficiency by ensuring all parties have notice of change in case status.
<u>SB 431</u>	Benoit	2009	Support	Improves probation transfer procedures.	III, IV	
<u>SB 678</u>	Leno and Benoit	2009	Support in concept	Creates the California Community Corrections Performance Incentive Act to provide sustainable funding for improved, evidence-based probation supervision practices and capacities to improve public safety outcomes among adult felons who are on probation.	IV	Further Judicial Council goals to improve sentencing practices and outcomes.
<u>AB 2166</u>	Tran	2008	Support	Clarifies appellate jurisdiction in bail forfeiture proceedings by allocating these cases between the Courts of Appeal and the superior court appellate divisions the same way they were allocated before unification of the municipal and superior courts. Bases jurisdiction of a bail forfeiture appeal on the underlying criminal charge and the stage of the proceeding at which bail was forfeited.	III, IV	
<u>SB 1257</u>	Morrow	2006	Oppose	Revises and regulates the capital appeals process.	II	
<u>SB 330</u>	Cedillo	2005	Support	Requires a criminal action to be dismissed if a defendant in a misdemeanor or infraction case is not brought to trial within 30 days after the date of the reinstatement of criminal proceedings pursuant to the provisions of law governing the mental competency of defendants.	III	Allows for more efficient case management.
<u>AB 2011</u>	Firebaugh	2004	Oppose	When determining whether to allow a defendant who has pleaded guilty or no contest to be admitted to or remain out on bail, requires a court to consider the same factors that must be considered after a verdict has been rendered against a defendant.	II	Unnecessary, will result in lengthy hearings.

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<u>AB 2173</u>	Parra	2004	Oppose unless amended	Provides that the court must require a person convicted of a DUI to sign and date a statement that indicates that the person is aware that individuals who drive under the influence pose a serious threat to the lives of innocent persons. Requires the court to include on the abstract of judgment that the person has signed and dated the statement, or attach the statement to the abstract.	III	Will significantly lengthen court proceedings. Neutral if amended to provide defendant with information more efficiently.
<u>SB 58</u>	Johnson	2004	Support in concept	Directs courts and district attorneys to establish means of protecting confidentiality of information in police reports.	IV	Protects local control; clarifies authority to establish procedures.
<u>SB 977</u>	Johnson	2004	Oppose	Prohibits the live or delayed broadcasting of any criminal action until a verdict is rendered.	II, IV	Unnecessary; interferes with judicial function.
<u>AB 1306</u>	Leno	2003	Sponsor	Provides that if a person is sentenced pursuant Proposition 36, probation jurisdiction shall be transferred to the defendant's county of permanent residence at the discretion of the sentencing judge.	III, IV	
<u>AB 1435</u>	Koretz	2003	No position	Authorizes a court in a criminal case to order a party who has violated discovery disclosure requirements or any lawful court order to pay a monetary sanction.	N/A	Unnecessary; judges currently have this authority.
<u>AB 1653</u>	Mullin	2003	Oppose	Allows an attorney for a party to a criminal proceeding to appeal a sanction order or finding of contempt against him or her to the court authorized to hear an appeal of the judgment in the main action. Requires the court to stay the execution of the order or imposition of punishment pending appeal.	II	Unnecessary; interferes with judicial function.
<u>SB 761</u>	McPherson	2003	Oppose unless amended	Prohibits accepting an undertaking of bail if any summary judgment entered against an undertaking issued by the bail agent or agency remains unpaid.	II, III	April 30, 2003 amendments eliminate requirement that the court determine solvency of bail agency. Opposition withdrawn.
<u>AB 2159</u>	Cardoza	2002	Oppose unless amended	Requires courts, after arraignment, upon conviction, and when a judgment has been pronounced, to determine if a defendant has custody of any child under the age of 18 years, and inquire as to the proper care of that child if the defendant is in custody or remanded to custody.	II, III	Inefficient; ineffective; significantly lengthens court proceedings.
<u>AB 2211</u>	Horton	2002	Oppose	Provides that a representative of the community affected by a crime may submit a Community Impact Statement.	II, III	Unnecessary; results in lengthy hearings.

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<u>AB 2563</u>	Vargas	2002	Oppose	Requires the agency discharging a person who posts bail on charges of domestic violence to serve that person with a protective order, without court involvement but enforceable as a court order.	II	Interferes with judicial functions.
<u>AB 241</u>	Dickerson	2001	Oppose	Prohibits the court from striking prior convictions in DUI cases.	II	Interferes with judicial functions.
<u>AB 299</u>	Rod Pacheco	2001	Support	Grants a court exercising jurisdiction over multiple offenses involving criminal sexual acts and stalking that occurred in more than one jurisdictional territory jurisdiction over properly joinable offenses.	II	Streamlines court procedures.

4. *Sentencing and other judicial decisionmaking* – The council seeks to preserve judicial discretion and the independence of the judicial function in sentencing matters. The council does not take positions on the length or severity of sentences for crimes, but supports efforts to simplify the criminal sentencing structure.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 520</u>	Amiano	2011	Oppose	Provides that the court may not impose an upper term based on aggravating facts unless facts were first presented to the fact-finder and the fact-finder found the facts to be true.	II, IV	
<u>AB 1264</u>	Hagman	2011	Oppose	Repeals the requirement that the superior court adopt a uniform countywide schedule of bail and instead establishes a Statewide Bail Commission. Requires the commission to revise annually a statewide bail schedule for all bailable felony, misdemeanor, and infraction offenses except Vehicle Code infractions.	I, II	
<u>AB 908</u>	Berryhill, T.	2009	Oppose	Requires the court, if probation is granted, to order the payment of the reasonable costs of any probation supervision or conditional sentence as a condition of probation.	II, III	Introduces inappropriate issues into judge's sentencing decision.
<u>SB 59</u>	Huff	2009	Oppose	Adds cases involving the California Street Terrorism Enforcement and Prevention Act to the list of types of cases that are categorically eligible for a good cause continuance in criminal proceedings when the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in another case.	II	
<u>AB 2609</u>	Davis	2008	Oppose	Requires, when appropriate and feasible, that a court	II	Sought amendment to give the court sufficient

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			unless amended	order a defendant convicted of vandalism to clean up, repair, and replace the damaged property or keep the damaged property or another property in the community free of graffiti for up to one year.		flexibility to ensure that the required sanction will be imposed when appropriate and feasible.
<u>AB 1660</u>	La Malfa	2007	Oppose	Deletes the court's authority to exclude a victim or a designated victim's representative from a criminal proceeding.	II	Inappropriately interferes with court's authority.
<u>AB 1551</u>	Runner	2005	Oppose unless amended	Among other things, prohibits a court from striking an allegation, admission, or finding of a prior conviction pursuant to Penal Code section 1385 for defendants who are convicted of certain sex offenses.	II	Sought amendment to strike the provision eliminating the court's authority under Penal Code section 1385 to dismiss an action in the furtherance of justice.
<u>AB 623</u>	Lieber	2003	No position	Requires the judge in a toxics case to consider whether the defendant has expressed remorse for the acts and whether the defendant has made an appropriate public apology that reflects that nature of the violation and the number of potential victims.	N/A	Outside purview.
<u>SB 1497</u>	Polanco	2002	Oppose	Sets up a one-time review of the custody status of life prisoners who have been in prison beyond a date specified in certain regulatory matrices.	II	Impossible to implement.

C. TRAFFIC LAW

The council advocates use of simplified procedures in minor traffic cases to guarantee expedited disposition. The council supports development of statewide uniform rules, procedures, and forms to provide efficient handling of traffic cases.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 2499</u>	Portantino	2010	Support	Consolidates all traffic violator school programs under the licensing authority of the Department of Motor Vehicles. Requires courts to transmit to DMV abstracts of judgment for convictions of traffic violations rather than the court dismissing the case upon completion of the TVS program.	III, IV	Relieves judicial branch of inappropriate regulatory role. Provides DMV better ability to enforce driver safety program.
<u>AB 758</u>	Plescia	2007	Support	Requires the Department of Motor Vehicles, on or before July 1, 2008, to submit a report to the Legislature containing a comprehensive plan with specified components by which the licensing of all driving instruction programs offered to traffic violators may be consolidated under the authority of	III, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 1464</u>	Benoit	2007	Sponsor	the department. Allows the court, after proper notice to the owner/violator, to report a failure to appear on an unsigned citation issued for an owner-responsibility offense to the Department of Motor Vehicles for a hold to be placed on the registration of the vehicle involved in the offense.	III, IV	
<u>AB 1932</u>	Benoit	2006	Support	Provides for the licensing and regulation of home study-based traffic violator schools by the Department of Motor Vehicles and declares the intent of the Legislature to have the Department of Motor Vehicles uniformly regulate all traffic violator schools.	II	Appropriately places regulatory function with the Executive Branch.
<u>SB 1697</u>	Torlakson	2004	Support	Consolidates administration of all sanctions related to the driving privilege imposed as a result of a driving-under-the influence conviction with the Department of Motor Vehicles.	IV	Increases efficiency; provides better service to the public.

D. JURY SYSTEM

The council supports efforts to ensure adequate numbers of jurors, achieve full use of jurors once they are summoned, ensure fair representation of the community served by the court, and provide adequate compensation of jurors. The council seeks to maintain plain-English jury instructions that accurately convey the law using language that is understandable to jurors.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 141</u>	Fuentes	2011	Support	Requires the court, when admonishing the jury against conversing about a trial, to clearly explain that the prohibition applies to all forms of communication, research, and dissemination of information, including electronic and wireless devices. Provides that violation of this admonishment constitutes criminal and civil contempt of court.	I	
<u>SB 319</u>	Harman	2009	Sponsor	Eliminates the sunset and reporting requirement on provisions allowing courts to impose monetary sanctions for failure to appear in response to a jury summons. Decreases the amount of time that must	III, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				elapse before a compliance action may be initiated.		
<u>AB 1769</u>	Galgiani	2008	Oppose	Exempts all peace officers from jury duty in civil and criminal matters.	IV	Fundamentally opposed to categorically exempting individuals from jury duty.
<u>AB 1828</u>	Huff	2008	Oppose	Excuses from jury service, upon request, a prospective juror who has served as a precinct officer or precinct board member on a statewide or local election during the previous 12 months.	IV	
<u>AB 1557</u>	Feuer	2007	Support	Reduces peremptory challenges to 6 per side in all misdemeanor cases, rather than only those misdemeanors resulting in imprisonment for 90 days or less.	IV	
<u>SB 171</u>	Alquist	2006	Oppose	Requires that any custodial interrogation of an individual relating to a felony offense be electronically recorded, and codifies a jury instruction to be used verbatim if a court finds that a defendant was subjected to an unlawful custodial interrogation.	I, IV	
<u>SB 1281</u>	Romero	2006	Support	Prohibits a state agency from entering into a contract for the acquisition of goods or services with a contractor who does not have and adhere to a written policy providing his or her employees with not less than five days of regular pay for actual jury service.	IV	
<u>AB 1180</u>	Harman	2003	Sponsor	Clarifies that when a person is summoned but fails to appear for jury service the court may impose reasonable monetary sanctions on the prospective juror following an order to show cause hearing.	III, IV	Strengthen courts' ability to enforce orders.
<u>AB 2925</u>	Migden	2002	Support	Eliminates reimbursement for the first day of travel to the court for jury duty; increases reimbursement rate for second and subsequent days from 15 cents to 34 cents per mile, one way.	IV	Part of larger effort to improve jury system.

E. INTERPRETERS

To ensure access to justice, the council seeks to attract quality interpreters and meet the courts' caseload demands. The council supports increased compensation and standardized payment practices and procedure for court interpreters.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 618</u>	Furutani	2011	Oppose	Requires the court to provide separate interpreters for defendants and witnesses, and for codefendants in specified proceedings.	I	Strains court's ability to provide interpreters.
<u>AB 663</u>	Jones	2009	Sponsor interpreter related provisions; no position on legal aid provision	Requires the Judicial Council to establish a working group to develop best practices to expand the use of interpreters and a pilot project to test the workability of the developed best practices.	I, III, IV	
<u>AB 2227</u>	Chu	2006	Support	Requires the Judicial Council to establish the Blue Ribbon Panel on Language Access in the Courts. Requires the panel to report to the Legislature and the Judicial Council on the existing interpreter certification system.	I, IV	
<u>AB 2302</u>	Committee on Judiciary	2006	Support if funded	Requires that an interpreter be present whenever needed in any civil matter, including family law and probate, or in any court-ordered or court-provided alternative dispute resolution, including mediation and arbitration. Specifies the priority for use of funding and interpreters provided for civil matters.	I, IV	
<u>SB 927</u>	Escutia	2001	Oppose unless funded	Requires that a certified or registered court interpreter be provided at court expense in any family law proceeding that involves allegations of domestic violence.	I, IV	

IV. SUBSTANTIVE LAW

A. JUVENILE DELINQUENCY

The council supports legislation to ensure that judges have sufficient discretion and placement and treatment options to fulfill their obligations to promote the rehabilitation and reintegration of juvenile offenders, the safety of the community, and accountability to victims.

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<u>AB 2212</u>	Fuentes	2010	Support	Sets forth procedures for adjudicating the competency of a juvenile in a delinquency matter.	I	Clarifies procedures for competency proceeding in juvenile delinquency matters.
<u>AB 1547</u>	Beall	2007	Support	Authorizes the juvenile court to order the probation department to provide a variety of services to a delinquent ward approaching the age of majority.	II, IV	
<u>AB 2496</u>	Steinberg	2002	Oppose unless amended	Requires that the minor, the minor's counsel, and a probation officer personally appear before the court during each periodic review of the minor's detention.	II, III	Will significantly increase length of proceedings; neutral if amended to achieve goals in more efficient way.

B. JUVENILE DEPENDENCY

The council supports timely and expeditious determinations in dependency matters, as well as measures to enhance the available placement options for dependent children. The council supports efforts to clarify the procedures for declaring a child a dependent of the court. The council also supports maintaining judicial discretion to terminate dependency.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 73</u>	Feuer	2011	Support	States the intent of the Legislature to enact legislation providing that juvenile court hearings in juvenile dependency matters be presumptively open to the public unless the court finds that admitting the public would not be in a child's best interest.	I	Promotes public trust in juvenile court.
<u>AB 743</u>	Portantino	2010	Support	Modifies the standard for sibling visitation to require that if siblings are not placed together the social worker must explain why placement together would be contrary to the safety or well-being of any sibling. Requires a social worker considering a change of placement that will result in sibling separation to notify the attorney for the child being moved as well as the attorney for any affected sibling.	IV	Assists court in keeping siblings together.
<u>AB 1852</u>	Portantino	2010	Support	Requires the county welfare department to document in the reports it provides to the court at the disposition hearing its efforts to locate and contact relative and non-relative extended family members of a dependent child to establish permanent familial connections between the child	IV	Improves ability of court to find permanency for dependent children.

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				and his or her family.		
<u>SB 962</u>	Liu	2010	Support	Allows incarcerated parents to participate in specified court proceedings concerning parental rights via videoconferencing or teleconferencing if the technology is available	I	Reduces need to continue dependency proceedings for an incarcerated parent's absence.
<u>AB 12</u>	Beall	2009	Co-Sponsor	Implements federal foster care reform legislation to provide federally subsidized relative guardianships and extend foster care jurisdiction to age 21.	IV	
<u>AB 131</u>	Evans	2009	Sponsor	Authorizes the Judicial Council to implement a cost recovery program to collect reimbursement from parents for the cost of dependency counsel, and directs that the recovered funds be used to reduce caseloads for attorneys.	I, IV	Promotes fairness outcomes in dependency proceedings.
<u>AB 938</u>	Committee on Judiciary	2009	Sponsor	Requires that social workers immediately investigate the identity and location of all adult grandparents and other relatives of a child after the child is detained, and notify the relatives that the child has been removed from his or her parents, and the means by which the relative might participate in the care of the child.	IV	Engages relatives in dependency court to promote best interests of child.
<u>AB 1405</u>	Maze	2008	Support	Provides that information obtained from a minor during an assessment to determine the appropriate status of a minor who meets the definition of both a dependent and a delinquent ward cannot be used against the minor in other proceedings.	II, IV	Ensures court obtains necessary information.
<u>AB 3051</u>	Jones	2008	Support	Requires the court to determine whether a child age 10 or older who is not present was given an opportunity to attend the hearing. Provides that the court may make any orders reasonably necessary to ensure that the child has an opportunity to attend.	I, IV	Ensures that children can participate in proceedings.
<u>AB 2130</u>	DeVore	2006	Oppose	Requires the court to consider the religious, cultural, moral, and ethnic values of a child or of his or her birth parents, before placing a dependent child for adoption.	I, II	Inappropriately limits judicial discretion.

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<u>AB 2480</u>	Evans	2006	Support if funded	Requires the appointment of appellate counsel to represent a dependent child if the child is an appellant, or if the court of appeal determines that the child would benefit from the appointment of separate counsel.	IV	
<u>SB 1667</u>	Kuehl	2006	Support	Requires that the social worker provide foster parents with a caregiver information form and information on how to submit it to the court. Provides rights for caregivers to receive notice of post-permanency planning hearings.	IV	Ensures that court receives all relevant information regarding dependent children.
<u>AB 519</u>	Leno	2005	Sponsor	Allows the juvenile court to issue ex parte protective orders for parents and caretakers even without regard to the child's need for a protective order.	IV	Allows the juvenile court to protect families in an efficient individualized manner.
<u>AB 129</u>	Pacheco	2004	Sponsor	Authorizes counties to implement dual status (dependency and delinquency) protocol for children in juvenile court.	IV	Ensures adequate oversight for dual need children.
<u>AB 524</u>	Haynes	2003	Oppose	Requires that a child who has been removed from his or her parents' custody be returned within five working days in certain circumstances.	III	March 26, 2003 amendments eliminated provisions related to criminal proceedings. Council opposition withdrawn.
<u>SB 59</u>	Escutia	2003	No position, but seek amendments	Provides expedited appellate review of disputed placement orders in juvenile dependency cases.	N/A	June 11, 2003 amendments conform the writ process to the one established in Welfare and Institutions Code section 366.26(1).
<u>AB 2336</u>	Negrete McLeod	2002	Support	Requires that orders for the temporary removal of a prisoner to attend a hearing pertaining to parental rights must be issued at least 12 days before it is to be executed.	I, IV	Ensures access to proceedings for affected parties.
<u>AB 2160</u>	Schiff	2000	Sponsor	Creates a presumption that children in dependency proceedings would benefit from the appointment of counsel.	I, IV	Improves ability of court to fulfill role in dependency cases.

C. FAMILY LAW

The council supports legislation consistent with its goal of increasing access to the courts. The council supports efforts to provide adequate assistance to pro per litigants in family law cases, as well as litigants who face language barriers. The council seeks to maintain judicial discretion to make family law decisions based on the best interest of the child. The council also seeks to clarify the process the court should follow and the factors the court can appropriately consider in family law cases.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 939</u>	Committee on Judiciary	2010	Support	Makes numerous changes to provisions in the Family Code consistent with the recommendations of the Elkins Family Law Task Force.	I, IV	
<u>AB 1050</u>	Ma	2010	Support	Creates a presumption that a child is of sufficient maturity to provide input to the court on a child custody or visitation issue at age 14 and requires the court to permit the child to address the court unless the court finds that testimony is not in the child's best interests and states its reasons on the record.	IV	Ensures courts can appropriately consider input of child.
<u>AB 2475</u>	Beall	2010	Oppose	Provides that the doctrine of judicial or quasi-judicial immunity shall not apply to any private third party engaged by the court for his or her expertise in family law matters in an advisory capacity.	II	Interferes with ability of court to obtain expert information.
<u>AB 612</u>	Beall	2009	Oppose	Prohibits the consideration of a "nonscientific theory" in a child custody matter, as defined, and disallows the admission into evidence of any child custody evaluation report which includes a nonscientific theory.	II, IV	Creates inconsistent and unworkable evidentiary standard.
<u>AB 1822</u>	Beall	2008	Oppose	Requires the court, in any proceeding to establish or modify spousal support, to deny spousal support to a party convicted of a sexual offense against a minor.	II	Inappropriately limits judicial discretion.
<u>SB 1255</u>	Harman	2008	Support	Extends until January 1, 2013, the authority of the family court to order a person seeking custody or visitation of a child to undergo testing for drug or alcohol abuse in specified circumstances.	II, IV	Ensures that court has relevant information in custody cases.
<u>SB 1015</u>	Murray	2006	Oppose	Requires the court to redact specified financial information from family law files.	II	Lessens public trust in court and imposes unnecessary administrative burdens.
<u>SB 1482</u>	Romero	2006	Oppose	Provides that a custodial parent has a presumptive right to change the residence of his or her child subject to the power of the court to restrain a change of residence. Requires the non-custodial parent to make a prima facie showing of harm to the child that would result from the relocation, necessitating a change in custody, but would disallow consideration of the normal incident of moving.	II	

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<u>AB 1307</u>	Dymally	2005	Oppose	Creates a rebuttable presumption that equal custody share is in the best interest of child.	II	Unduly limits court's ability to make custody orders on a case-by-case basis.
<u>SB 544</u>	Battin	2005	Oppose	Prohibits parents convicted of certain offenses from having unsupervised contact with their children.	II	Overly restricts court's ability to make custody orders in the best interest of child.
<u>AB 2148</u>	Diaz	2004	Oppose	Restricts the court from holding custody or visitation proceedings until after it has ruled on an application for attorney's fees.	II	Limits ability of court to act in best interest of children.
<u>AB 2228</u>	Garcia	2004	Support	Requires information sharing in cases pertaining to custody of children.	III, IV	Ensures well informed court regarding child custody.
<u>SB 730</u>	Burton	2004	Oppose	Establishes presumptive right for a custodial parent to relocate with a child.	II	Unduly limits discretion of court to act in best interest.
<u>SB 1616</u>	Knight	2004	Oppose	Requires the court to state its reasons for making any spousal support order on the record and in writing.	II	Unnecessary and resource intensive.
<u>SB 734</u>	Ortiz	2003	Oppose	Restricts courts discretion to grant visitation.	II	Unduly restricts individual discretion.
<u>SB 174</u>	Kuehl	2002	No position	Requires the Judicial Council to select four non-confidential mediation courts to implement a model with initial confidential mediation, with the allowance for subsequent recommending mediation if performed by a different mediator. Implementation contingent on funding.	N/A	
<u>SB 1406</u>	Kuehl	2002	Oppose unless amended	Requires that all child custody mediation be confidential, and prohibits the mediator from communicating with the court on any matter.	II, III, IV	Interferes with administration of family cases.
<u>SB 1791</u>	Rainey	2000	Oppose	Shifts responsibility for hearing Title IV-D related child support actions to DSS administrative law judges.	I, II, IV	Inappropriately shifts judicial function to non-judicial officers

D. DOMESTIC VIOLENCE

The council supports efforts to improve court procedures in domestic violence cases and the way courts review allegations of domestic violence in family law proceedings. The council also supports measures that seek to simplify the process for obtaining a restraining order, and the process for making it enforceable.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 1596</u>	Hayashi	2010	Sponsor	Contains numerous technical changes to create more consistency in protective order statutes.	IV	Promotes consistent administration of law in protective order matters.

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<u>AB 104</u>	Cohn	2005	Oppose	Requires a hearing on a motion to modify or dismiss a DVPA order to be held by the judicial officer that issued the order, if available.	II, III	Undue interference with court calendaring process.
<u>AB 106</u>	Cohn	2005	Oppose	Requires every trial court to establish a one time amnesty program for fines and fees imposed for spousal abuse convictions or as a condition of probation for domestic violence offenses.	II, III	Contrary to the Judicial Council's enhanced collections strategy.
<u>SB 1627</u>	Kuehl	2002	Support	Clarifies procedures for entry of service of process for DVPA orders into DVROS by requiring the court to either enter the information into DVROS directly, or transmit proof of service to law enforcement for entry within one business day.	III, IV	Makes court orders more likely to be enforced.
<u>SB 1780</u>	Escutia	2002	Oppose unless funded	Requires the court to provide interpreters for specified parties in family law proceedings involving allegations of domestic violence at court expense.	I, IV	

E. CONSERVATORSHIP AND PROBATE LAW

The council supports clarification of conservators' duties and formulation of guidelines about conservatorships.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 458</u>	Atkins	2011	Sponsor	Prohibits a court from appointing a minor's parent as a guardian of the person of the minor, except as specified. Establishes requirements for transferring a proceeding to another court in circumstances in which a proceeding that concerns custody or visitation of a minor child is pending in one or more counties at the time the petition for guardianship is filed. Specifies circumstances under which the court in a guardianship proceeding would maintain exclusive jurisdiction to determine issues of custody or visitation.	I, III	
<u>AB 2271</u>	Silva	2010	Support	Adds temporary trustees to the list of persons who may be appointed by the court during an appeal of certain probate orders.	II, IV	
<u>SB 1041</u>	Harman	2010	Support	Among other things, provides that evidence of a statement made by a declarant who is unavailable as a witness that he or she has or has not established or revoked a revocable trust, or that identifies his or her	II, IV	

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<u>AB 1163</u>	Tran	2009	Support	<p>revocable trust, is not made inadmissible by the hearsay rule because the declarant is unavailable as a witness.</p> <p>Clarifies that the attorney-client privilege is held by a deceased client's personal representative appointed for subsequent estate administration after the original personal representative has been discharged. Provides that no attorney-client privilege exists for communications relevant to issues between parties who all claim through a deceased client in a non-probate transfer.</p>	I, IV	Improves administration of justice.
<u>AB 1340</u>	Jones	2008	Support	<p>Requires a guardian or conservator, in a first accounting filed with the court, to provide all account statements showing the account balance as of, rather than through, the closing date of the first court accounting. Requires notice be given 5 court days prior to a hearing on the appointment of a temporary guardian or temporary conservator. Prohibits a court from permitting a person without a valid professional fiduciary's license to continue to carry out the duties of a professional fiduciary.</p>	IV	Improves court's oversight of these cases.
<u>AB 1880</u>	Tran	2008	Oppose	<p>Requires a guardian or conservator to post a separate recovery bond for the benefit of the ward or conservatee and any person interested in the guardianship or conservatorship estate who may bring a surcharge action against the guardian or conservator for breach of duty.</p>	III, IV	Multiple bonds are more difficult to administer, and they would impair the court's ability to provide proper oversight.
<u>AB 2014</u>	Tran	2008	Support	<p>Requires a guardian or conservator to use ordinary care and diligence to determine whether the ward or conservatee owns real property in a foreign jurisdiction and to preserve and protect that property.</p>	IV	Improves court's oversight of these cases.
<u>AB 2247</u>	Spitzer	2008	Oppose unless amended, neutral if amended	<p>Requires a guardian or conservator to file an investment plan with a court not more than six months after the issuance of letters of guardianship or conservatorship. Revises and expands the list of obligations and securities in which a guardian or conservator may invest funds of the estate without court authorization.</p>	IV	Interferes with the ability of the court to protect conservatees' assets.

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<u>SB 1264</u>	Harman	2008	Support	Beginning January 1, 2010, revises, recasts, and clarifies the law governing no contest clauses in wills and trust instruments. Limits the enforceability of no contest clauses to direct contests brought without reasonable cause, transfers of property, or creditor claims as specified. Defines direct contest and probable cause for these purposes. Eliminates provisions regarding the authority of a beneficiary to apply to a court for a determination regarding a no contest clause.	I, IV	Improves access to the courts and enhances court administration.
<u>AB 1727</u>	Committee on Judiciary	2007	Support	Enhances a court investigator's access to confidential medical information. Prohibits a conservatorship of the person or of the estate from being granted unless the court makes an express finding that the granting of the conservatorship is the least restrictive alternative needed for the protection of the conservatee. Creates new requirements on courts when guardianships and conservatorships are transferred from other jurisdictions.	II, IV	Improves court's ability to provide oversight of these cases.
<u>SB 340</u>	Ackerman	2007	Co-sponsor	Broadens list of agencies entitled to receive criminal history reports to include probate court conservatorship and guardianship investigators.	II, IV	Improves the court's ability to provide oversight in guardianship and conservatorship cases.
<u>AB 1363</u>	Jones	2006	Support if funded	Makes a number of reforms to the probate conservatorship system, including enhanced court reviews of conservatorships primarily through increasing the frequency and scope of court investigations.	II, IV	Improves court's ability to provide oversight of these cases.
<u>SB 1116</u>	Scott	2006	Support	Increases court oversight of moves of conservatees and the sale of their homes.	II, IV	Improves the court's ability to provide oversight of these cases.
<u>SB 1550</u>	Figeroa	2006	Support	Enacts the Professional Fiduciaries Act, which establishes in the Department of Consumer Affairs a new licensure scheme governing professional conservators, guardians, and other fiduciaries.	II, IV	Improves the courts oversight in these cases.
<u>SB 1716</u>	Bowen	2006	Support if funded	Authorizes the court to take action in response to ex parte communications regarding a guardian's or conservator's performance of his or her fiduciary duties.	II, IV	Improves the court's oversight of these cases.
<u>AB 541</u>	Harman	2005	Support	Allows the court to test prospective guardians for drugs or alcohol and exempts guardians of the person	II, IV	Enhances court's discretion and improves court's ability to oversee these cases.

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				only from having to register with the Statewide Registry.		
<u>AB 1152</u>	Liu	2004	Support	Requires the Judicial Council to adopt a rule of court that specifies the qualification and educational requirements of private professional conservators and private professional guardians.	II, IV	Improves court's ability to oversee these cases.
<u>AB 1851</u>	Harman	2004	Support	Revises and recasts the law concerning the court's responsibility to approve compromises of claims of minors, and settlements or actions or disposition of judgments in favor of minors or "incompetent persons." Permits the court to establish a special needs trust for a disabled minor that will continue under court supervision after the minor reaches age 18.	IV	Improves the court's ability to administer these cases.
<u>AB 1883</u>	Harman	2004	Support	Prevents routine waivers but allows court discretion in waiving bond requirement where it is warranted.	II, IV	Enhances court's discretion.
<u>AB 1784</u>	Harman	2002	Support	Implements the recommendations of the California Law Revision Commission for clarification of Probate Code provisions regarding the construction of trusts and other instruments.	III, IV	Promotes clarity and consistency in the handling of these cases.

V. MISCELLANEOUS

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<u>AB 1208</u>	Calderon	2011	Oppose	Significantly lessens the role of the Judicial Council in determining the allocation of funds to trial courts and allocating funds in a manner to support implementation of statewide policies and initiatives. Reduces the council's role in ensuring the stability of trial court operations and providing management or oversight of trial court budgets.	I, II, III, IV	
<u>SB 1417</u>	Cox	2010	Support	Modifies the process for formation of Societies for the Prevention of Cruelty to Animals and for the appointment of humane officers.	III, IV	Provides clear court process.
<u>AB 2301</u>	Assembly Judiciary Committee	2006	Support	Provides the State Bar with the authority to collect voluntary financial support from its membership to support organizations that provide free legal services to those of limited means.	I, IV	

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Goal I -- Access, Fairness, and Diversity
 Goal II -- Independence and Accountability
 Goal III -- Modernization of Management and Administration

Goal IV -- Quality of Justice and Service to the Public
 Goal V -- Education for Branchwide Professional Excellence
 Goal VI -- Branchwide Infrastructure for Service Excellence

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SCA 3	Lowenthal	2006	No position	Shifts redistricting responsibility from the Legislature to an 11-member Independent Redistricting Commission to reapportion legislative and congressional districts. Provides that the California Supreme Court has original and exclusive jurisdiction over all challenges to a redistricting plan adopted by the Commission. Requires the Judicial Council to appoint a panel of ten retired justices of the state courts of appeal, and for that panel to establish a pool of 50 candidates for the Independent Redistricting Commission.	N/A	
SB 1246	Burton	2004	No position	Requires the Supreme Court and the State Bar to develop standards and rules of professional conduct governing the propriety of an attorney appearing before a court where that individual previously served as a judicial officer.	N/A	Outside purview.

A. ACCESS TO JUSTICE

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 590	Feuer	2009	Support	Creates a pilot project to provide legal representation to indigent litigants in specified civil case types including domestic violence, civil harassment, probate conservatorship, elder abuse, child custody matters in which one parent is seeking sole legal or physical custody, and housing-related cases, beginning July 2011, with the revenue from recently enacted increases to a number of miscellaneous civil court fees.	I, IV	Improves access to justice for unrepresented litigants.
AB 2448	Feuer	2008	Sponsor	Revises and redrafts the existing statute governing court fee waivers to ensure that indigent litigants have an opportunity to access the courts in a timely manner, and to provide for recovery of those fees in appropriate cases.	I, III, IV	
AB 171	Beall	2007	Support	Establishes the Assumption Program for Loans for Law in the Public Interest, to provide up to \$1,000 in loan assumption benefits over a four-year period to public interest attorneys.	I	

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

Goal I – Access, Fairness, and Diversity
 Goal II – Independence and Accountability
 Goal III – Modernization of Management and Administration

Goal IV – Quality of Justice and Service to the Public
 Goal V – Education for Branchwide Professional Excellence
 Goal VI – Branchwide Infrastructure for Service Excellence



BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1723	Committee on Judiciary	2007	Support	Requires banks that hold interest on lawyer trust accounts (IOLTA) to allow those accounts to participate in higher-paying investment products, or receive an interest rate that is comparable to the rates paid by those investment products (referred to as IOLTA comparability).	I	

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES


- Goal I – Access, Fairness, and Diversity
- Goal II – Independence and Accountability
- Goal III – Modernization of Management and Administration
- Goal IV – Quality of Justice and Service to the Public
- Goal V – Education for Branchwide Professional Excellence
- Goal VI – Branchwide Infrastructure for Service Excellence

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	6/5/2013
PREPARED BY	Lee Willoughby
OFFICE NAME	<u>Judicial Branch Capital Program Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	136
JUDICIAL COUNCIL DIRECTIVE	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 the Office of Court Construction and Management operations.
SEC RECOMMENDATION	A cost-benefit analysis of the entire scope of OCCM operations is needed.
RESPONSE (check applicable boxes)	
<input type="checkbox"/> This directive has been completed and implemented: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>	
<input checked="" type="checkbox"/> Other: <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>With respect to an approach for the evaluation of the cost effectiveness for the entire scope of the Judicial Branch Capital Program Office this directive is considered complete. However, the evaluation of the cost effectiveness of the Office of Real Estate and Facilities Management is outstanding and a report will be provided at the December 2013 council meeting.</p> <p>Due to organizational changes and the bifurcation of the former Office of Court Construction and Management into two offices, this directive focuses only on the construction program managed by the Capital Program Office. The approach that will be used focuses on the cumulative cost effectiveness of each of the 45 capital outlay projects that together form the entire scope of the Judicial Branch Capital Program Office. The analysis recommended in this approach has been completed for the first six projects in the process of preparing the report mandated by Sen. Bill 78 (Committee on Budget and Fiscal Review), Stats. 2011, ch. 10. As projects are completed, an analysis using a methodology as the one employed for the SB 78 report of January 2013 will be completed using internal staff resources. Refer to attachment for description of approach, a schedule</p> </div>	

of all 45 capital projects showing estimated completion dates, and a copy of the SB 78 report.



136 - Outline of Approach
13 06 05.pdf
Adobe Acrobat Document
1.22 MB

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	See attachment - to be completed overtime as projects are completed.
RESOURCES REQUIRED FOR IMPLEMENTATION	See attachment - to be completed by existing staff using methodology employed to complete SB 78 report.

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> SAVINGS	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> COST	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> EFFICIENCIES	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> SERVICE LEVEL IMPACT	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> OTHER	<input type="text"/> <input type="button" value="File Attachment"/>

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="6/13/2013"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="6/17/2013"/>

Below is an outline of a proposed approach to evaluate the cumulative cost effectiveness of each of the 45 capital outlay projects that together form the entire scope of the Judicial Branch Capital Program Office. This outline has been prepared for a June 2013 interim report to the Judicial Council (the council) on the status of AOC Restructuring Directive #136. The analysis recommended in this approach has been completed for the first six projects in the process of preparing the report mandated by Sen. Bill 78 (Committee on Budget and Fiscal Review), Stats. 2011, ch. 10. As projects are completed, an analysis using a methodology as the one employed for the SB 78 report will be completed using internal staff resources.

The proposed approach covers the following topics, which are outlined below:

1. The scope of the Judicial Branch Capital Program Office in relation to this directive.
2. Definition and measurement of “cost effectiveness.”
3. Timing and execution of an analysis of cost effectiveness.
4. Accepted industry methodologies and standards employed in assessments of cost effectiveness.

1. Judicial Branch Capital Program Office Scope

For the purpose of this directive, which focuses on cost effectiveness, the primary scope of the office is to deliver the \$5.0 billion capital program of 45 projects within budget. The proposed approach outlined below recognizes that the key performance indicator of the Capital Program Office should relate to the most significant cost to the state of the program itself, which is the cumulative total of the actual cost of the 45 capital projects.

2. Definition and Measurement of Cost Effectiveness

In the California Capital Construction Program Management Audit Report prepared by Pegasus-Global Holdings, Inc. (2012 Pegasus report), overall effectiveness of an organization is defined on page 29 of the final report as “the determination of how well predetermined goals and objectives for a particular activity or program are achieved.” In other words, what are the outcomes or results of the capital program compared to program goals. The 2012 Pegasus report also defines “efficiency” as “the use of minimal input of resources for the achievable output,” and “economy” as the “acquisition of resources of appropriate quality and quantity at the lowest reasonable cost.”

For the purpose of this directive, the most significant measure of cost of the capital program is the total of all costs of the 45 projects that together form the capital program. The cost effectiveness of the program is further defined as the extent to which collectively, overtime, the 45 projects are delivered within budget.

Whether the capital program is completed within budget is measured by comparing the sum total of the cost of all completed projects to the sum total of total project budgets as initially and finally authorized by the legislature.

Comparing the final total cost of a project to the final authorized project budget is a more robust measure of cost effectiveness for two reasons. First, the final authorized project budget reflects the final scope of work of the project as authorized by the legislature. Secondly, the final authorized budget for roughly sixty percent of the projects will incorporate the direction of the Court Facilities Working Group and its Courthouse Cost Reduction Subcommittee (the subcommittee).¹ A total of 17 of 45 projects in the capital program were designed prior to the involvement of the subcommittee, including the 10 projects completed to date². The subcommittee has and will continue to oversee a process to reduce project budgets that, along with Judicial Council mandated reductions to hard construction cost budgets for 28 of the 45 projects in the program, will significantly reduce the costs of the capital program as projects are completed over time. Over \$122 million in project budget reductions have been mandated for the first 14 projects reviewed by the subcommittee. Review by the subcommittee of the remaining 14 projects will occur when these projects are design.

3. Timing and Execution of Cost Effectiveness Analysis

The timing of an analysis for this directive is, by definition, determined by when groups of projects complete construction and their actual costs are known. As demonstrated by the report the Judicial Council was directed to prepare in accordance with Senate Bill 78³

¹ At its October 26, 2012 meeting, the Judicial Council approved a recommendation that clarified the authority and role of the subcommittee as follows: “The Courthouse Cost Reduction Subcommittee of the Court Facilities Working Group shall 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.” Full report can be found here: <http://www.courts.ca.gov/documents/jc-20121026-itemG.pdf>

² Of the 10 projects that have been completed for the benefit of the judicial branch, 8 were entirely state funded. The new courthouse in downtown Merced was county funded with a small state contribution. The Fresno- Juvenile Delinquency Courthouse project was county funded with the state leasing to purchase the courthouse portion of the building. Of the 8 projects entirely funded by the state, 2 were managed by the Executive DGS—the Court of Appeal, Fifth Appellate District in Fresno and the Renovation of the Mosk Courthouse for the Third Appellate District in Sacramento.

³ Sen. Bill 78 (Committee on Budget and Fiscal Review), Stats. 2011, ch. 10.

(SB 78) an analysis of whether one or more projects is completed within budget must be undertaken when the project is fully completed. To date, 10 of the 45 projects that compose the capital program have been completed, with one project in the warranty phase.⁴ Based on the estimated schedule for executing the remaining 36 projects⁵, there will be several sets of projects that complete construction in each year starting in 2013, with the last set currently scheduled to be completed in 2019. This is illustrated in Attachment 1, which is a schedule dated March 19, 2013 illustrating how groups of projects are scheduled to be completed through the conclusion of the warranty period as follows:

- 2013 (1)
- 2014 (4)
- 2015 (5)
- 2016 (6)
- 2017 (3)
- 2018 (5)
- 2019 (0)
- 2020 (12)

Final construction costs—and therefore total project costs—are typically fully identified about one year after a project is completed, when all outstanding punch-list and warranty items are closed out. Therefore, an analysis of the cost effectiveness of each set of projects, as measured by comparing the completed cost to the initial and final authorized budget, will be completed about 16 months after the last project in a set of projects is completed. An analysis of how the cost of completed projects compare to their budgets will be executed by staff using the methodology employed for the SB 78 report, which is provided as Attachment 2. As the program progresses and each set of projects is completed, an annual or periodic evaluation of the cumulative cost effectiveness of the program will be completed. A program level analysis will be completed after the costs of all projects have been closed out.

⁴ Note that a comparison of final costs to original and final appropriations (the budgets for each project) has been completed for the set of six completed projects that were managed by the Judicial Branch and documented as part of the SB 78 Report submitted to the legislature in January 2013 under council direction. The Lassen–New Susanville project is completed but still in the warranty phase.

⁵ Includes the Lassen project, which is in the warranty phase. The Sacramento – New Sacramento Criminal Courthouse project is another project currently in the site acquisition phase, but has been indefinitely delayed and is therefore excluded from this project count.

4. Accepted Industry Methodologies and Standards Related to Measuring Cost Effectiveness

The 2012 Pegasus report identifies accepted industry methods used to measure how organizations are performing in relation to goals. These methods are various forms of “benchmarking”. The 2012 Pegasus report outlines a series of recommendations related to benchmarking, including a recommendation to develop, adopt, and implement functional benchmarking, using both best practice benchmarks and “key performance indicator” benchmarks.

The proposed approach to evaluating cost effectiveness is based upon key performance indicator benchmarking, using the total cost of the program as the key performance indicator. The benchmark is an analysis of how collectively the budgets for the 45 capital outlay projects compare to the actual completed costs of the projects.

Attachments:

Attachment 1: Courthouse Capital Projects Program Schedule, March 19, 2013

Attachment 2: Judicial Branch Construction Procurement Practices: *Report to the Joint Legislative Budget Committee Regarding the Process, Transparency, Costs, and Timeliness of Judicial Branch Construction Procurement Practices, as Required by Senate Bill 78 (Statutes of 2011, Chapter 10)*, January 2013

Judicial Branch Construction Procurement Practices

REPORT TO THE JOINT LEGISLATIVE
BUDGET COMMITTEE REGARDING
THE PROCESS, TRANSPARENCY,
COSTS, AND TIMELINESS OF JUDICIAL
BRANCH CONSTRUCTION
PROCUREMENT PRACTICES, AS
REQUIRED BY SENATE BILL 78
(STATUTES OF 2011, CHAPTER 10)

JANUARY 2013

DRAFT DATE: 11/2/2012



JUDICIAL COUNCIL
OF CALIFORNIA

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Chapter 1

Executive Summary

Subject Projects

The six projects covered by this report are listed below. See Mandate section and Table 1.4 on pages 7 and 8 for more detail.

1. Court of Appeal, Fourth Appellate District, Division Three
2. Plumas/Sierra Regional Courthouse
3. B. F. Sisk Courthouse
4. Richard E. Arnason Justice Center
5. Mammoth Lakes Courthouse
6. Lassen Superior Court Hall of Justice

Key Findings Summary

Project Costs

The AOC has maintained a strong record of managing court construction project costs. Based on the final appropriation amounts for the six subject projects, the AOC delivered all projects under budget, saving the state nearly \$29 million. The AOC even delivered four of the six projects below their original appropriation amounts. Two projects required augmentations to the original appropriation amounts, primarily because of rapidly escalating construction costs during the period in which they were originally budgeted and then bid. Viewed as a group, the six projects came in a total of \$6.7 million under their original budgets. For individual savings for each project see the Appropriations and Project Costs table in the project-specific Chapters 2–7.

Table 1.1
Aggregate Project Costs for the Six Subject Projects

	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
1. Original Appropriation	\$12,051,000	\$7,575,000	\$12,038,000	\$176,461,000	\$208,125,000
2. Final Appropriation	\$10,545,000	\$7,935,000	\$11,089,000	\$200,770,200	\$230,339,200
3. Actual Expenditure¹	\$3,092,445	\$6,501,172	\$8,729,772	\$183,100,144	\$201,423,533
4. Increase or (Savings) from Original Appropriation (4 = 3 - 1)	(\$8,958,555)	(\$1,073,828)	(\$3,308,228)	\$6,639,144	(\$6,701,467)
5. Increase or (Savings) from Final Appropriation (5 = 3 - 2)	(\$7,452,555)	(\$1,433,828)	(\$2,359,228)	(\$17,670,056)	(\$28,915,667)
6. Percent of Final Appropriation Saved (6 = 5 ÷ 2)	70.7%	18.1%	21.3%	8.8%	12.6%

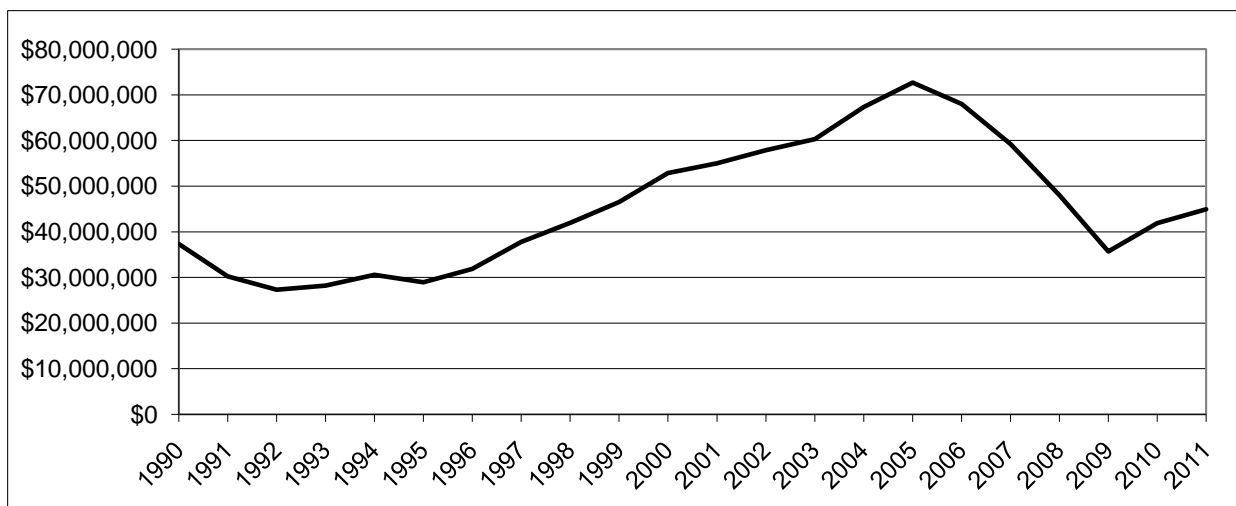
Notes for Table 1.1

¹ AOC employee costs are not billed directly to the projects and thus are not included in this table or in the Appropriations and Project Costs Table in the project-specific chapters 2–7. Costs for outside firms providing project management are taken from job cost accounting reports and are included in project costs throughout this report.

The 10-year expansion of construction activity in California from 1995 to 2005, illustrated in Figure 1.1 below, was a primary cause of the augmentations required for the Court of Appeal, Fourth Appellate District, Division Three and the B. F. Sisk Courthouse. Prices rose sharply in response to the increasing activity, causing current estimates to exceed those produced at the projects' inception. Total construction activity in California increased 248 percent, or almost 25 percent per year, from \$29 billion in 1995 to \$72 billion in 2005, with the sharpest increase between 2003 and 2005. When the industry is at peak levels of activity, competition declines and bid prices increase. Figure 1.2 below illustrates the ensuing high annual rate of construction cost escalation, which peaked at almost 10 percent in 2004–2005.

Figure 1.1

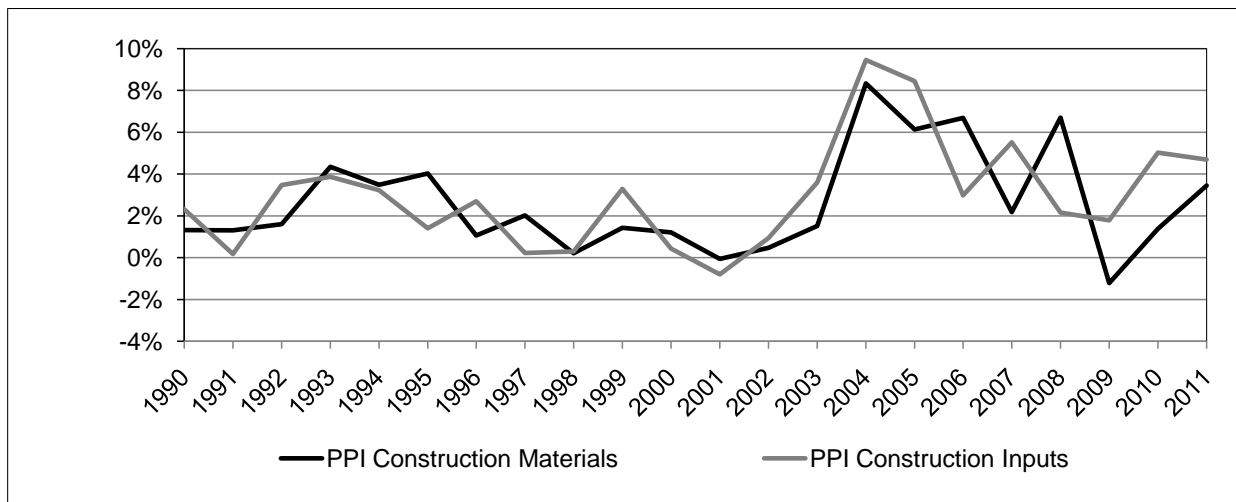
McGraw-Hill Construction/Dodge–California Construction Activity 1990–2011



Value in thousands

Figure 1.2

U.S. Dept. of Labor, Bureau of Labor Statistics–Construction Cost Escalation 1990–2011



PPI = Producer Price Index

Project Timelines

Compared to the final approved project timelines, two projects were completed early and two projects were completed 6 and 8 weeks after their approved completion dates. Delays for the other two projects were 25 and 28 weeks.

Compared to the original project timelines, one project was completed early. Delays for the other five projects ranged from 28 to 78 weeks. The longest schedule extensions were caused by complications in completing property acquisitions and changes to project scope driven by Judicial Council–approved new judgeship requirements. Reasons for delays are described in the project key findings sections below and in more detail in the project-specific Chapters 2 through 7.

Variations occur between the original scheduled completion date and the final approved completion date because a new schedule is submitted with each funding request or scope change that is approved by the Department of Finance (DOF). As these courthouse construction projects moved forward, the DOF and the Legislative Analyst’s Office (LAO) collaborated with the AOC to develop revised project scopes to provide the best long-term value for the state. This effort to align project scopes with the state’s long-term budget priorities or to take advantage of economic opportunities in the form of donated or below market sites caused delays, as occurred with the following five of the six projects covered by this report: Court of Appeal, Fourth Appellate District, Division Three; Plumas/Sierra Regional Courthouse; Richard E. Arnason Justice Center; B. F. Sisk Courthouse; and Mammoth Lakes Courthouse. See the Key Findings for Each Project section in this chapter and the Project Timelines section in each of the project-specific chapters 2–7 for more detail.

Approvals

All necessary approvals were obtained for each project. Approvals by the Judicial Council, the State Public Works Board (SPWB), the Governor through the annual budget act and authority delegated to the DOF, and the Legislature through the annual budget act, as well as review by the local court, are documented in the Review and Approval Dates table in each project-specific chapter. The jurisdiction for approval by each approving body varies. For example, the SPWB approves site selection, site acquisition, and preliminary plans, as set forth in the State Administrative Manual (SAM).

Procurement Methods

As authorized in SB 1732,¹ the Trial Court Facilities Act of 2002 (Gov. Code, §§ 70301–70404), and according to the *Court Facilities Contracting Policies and Procedures* adopted by the Judicial Council in 2007, the capital program is exempted from the branch contracting policies and procedures and is thus able to use a range of proven project delivery methods. These methods, including traditional design-bid-build (which is strictly quantitative), construction manager at risk (which employs both qualitative and quantitative evaluation criteria), and design-bid-build with prequalification of general contractors (which employs a qualitative evaluation

¹ Sen. Bill 1732 (Escutia), Stats. 2002, ch. 1082.

followed by quantitative low-bidding), all provide for a competitive, equitable, and diverse process to benefit the branch projects. The selection of any one method for a project may take into account numerous factors, including but not limited to: size of the project; location of the project; pool of eligible firms; timing; and market conditions. For the courthouse capital projects covered by this report, the AOC employed two processes for construction procurement: construction manager at risk (CMAR) and design-bid-build (DBB) with prequalification of general contractors. The AOC uses the CMAR process on many projects because it has the following advantages in delivering these complex, design intensive projects: early focus on design issues, construction advice and cost review during the design process, careful oversight of costs and schedule, early cost commitments, and opportunities to shorten the overall project schedule. This process was used for four of the six projects covered by this report: Court of Appeal, Fourth Appellate District, Division Three, Richard E. Arnason Justice Center, B. F. Sisk Courthouse, and Mammoth Lakes Courthouse. The design-bid-build process was used for the Plumas/Sierra Regional Courthouse and the Lassen Superior Court Hall of Justice. See Appendix B, Procurement Methods and Evaluation Criteria, for more detail. See the Key Findings for Each Project section below for the number of proposals or bids received for each procurement, which ranged from 2 to 7 and averaged 4.7 per procurement.

Construction Claims and Litigation

There are no unresolved construction claims and no pending construction litigation associated with the six subject projects. As shown in Appendix B, Figure B.2, one of the criteria the AOC uses to evaluate CMAR firms and general contractors involves financial strength, safety record, and claims avoidance.

Design Standards, Code Conformance, and Sustainable Measures

The AOC developed its *California Trial Court Facilities Standards*, which were adopted by the Judicial Council in April 2006 and amended in March 2010. As stated in the preface, “These Facilities Standards attempt to maximize value to the State of California by balancing the aesthetic, functional, and security requirements of courthouse design with the budget realities of initial construction cost and the long-term life cycle costs of owning and operating institutional buildings.” Use of the *Facilities Standards* by the design teams is defined in the Agreement for Services between the AOC and the consultants retained for specific projects. The *Facilities Standards*, used in conjunction with all applicable codes and ordinances, form the basis of design for all new court facilities in California. The *Facilities Standards* require that “All new courthouse projects shall be designed for sustainability and, at a minimum, to the standards of a LEED™ 2.1 “Certified” rating. Depending upon the project’s program needs and construction cost budget, projects may be required to meet the standards for a LEED™ 2.2 “Silver” rating.” The sustainability levels achieved for the six subject projects are shown in Table 1.2 below.

**Table 1.2
Sustainability Levels Achieved for the Six Subject Projects**

Project Name	Sustainability Level Achieved	Certified by U.S. Green Building Council?
Court of Appeal, Fourth Appellate District, Division Three	Designed to use 15 percent less energy than California Title 24	No
Plumas/Sierra Regional Courthouse	Designed to use 15 percent less energy than California Title 24	No
B. F. Sisk Courthouse (renovation)	Designed to meet California Title 24	No
Richard E. Arnason Justice Center	LEED™ Silver	Yes
Mammoth Lakes Courthouse	Designed to LEED™ Silver	No
Lassen Superior Court Hall of Justice	LEED™ Silver	Yes–In Process

LEED™ = Leadership in Energy and Environmental Design, a program of the U.S. Green Building Council

Innovative Project Management and Comprehensive Project Teams

As authorized by the *Court Facilities Contracting Policies and Procedures*, the AOC has utilized the following tools to enhance the effectiveness of its project management:

1. A highly visible and transparent selection process, which attracted top architecture and construction firms;
2. Management plans for each project;
3. Kick-off meetings for each project;
4. Project advisory groups comprising key representatives from the court, the local community, and the AOC Project Manager;
5. Monthly progress reports for use by AOC management and staff, judges, and court staff;
6. Prequalification of prospective construction management firms and general contractors;
7. Regular project review and active involvement by AOC management; and
8. Alternate delivery methods such as construction manager at risk.

Each AOC project team comprises the following major components: project manager, facilities planner, real estate analyst, environmental analyst, facilities management administrator, and security coordinator. The composition of the project teams helps ensure that: the projects as designed and built adhere to their authorizing documents and comply with the California Environmental Quality Act (CEQA); the real estate acquisition is completed and will accommodate the proposed project; the new facility will be efficient and economical to operate; and the new facility will be safe and secure for the public, court staff, and judicial officers.

Impact of the Ongoing State Budget Crisis

The legislatively mandated income stream, from increased court user fees and fines, put in place to fund the California Courthouse Facilities Program has been repeatedly borrowed from, transferred to the state General Fund, and redirected to trial court operations.² Even in this challenging environment, the AOC has completed initial authorization of all projects mandated under SB 1732 and SB 1407³ and continues to move projects forward while competing for funding with Caltrans, the California Department of Corrections and Rehabilitation (CDCR), and other state agencies.

Judicial Branch Project Management Costs

Project management for courthouse capital projects is provided by the AOC's Capital Program Office, primarily by AOC employees and sometimes with assistance from outside firms. For this report, judicial branch project management costs are calculated by estimating labor costs for project managers, associate project managers, planners, real estate analysts, and construction inspectors who worked on each project and by using a model to allocate costs for all other support units. See Appendix C for a detailed explanation of this methodology. For the six projects reviewed in this report, judicial branch project management costs accounted for 3.55 percent of the total aggregate project costs, or 4.21 percent of the construction costs. See Table 1.3 below and the Judicial Branch Project Management Costs table in the project-specific Chapters 2–7 for more detail.

Table 1.3
Judicial Branch Project Management Costs

Project Name / Delivery Method	Employee ¹ + Consultant ² Costs	Percent of Project Costs	Percent of Construction Costs	Total Project Costs	Construction Contract Amount
Court of Appeal, Fourth App. Dist., Div. Three / CMAR ³	\$1,342,122	4.99%	5.59%	\$26,899,100	\$24,003,610
Plumas/Sierra Regional Courthouse / DBB ⁴	\$457,085	7.54%	9.60%	\$6,060,531	\$4,761,362
B. F. Sisk Courthouse / CMAR	\$1,505,860	2.31%	2.61%	\$65,152,854	\$57,627,990
Richard E. Arnason Justice Center /CMAR	\$1,434,653	2.95%	3.39%	\$48,589,648	\$42,289,814
Mammoth Lakes Courthouse / CMAR	\$588,903	2.91%	3.93%	\$20,218,181	\$15,000,315
Lassen Superior Court Hall of Justice / DBB	\$1,825,288	5.29%	6.98%	\$34,503,219	\$26,137,994
Totals	\$7,153,913	3.55%	4.21%	\$201,423,533	\$169,821,085

Notes for Table 1.3

¹ Includes project manager, associate project manager, planner, real estate analyst, construction inspector, and all AOC employee positions that support capital project delivery

² Includes outside firms providing project management

³ Construction manager at risk

⁴ Design-bid-build

² Since FY 2009–2010, over \$1.4 billion of court user fees originally designated by the Legislature to be set aside for court construction has been borrowed (\$440 million), transferred to the General Fund (\$310 million), or redirected to trial court operations (\$675 million).

³ Sen. Bill 1407 (Perata), Stats. 2008, ch. 311.

Costs for Contractors

In this report, the costs for contractors are classified and calculated two ways as listed below.

Project contractors: all service providers and vendors including the construction contractor, with the following exceptions: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.

Construction contractor: the general contractor responsible for constructing the project.

Project contractor costs accounted for 98.1 percent of the total aggregate project costs. The separate cost of the construction contractor accounted for 84.3 percent of the total aggregate project costs. See the Costs for Contractors table in the project-specific Chapters 2–7 for more detail.

Mandate

Senate Bill 78⁴ (SB 78) (Committee on Budget and Fiscal Review) was enacted on March 24, 2011. Section 22 of this bill requires the Judicial Council to “. . . report to the Joint Legislative Budget Committee by January 15, 2013, on the process, transparency, costs, and timeliness of its construction procurement practices. The information in this report shall include, but not be limited to, the following for each court construction project completed between January 1, 2008, and January 1, 2013:

- (1) The dates that each step of the procurement and construction process was completed, including steps involving the seeking or selection of bidders or contractors, completion of the different phases of project design and construction, and approvals by local courts, the Judicial Council, the State Public Works Board, the Governor, and the Legislature.
- (2) The criteria and factors used in evaluating contractors for prequalification as well as those used to evaluate bids, as well as the number of bids received for each procurement.
- (3) Identification of all project costs for each phase of design and construction, including any cost increases and reasons for those increases.
- (4) Identification of the original project timeline for each phase of design and construction, as well as all project delays and the reasons associated in causing the project delays.
- (5) The total project management costs incurred by the Judicial Branch, including for existing staff who worked on each project, distinguished by project activity
- (6) The total costs paid for contractors, distinguished by project activity.” (emphasis added).

The six projects that have been completed by the Judicial Council in this time frame are listed below in Table 1.4. The text of SB 78 section 22 is included in Appendix A, along with definitions of terms in the bill as they are applied in this report.

⁴ Sen. Bill 78 (Committee on Budget and Fiscal Review), Stats. 2011, ch. 10.

Table 1.4
Court Construction Projects Completed Between January 1, 2008, and January 1, 2013

County	Project Name Location Project Description	Completion Date	Authorized Budget
Orange	Court of Appeal, 4th Appellate District, Division 3 Santa Ana New Courthouse	July 27, 2009	\$27,719,000
Plumas	Plumas/Sierra Regional Courthouse Portola New Courthouse	October 31, 2009	\$6,534,200
Fresno	B. F. Sisk Courthouse Fresno Renovation of Federal Courthouse	July 30, 2010	\$70,898,000
Contra Costa	Richard E. Arnason Justice Center Pittsburg New Courthouse	November 10, 2010	\$64,729,000
Mono	Mammoth Lakes Courthouse Mammoth Lakes New Courthouse	July 25, 2011	\$21,522,000
Lassen	Lassen Superior Court Hall of Justice Susanville New Courthouse	April 10, 2012	\$38,937,000
		Total	\$230,339,200

Organization and Use of This Report

This report contains this executive summary, six project-specific chapters, and three appendices. The project-specific Chapters 2 through 7 provide key findings and the six mandated categories of information for each project. Appendix A contains the text of SB 78 section 22, definitions of terms in the bill as they are used in this report, and an overview of each of the six information categories. Appendix B contains the AOC's construction procurement methods and evaluation criteria for capital courthouse projects. Appendix C contains the methodology for estimating judicial branch project management costs.

Sources of Information

Information in this report was taken from the following documents: the annual state budget act, agendas and meeting minutes for the SPWB and the Judicial Council, written authorization from

DOF to proceed or encumber funds (form DF 14D), correspondence between the AOC's Judicial Branch Capital Program Office (Capital Program Office) and the DOF, Capital-Outlay Budget Change Proposals (COBCPs), monthly progress reports completed by the Capital Program Office project managers, correspondence between the Capital Program Office and the local courts, and interviews with the Capital Program Office project managers.

Key Findings for Each Project

Key findings for each project appear below, for each of the six categories requested in SB 78.

Court of Appeal, Fourth Appellate District, Division Three—Key Findings

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.
2. Procurement methods and evaluation criteria: The CMAR process was used for this project. Two proposals were received.
3. Project costs and increases: The AOC delivered this project for \$819,000 less than the final appropriation amount and \$9.3 million more than the original appropriation amount. Several cost increases occurred that are listed and explained in Chapter 2, Table 2.3.1.
4. Original timeline and delays: This project was completed 8 weeks after the final approved completion date and 55 weeks after the originally scheduled completion date.
5. Judicial branch project management costs: Judicial branch project management costs accounted for 4.99 percent of total cost or 5.59 percent of construction cost for this project.
6. Contractor costs: Project contractor costs accounted for 98.0 percent of total cost of this project. The separate cost of the construction contractor accounted for 89.2 percent of the total aggregate project costs.

Plumas/Sierra Regional Courthouse—Key Findings

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.
2. Procurement methods and evaluation criteria: The design-bid-build process was used for this project. Three bids were received.
3. Project costs and increases: The AOC delivered this project for \$473,669 less than the final appropriation amount and \$435,469 less than the original appropriation amount.
4. Original timeline and delays: This project was completed 3 weeks before the final approved completion date and 1 day before the originally scheduled completion date.
5. Judicial branch project management costs: Judicial branch project management costs accounted for 7.54 percent of total cost or 9.60 percent of construction cost for this project.

6. Contractor costs: Project contractor costs accounted for 96.5 percent of total cost of this project. The separate cost of the construction contractor accounted for 78.6 percent of the total aggregate project costs.

B. F. Sisk Courthouse—Key Findings

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.
2. Procurement methods and evaluation criteria: The CMAR process was used for this project. Five proposals were received.
3. Project costs and increases: The AOC delivered this project for \$5.7 million less than the final appropriation amount and \$3.8 million more than the original appropriation amount. There was a 17.9 percent augmentation of the construction phase due to unusually high escalation of construction costs and to accommodate a change from 8 to 15 courtrooms and more extensive remodeling of the existing building to provide for existing and approved new judgeships identified by the Judicial Council for the Superior Court of Fresno County.
4. Original timeline and delays: This project was completed 25 weeks after the final approved completion date and 78 weeks after the originally scheduled completion date.
5. Judicial branch project management costs: Judicial branch project management costs accounted for 2.31 percent of total cost or 2.61 percent of construction cost for this project.
6. Contractor costs: Project contractor costs accounted for 99.8 percent of total cost of this project. The separate cost of the construction contractor accounted for 88.5 percent of the total aggregate project costs.

Richard E. Arnason Justice Center—Key Findings

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.
2. Procurement methods and evaluation criteria: The CMAR process was used for this project. Four proposals were received.
3. Project costs and increases: The AOC delivered this project for \$16.1 million less than the final appropriation amount and \$13.9 million less than the original appropriation amount.
4. Original timeline and delays: This project was completed 6 weeks after the final approved completion date and 58 weeks after the originally scheduled completion date.
5. Judicial branch project management costs: Judicial branch project management costs accounted for 2.95 percent of total cost or 3.39 percent of construction cost for this project.
6. Contractor costs: Project contractor costs accounted for 99.6 percent of total cost of this project. The separate cost of the construction contractor accounted for 87.0 percent of the total aggregate project costs.

Mammoth Lakes Courthouse—Key Findings

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.
2. Procurement methods and evaluation criteria: The CMAR process was used for this project. Seven proposals were received.
3. Project costs and increases: The AOC delivered this project for \$1.3 million less than the final appropriation amount and \$1.1 million less than the original appropriation amount. There was a 30 percent augmentation of the working drawings phase to accommodate site complexities and issues connected with the mountainous location.
4. Original timeline and delays: The actual completion date was 1 week before the final approved completion date and 44 weeks after the originally scheduled completion date.
5. Judicial branch project management costs: Judicial branch project management costs accounted for 2.91 percent of total cost or 3.93 percent of construction cost for this project.
6. Contractor costs: Project contractor costs accounted for 92.0 percent of total cost of this project. The separate cost of the construction contractor accounted for 74.2 percent of the total aggregate project costs.

Lassen Superior Court Hall of Justice—Key Findings

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.
2. Procurement methods and evaluation criteria: The design-bid-build process was used for this project. Seven bids were received.
3. Project costs and increases: The AOC delivered this project for \$4.4 million less than the final appropriation amount, which was the same as the original appropriation amount.
4. Original timeline and delays: This project was completed 28 weeks after the final approved completion date, which was the same as the originally scheduled completion date.
5. Judicial branch project management costs: Judicial branch project management costs accounted for 5.29 percent of total cost or 6.98 percent of construction cost for this project.
6. Contractor costs: Project contractor costs accounted for 96.7 percent of total cost of this project. The separate cost of the construction contractor accounted for 75.8 percent of the total aggregate project costs.

Chapter 2

Court of Appeal, Fourth Appellate District, Division Three

Key Findings

This \$26.9 million project was delivered for 3.0 percent less than the final appropriation amount and 53.1 percent more than the original appropriation amount. The actual completion date was 8 weeks after the final approved completion date and 55 weeks after the originally scheduled completion date. Cost increases reflect the unusually high escalation in construction costs during the design and construction phases (August 2005–September 2009) after management responsibility was transferred from the Department of General Services (DGS) to the AOC in September 2003. The original appropriations for this project occurred in FY 2000–2001 (acquisition and preliminary plans phases) and in FY 2002–2003 (working drawings and construction phases) and were based on estimates created while the project was still being managed by the DGS. Delays occurred primarily due to a complex site acquisition process through which the AOC and the court pursued an infill site in the existing urban core of Santa Ana over a suburban site near UC Irvine. The AOC acquired the site from the city of Santa Ana for \$1, and the city also provided secure parking and street improvements for the project at no cost to the state. In addition to providing an economic opportunity, this site selection supports the state’s planning priority to promote infill development as set forth in California Government Code sections 65041–65041.1. See key findings below for each of the six mandated information categories. More information is provided in the body of this chapter.

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.
2. Procurement methods and evaluation criteria: The CMAR process was used for this project. Two proposals were received.
3. Project costs and increases: The AOC delivered this project for \$819,000 less than the final appropriation amount and \$9.3 million more than the original appropriation amount. Several cost increases occurred that are listed and explained in Table 2.3.1.
4. Original timeline and delays: This project was completed 8 weeks after the final approved completion date and 55 weeks after the originally scheduled completion date.
5. Judicial branch project management costs: Judicial branch project management costs accounted for 4.99 percent of total cost or 5.59 percent of construction cost for this project.
6. Contractor costs: Project contractor (all service providers and vendors) costs accounted for 98.0 percent of total cost of this project. The separate cost of the construction contractor accounted for 89.2 percent of the total aggregate project costs.

Project Description

The new courthouse replaced two overcrowded and inadequate leased spaces with a modern, secure, adequately sized courthouse for the Fourth Appellate District of the Court of Appeal, Division Three, which handles appeals from Orange County.

The Fourth Appellate District, Division Three in Santa Ana occupied leased space for 20 years. When it outgrew its original court space, it had to lease additional space several miles away. For an appellate court, this split location was very inefficient, and the lease costs amounted to over \$1 million per year. The new courthouse remedies these inefficiencies, unifying all court staff in one location and creating a durable, functional, and expandable location for the Court of Appeal.

This courthouse won an Award of Merit in the government/public category of California Construction's Best of 2009. Featured in the semicircular lobby is a unique collection of student-created artworks that commemorate significant cases decided by this particular court as well as one landmark federal Orange County case, *Mendez v. Westminster*, which was the first in the nation to order an end to segregation in public schools.

Project Facts

Location:	601 West Santa Ana Boulevard, Santa Ana, California
Capacity:	One courtroom, office suites for nine justices, a settlement conference center, a law library, and work spaces for staff; designed to allow for future expansion.
Project cost:	\$26.9 million for all project costs, \$24.7 million for construction
Funded by:	General Fund
Architect:	Carrier Johnson + CULTURE
Construction:	Heery International
Timeline:	Received initial funding in FY 2003–2004 when management responsibility was transferred from the DGS to the AOC. Site acquisition was approved in 2005. Construction began in December 2007, but was delayed for two months due to state cash-flow issues in December 2008 and January 2009. Construction was completed in September 2009; the court took initial occupancy of the building in July 2009 due to expiring leases.
More information:	www.courts.ca.gov/facilities-4thdistrict-coa.htm

Completion Dates for Project Milestones and Approvals

All necessary approvals were secured as shown in Table 2.1 below.

Table 2.1
Court of Appeal, 4th Appellate District, Division 3—Review and Approval Dates

Description	Judicial Council	Governor (Dept. of Finance) Form DF 14D	Legislature (Annual Budget Act)	Review Dates for Local Courts	State Public Works Board
1. Site Selection	4/15/2005	search in progress	n/a	2/8/2002	Pre-dates documents on SPWB webpage
2. Site Acquisition (A)	6/24/2005	8/12/2005	9/xx/00	8/12/2005	08/2005
3. Preliminary Plans (P)	6/24/2005	11/17/06 6/29/07	9/xx/00	12/8/2006	11/2006
4. Working Drawings (W)	6/24/2005	6/29/2007	9/xx/02	6/29/2007	07/16/2007
5. Proceed to Bid	n/a	6/29/2007	n/a	6/29/2007	09/06/2007
6. Construction Contract Award (C)	6/24/2005	11/9/2007	9/xx/02	11/29/2007	10/24/2007
7. Augment P - \$198,000	n/a	8/12/2005	nba	n/a	08/12/2005
8. Revert A - \$2,178,000	n/a	n/a	8/26/2005	n/a	08/12/2005
9. Augment W - \$45,000	n/a	n/a	9/12/2006	n/a	n/a
10. Augment C - \$6,783,000	n/a	n/a	9/12/2006	n/a	n/a
11. Augment C - \$3,086,000	8/25/2006	1/12/2007	9/28/2007	n/a	12/08/06
12. Augment C - \$2,220,000	n/a	11/09/07 11/14/07 ft 11/20/07 ft 11/21/07 ft	nba	n/a	n/a
13. Scope Change - Redirect C to W \$280,000	n/a	search in progress	nba	n/a	n/a

Legend for Review and Approval Dates

- n/a = not applicable to this item
- nba = DOF or SPWB action, not in annual budget act
- ft = fund transfer
- xx = day of month not available on State website

Completion dates for the contractor selection process and the project phases are shown in Table 2.2 below.

Table 2.2
Court of Appeal, 4th Appellate District, Division 3—Completion Dates for Milestones

Contractor Selection Process	
1. Request for CMAR Qualifications / Proposals	3/30/2006
2. Due Date for Qualifications / Proposals	4/24/2006
3. CMAR Shortlist	6/1/2006
4. CMAR Interviews	6/20/2006
5. CMAR Intent to Award	6/26/2006
6. CMAR Contract Executed	7/20/2006
Completion of Project Phases	
1. Acquisition (A)	8/12/2005
2. Preliminary Plans (P)	12/8/2006
3. Working Drawings (W)	7/16/2007
4. Construction (C)	7/27/2009

Procurement Methods and Evaluation Criteria

The CMAR process was used for this project. Two proposals were received from construction management firms. See Appendix B for a description of how the AOC selects construction management firms.

Project Costs

The AOC delivered this project for \$819,000 less than the final appropriation amount and \$9.3 million more than the original appropriation amount. This project was originated under DGS management with funding for acquisition and preliminary plans appropriated in the Budget Act of 2000 (FY 2000–2001), almost 10 years before the building was completed. Responsibility for the project was transferred to the AOC in a memorandum of understanding (MOU) dated September 15, 2003. The AOC submitted a COBCP in FY 2005–2006 to reappropriate \$75,000 for the acquisition phase and to revert \$2.178 million of unused acquisition phase funds. Project costs are identified in Table 2.3 below.

Table 2.3

Court of Appeal, 4th Appellate District, Division 3—Appropriations and Project Costs

	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
1. Original Appropriation	\$2,783,000	\$432,000	\$792,000	\$13,558,000	\$17,565,000
2. Final Appropriation	\$605,000	\$630,000	\$1,117,000	\$25,367,000	\$27,719,000
3. Actual Expenditure	\$501,565	\$626,113	\$1,104,025	\$24,667,397	\$26,899,100
4. Increase or (Savings) from Original Appropriation (4 = 3 - 1)	(\$2,281,435)	\$194,113	\$312,025	\$11,109,397	\$9,334,100
5. Increase or (Savings) from Final Appropriation (5 = 3 - 2)	(\$103,435)	(\$3,887)	(\$12,975)	(\$699,603)	(\$819,900)

Cost increases shown and explained in Table 2.3.1 below reflect the unusually high escalation in construction costs during the design and construction phases (August 2005–September 2009) after management responsibility was transferred from the DGS to the AOC in September 2003. The original appropriations for this project occurred in FY 2000–2001 for acquisition and preliminary plans phases, and in FY 2002–2003 for working drawings and construction phases, and were based on estimates created while the project was under DGS management. By the time site acquisition was completed in August 2005, the project scope had been reduced by the AOC to align with the needs of the court and the terms of the property acquisition agreement: the program gross area was reduced by approximately 3,000 square feet and 110 structured parking

spaces were deleted as they were provided by the city of Santa Ana. Even though the scope was reduced, escalation in the market caused the current estimates to exceed the original estimates.

Table 2.3.1
Court of Appeal, 4th Appellate District, Division 3—Cost Increases

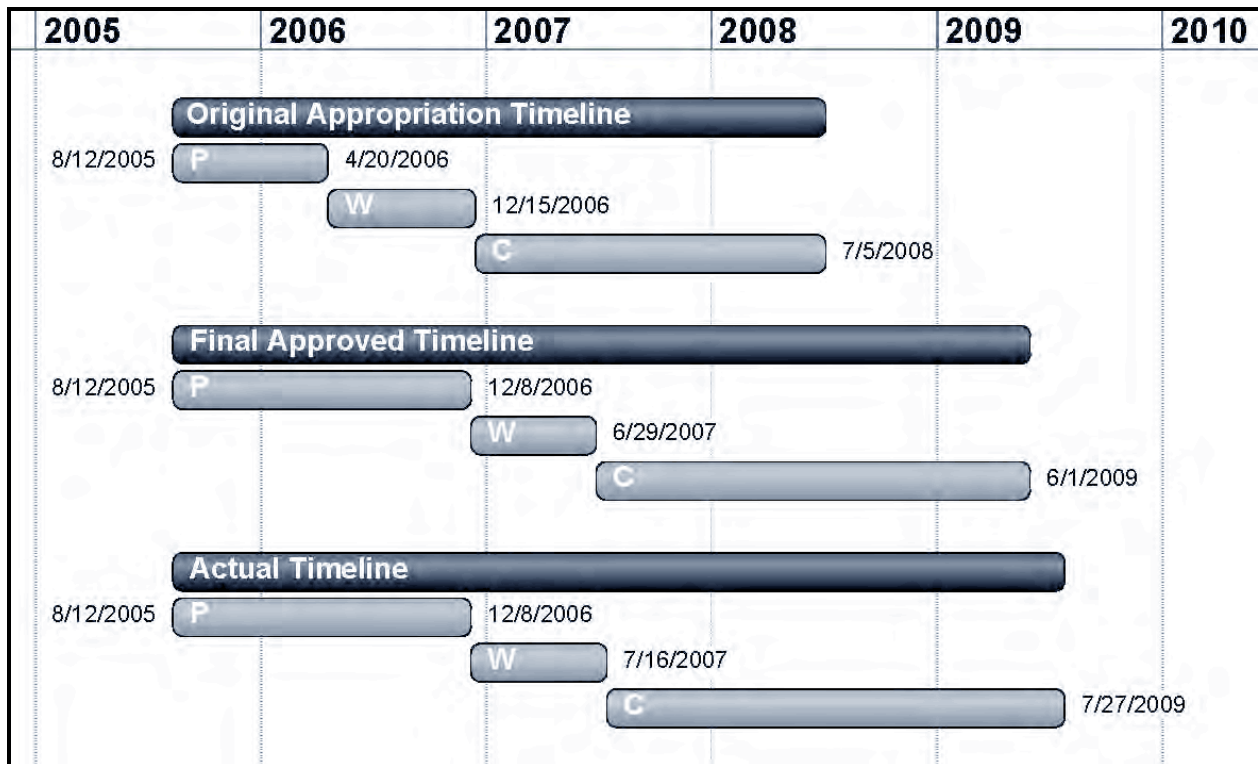
#	Fiscal Year	Description	Amount	Reason for Cost Increase
1.	2005–2006	Augment P	\$198,000	Replaces funds expended by DGS for schematic design work connected to a site that was rejected by the court.
2.	2006–2007	Augment W	\$45,000	Delays in site acquisition and preliminary plans increased cost in the working drawings phase.
3.	2006–2007	Augment C	\$6,783,000	Construction cost updated to match escalated underlying cost in marketplace after responsibility for this project was transferred from the DGS to the AOC (original estimates predate FY 2000–2001).
4.	2007–2008	Augment C	\$3,086,000	Unforeseen and excessive escalation in marketwide construction costs.
5.	2008–2009	Augment C	\$2,220,000	Bidding climate reflected a surplus of institutional construction in Southern California relative to qualified trade contractors and increased material costs so acceptable bids were higher than estimates.
6.	2008–2009	Redirect C to W	\$280,000	Transfer of unexpended funds from the construction phase to the working drawings phase due to increased design costs for final project scope.

Project Timelines

As shown in Figure 2.1 below, the project was completed 8 weeks after the final approved completion date and 55 weeks after the originally scheduled completion date. Delays in the preliminary plans phase were caused by the architect’s difficulty in producing an acceptable design that met the program and site constraints during a period of unusually high construction escalation requiring redesign to bring interim cost estimates in line with the project budget. Delays in the construction phase were caused by the difficulty in obtaining bids that were within project estimates due to an overabundance of institutional work in Southern California and the previously mentioned high escalation in construction costs. Due to state budget issues, the Pooled Money Investment Account (PMIA) ran short of funds and construction had to be shut down in December 2008, which caused an additional eight-week delay and additional costs for the contractor to de-mobilize and re-mobilize the job site.

Figure 2.1

Court of Appeal, 4th Appellate District, Division 3—Timeline Comparison



Final Approved Timeline: Construction phase augmentation 11/9/2007

Judicial Branch Project Management Costs

Judicial branch project management costs are presented in Table 2.4 below. See Appendix C for the methodology used to calculate judicial branch project management costs. See Table 1.3 on page 7 for a summary of judicial branch project management costs for the six subject projects. Judicial branch project management costs accounted for 4.99 percent of total cost or 5.59 percent of construction cost for this project.

Table 2.4

Court of Appeal, 4th App. Dist., Division 3—Judicial Branch Project Management Costs

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
AOC Employee Costs	\$256,235	\$300,468	\$76,895	\$708,524	\$1,342,122
Consultant / Contractor Costs	\$0	\$0	\$0	\$0	\$0
Totals	\$256,235	\$300,468	\$76,895	\$708,524	\$1,342,122

Costs for Contractors

In this report, the costs for contractors are classified and calculated two ways as listed below.

Project contractors: all service providers and vendors including the construction contractor, with the following exceptions: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.

Construction contractor: the general contractor responsible for constructing the project.

Costs for contractors are shown in Table 2.5 below. Project contractor costs accounted for 98.0 percent of total cost of this project. The separate cost of the construction contractor accounted for 89.2 percent of the total aggregate project costs.

Table 2.5

Court of Appeal, 4th Appellate District, Division 3—Costs for Contractors

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
Costs for Project Contractors (all service providers and vendors)	\$186,664	\$626,113	\$964,385	\$24,582,825	\$26,359,987
Costs for Construction Contractor	\$0	\$0	\$0	\$24,003,610	\$24,003,610
Total Actual Costs	\$501,565	\$626,113	\$1,104,025	\$24,667,397	\$26,899,100
Project Contractor Costs as % of Actual Costs (all service providers and vendors)	37.2%	100.0%	87.4%	99.7%	98.0%
Construction Contractor Costs as % of Actual Costs	0.0%	0.0%	0.0%	97.3%	89.2%

Chapter 3

Plumas/Sierra Regional Courthouse

Key Findings

This \$6.1 million project—the first trial court project to be fully financed and managed from start to finish by the AOC—was delivered for 7.2 percent less than the final appropriation amount and 6.7 percent less than the original appropriation amount. The actual completion date was 3 weeks before the final approved completion date and 1 day before the originally scheduled completion date. See key findings below for each of the six mandated information categories. More detail is provided in the body of this chapter.

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.
2. Procurement methods and evaluation criteria: The design-bid-build process was used for this project. Three bids were received.
3. Project costs and increases: The AOC delivered this project for \$473,669 less than the final appropriation amount and \$435,469 less than the original appropriation amount.
4. Original timeline and delays: This project was completed 3 weeks before the final approved completion date and 1 day before the originally scheduled completion date.
5. Judicial branch project management costs: Judicial branch project management costs accounted for 7.54 percent of total cost or 9.60 percent of construction cost for this project.
6. Contractor costs: Project contractor (all service providers and vendors) costs accounted for 96.5 percent of total cost of this project. The separate cost of the construction contractor accounted for 78.6 percent of the total aggregate project costs.

Project Description

The Plumas/Sierra Regional Courthouse provides residents of isolated areas in Plumas and Sierra Counties with better access to court services through a multijurisdictional courthouse, jointly serving the Superior Courts of Plumas and Sierra Counties.

The Superior Courts of Plumas and Sierra Counties shared challenges in serving the remote Eastern Sierra Valley close to each county's border. The public's access to justice in this area was severely compromised due to the area's natural isolation and heavy snow in winter, which makes driving the mountain passes hazardous. The Sierra County portion of the Sierra Valley is the county population center and had access to a service center, but no judicial proceedings.

The new courthouse replaced the deficient one-courtroom Portola Branch court located in the Sierra Center Mall and a leased court service center in Loyalton. The new courthouse provides public access to justice and court services and improves court functionality, security, and physical operations

This project was the first trial court project to be fully financed and managed from start to finish by the AOC. The vacant and unimproved property for the courthouse was donated by a local developer for \$1 for the purpose of building a courthouse.

The courthouse was awarded a Best Project of 2010 by McGraw Hill's *California Construction* magazine and a 2010 Distinguished Project Award from the Western Council of Construction Consumers.

Project Facts

- Location:** 600 South Gulling Street, Portola
- Capacity:** 1 courtroom in 7,312 square feet with minimal staff support area, and a jury deliberation room. The courthouse does not have a dedicated jury assembly area or any in-custody holding capability.
- Project Cost:** \$6.1 million for all project costs, \$5.5 million for construction. Land was donated to the state.
- Funded by:** State Court Facilities Construction Fund (SCFCF), Trial Court Facilities Act of 2002 (SB 1732), which established a revenue source of court user fees for judicial branch courthouse projects.
- Architect:** Nacht and Lewis Architects
- Contractor:** SW Allen Construction Inc.
- Timeline:** Received initial funding in FY 2006–2007. The construction phase began in August 2008 and was completed in October 2009. The building opened in December 2009.
- More information:** www.courts.ca.gov/facilities-plumas-sierra.htm

Completion Dates for Project Milestones and Approvals

All necessary approvals were secured as shown in Table 3.1 below.

Table 3.1
Plumas/Sierra Regional Courthouse—Review and Approval Dates

Description	Judicial Council	Governor (Dept. of Finance) Form DF 14D	Legislature (Annual Budget Act)	Review Dates for Local Courts	State Public Works Board
1. Site Selection	6/24/2005	3/9/2007	n/a	5/15/2006	10/15/2007
2. Site Acquisition (A)	6/29/2007	8/10/2007	9/12/2006	n/a	10/15/2007
3. Preliminary Plans (P)	6/24/2005	5/19/2008	9/12/2006	2/14/2008	5/9/2008
4. Working Drawings (W)	8/25/2006	8/28/2008	9/28/2007	5/9/2008	n/a
5. Proceed to Bid	n/a	8/28/2008	n/a	n/a	n/a
6. Construction Contract Award (C)	4/27/2007	10/8/2008	10/23/2008	n/a	n/a
7. Augment C - \$38,200	n/a	11/6/2009	nba	n/a	n/a

Legend for Review and Approval Dates

n/a = not applicable to this item

nba = DOF or SPWB action, not in annual budget act

ft = fund transfer

xx = day of month not available on State website

Completion dates for the contractor selection process and the project phases are shown in Table 3.2 below.

Table 3.2
Plumas/Sierra Regional Courthouse—Completion Dates for Milestones

Contractor Selection Process	
1. Request for GC Qualifications / Proposals	7/17/2008
2. Due Date for Qualifications / Proposals	8/12/2008
3. Prequalified List and Invitation to Bid	8/20/2008
4. Bids Received from Prequalified GCs	9/24/2008
5. Notice of Intent to Award	10/8/2008
6. Contract Executed	10/10/2008
Completion of Project Phases	
1. Acquisition (A)	10/15/2007
2. Preliminary Plans (P)	3/17/2008
3. Working Drawings (W)	8/28/2008
4. Construction (C)	10/31/2009

Procurement Methods and Evaluation Criteria

The design-bid-build process was used for this project. The AOC prequalified contractors, received three bids, and awarded the contract to the lowest qualified bidder. See Appendix B for a description of how the AOC prequalifies contractors.

Project Costs

The AOC delivered this project for \$473,669 less than the final appropriation amount and \$435,469 less than the original appropriation amount. Significant savings in the acquisition phase resulted because the seller, a local developer, donated to the state the vacant and unimproved property for \$1. The only cost increase on this project was a DOF-approved FY 2009–2010 augmentation of the construction phase in the amount of \$38,200 for completion of a required access road.

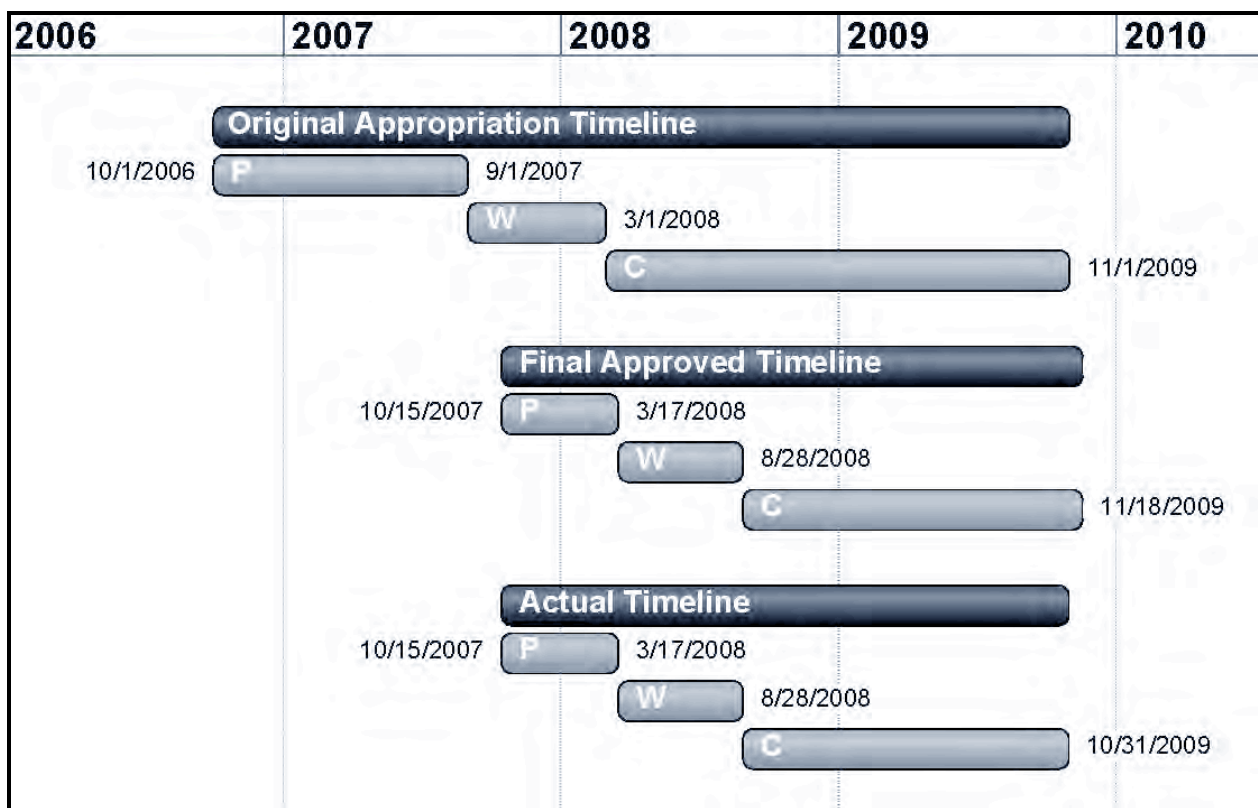
Table 3.3
Plumas/Sierra Regional Courthouse—Appropriations and Project Costs

	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
1. Original Appropriation	\$437,000	\$269,000	\$346,000	\$5,444,000	\$6,496,000
2. Final Appropriation	\$437,000	\$269,000	\$346,000	\$5,482,200	\$6,534,200
3. Actual Expenditure	\$64,923	\$228,925	\$291,831	\$5,474,852	\$6,060,531
4. Increase or (Savings) from Original Appropriation (4 = 3 - 1)	(\$372,077)	(\$40,075)	(\$54,169)	\$30,852	(\$435,469)
5. Increase or (Savings) from Final Appropriation (5 = 3 - 2)	(\$372,077)	(\$40,075)	(\$54,169)	(\$7,348)	(\$473,669)

Project Timelines

As shown in Figure 3.1 below, the project was completed 3 weeks before the final approved completion date and 1 day before the originally scheduled completion date even though acquisition was delayed by just over a year as the transaction details of the site donation were worked out. Durations of the design and construction phases were significantly reduced as compared to the original appropriation timeline. The construction procurement process was accelerated and accomplished in just under three months from RFQ to executed contract so the foundation work could be completed before the winter snow season.

Figure 3.1
Plumas/Sierra Regional Courthouse—Timeline Comparison



Final Approved Timeline: Construction phase increase within appropriation 9/24/2009

Judicial Branch Project Management Costs

Judicial branch project management costs are presented in Table 3.4 below. See Appendix C for the methodology used to calculate judicial branch project management costs. See Table 1.3 on page 7 for a summary of judicial branch project management costs for the six subject projects. Judicial branch project management costs accounted for 7.54 percent of total cost or 9.60 percent of construction cost for this project.

Table 3.4

Plumas/Sierra Regional Courthouse—Judicial Branch Project Management Costs

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
AOC Employee Costs	\$216,945	\$65,061	\$55,317	\$119,762	\$457,085
Consultant / Contractor Costs	\$0	\$0	\$0	\$0	\$0
Totals	\$216,945	\$65,061	\$55,317	\$119,762	\$457,085

Costs for Contractors

In this report, the costs for contractors are classified and calculated two ways as listed below.

Project contractors: all service providers and vendors including the construction contractor, with the following exceptions: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.

Construction contractor: the general contractor responsible for constructing the project.

Costs for contractors are shown in Table 3.5 below. Project contractor costs accounted for 96.5 percent of total cost of this project. The separate cost of the construction contractor accounted for 78.6 percent of the total aggregate project costs.

Table 3.5

Plumas/Sierra Regional Courthouse—Costs for Contractors

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
Costs for Project Contractors (all service providers and vendors)	\$37,710	\$228,925	\$284,673	\$5,296,223	\$5,847,531
Costs for Construction Contractor	\$0	\$0	\$0	\$4,761,362	\$4,761,362
Total Actual Costs	\$64,923	\$228,925	\$291,831	\$5,474,852	\$6,060,531
Project Contractor Costs as % of Actual Costs (all service providers and vendors)	58.1%	100.0%	97.5%	96.7%	96.5%
Construction Contractor Costs as % of Actual Costs	0.0%	0.0%	0.0%	87.0%	78.6%

Chapter 4

B. F. Sisk Courthouse

Key Findings

This \$65.2 million project was completed for 8.1 percent less than the final appropriation amount and 6.2 percent more than the original appropriation amount. The actual completion date was 25 weeks after the final approved completion date and 78 weeks after the originally scheduled completion date. The delay was caused by discrepancies between federal and state legislation that complicated the transfer of the federal courthouse first to the County of Fresno and then to the State. See the Project Timelines section in this chapter for more detail on this topic. In addition, as the project planning moved forward, the AOC collaborated with the DOF and the LAO to develop a plan to renovate the building to maximize its use for up to 16 courtrooms for existing judges and new judgeships identified by the Judicial Council for the Superior Court of Fresno County. The original timeline assumed the property transfer would be complete by July 2006. Because of complications in the transfer process described above, the close of escrow was delayed over a year and the acquisition was finally approved by the SPWB at their September 2007 meeting, which accounts for 61 weeks of the overall project delay. See key findings below for each of the six mandated information categories. More detail is provided in the body of this chapter.

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.
2. Procurement methods and evaluation criteria: The CMAR process was used for this project. Five proposals were received.
3. Project costs and increases: The AOC delivered this project for \$5.7 million less than the final appropriation amount and \$3.8 million more than the original appropriation amount. There was a 17.9 percent augmentation of the construction phase due to unusually high construction cost escalation and to accommodate a change from 8 to 15 courtrooms and more extensive remodeling of the existing building to provide for existing and approved new judgeships identified by the Judicial Council for the Superior Court of Fresno County.
4. Original timeline and delays: This project was completed 25 weeks after the final approved completion date and 78 weeks after the originally scheduled completion date.
5. Judicial branch project management costs: Judicial branch project management costs accounted for 2.31 percent of total cost or 2.61 percent of construction cost for this project.
6. Contractor costs: Project contractor (all service providers and vendors) costs accounted for 99.8 percent of total cost of this project. The separate cost of the construction contractor accounted for 88.5 percent of the total aggregate project costs.

Project Description

The B. F. Sisk Courthouse provides the Superior Court of Fresno County with appropriate and accessible court space for complex civil and family law proceedings and related support spaces for the public and court staff.

Originally constructed in 1967 as a federal courthouse, the building was vacated by the federal government after the Robert E. Coyle U.S. Courthouse was completed. The five-story building formerly housed eight federal courtrooms, chambers, and justice agencies. The building keeps its former name to honor the visionary public service of Bernice Frederic Sisk (December 14, 1910–October 25, 1995), member of the U.S. House of Representatives from California’s 12th Congressional District, 1955–1963.

The Superior Court of Fresno County serves court users in the downtown area through multiple facilities. Existing facilities poorly served the growing needs of the superior court, and the dispersal of court operations in multiple locations exacerbated the court’s operational challenges. The remodeled Sisk courthouse now houses the superior court’s civil and family law divisions, with 15 judicial officers, that formerly occupied space in the Fresno County Courthouse. The Family Law Facilitator and the Spanish Speaking Self-Help Center was also consolidated with other family court support functions in the Sisk Courthouse, enabling the court to terminate a lease and improve public service.

Project Facts

Location:	1130 O Street in downtown Fresno
Capacity:	15 courtrooms (with capacity for up to 16) in 192,000 square feet
Project cost:	\$65.9 million for all project costs, \$60.9 million for construction
Funded by:	State Court Facilities Construction Fund (SCFCF), Trial Court Facilities Act of 2002 (SB 1732), which established a revenue source of court user fees for judicial branch courthouse projects.
Architect:	SmithGroup of San Francisco, with Allen Lew & William Patnaude Architects of Fresno
Contractor:	Turner Construction Company
Timeline:	Received initial funding in FY 2006–2007. Construction began in July 2008 and was completed in September 2010. The building opened in November 2010.
More information:	<u>www.courtinfo.ca.gov/programs/occm/projects_fresno_sisk.htm</u>

Completion Dates for Project Milestones and Approvals

All necessary approvals were secured as shown in Table 4.1 below.

Table 4.1
B. F. Sisk Courthouse—Review and Approval Dates

Description	Judicial Council	Governor (Dept. of Finance) Form DF 14D	Legislature (Annual Budget Act)	Review Dates for Local Courts	State Public Works Board
1. Site Selection	4/27/2007	9/14/2007	n/a	4/26/2007	n/a
2. Site Acquisition (A)	4/27/2007	9/14/2007	n/a	n/a	2/6/2004
3. Preliminary Plans (P)	2/27/2004 6/24/2005	10/12/2007	9/12/2006	1/11/2005	10/15/2007
4. Working Drawings (W)	2/27/2004 6/24/2005	4/11/2008	9/12/2006	4/3/2008	n/a
5. Proceed to Bid	6/24/2005	4/11/2008	n/a	n/a	n/a
6. Construction Contract Award (C)	6/24/2005	7/16/2008	9/12/2006	n/a	n/a
7. Augment C - \$9,571,000	n/a	search in progress	nba	n/a	10/15/2007
8. Redirect P to C - \$1,398,000	n/a	search in progress	nba	n/a	n/a
9. Redirect W to C - \$1,493,000	n/a	search in progress	nba	n/a	n/a

Legend for Review and Approval Dates

n/a = not applicable to this item

nba = DOF or SPWB action, not in annual budget act

ft = fund transfer

xx = day of month not available on State website

Completion dates for the contractor selection process and the project phases are shown in Table 4.2 below.

Table 4.2
B. F. Sisk Courthouse—Completion Dates for Milestones

Contractor Selection Process	
1. Request for CMAR Qualifications / Proposals	3/23/2007
2. Due Date for Qualifications / Proposals	5/1/2007
3. CMAR Shortlist	5/14/2007
4. CMAR Interviews	5/22/2007
5. CMAR Intent to Award	search in progress
6. CMAR Contract Executed	6/25/2007
Completion of Project Phases	
1. Acquisition (A)	9/14/2007
2. Preliminary Plans (P) ⁵	10/15/2007
3. Working Drawings (W)	4/11/2008
4. Construction (C)	7/30/2010

⁵ The preliminary plans phase was actually started on June 18, 2007. See footnote 6 on page 29.

Procurement Methods and Evaluation Criteria

The CMAR process was used for this project. Five proposals were received from construction management firms. See Appendix B for a description of how the AOC selects construction management firms.

Project Costs

The AOC delivered this project for \$5.7 million less than the final appropriation amount and \$3.8 million more than the original appropriation amount. There are no acquisition phase costs because the federal courthouse was donated to the state. Project costs are identified in Table 4.3 below.

The original budget for this project included renovating the existing building to accommodate 8 courtrooms, which reflected the existing configuration. As the project planning moved forward, the AOC collaborated with the DOF and the LAO to develop a plan to renovate the building and maximize its use for up to 16 courtrooms for existing judges and new judgeships identified by the Judicial Council for the Superior Court of Fresno County. The only cost increase on this project was a FY 2007–2008 augmentation of the construction phase in the amount of \$9.571 million required to fund the change from 8 up to the capacity of 16 courtrooms and because construction cost escalation was unusually high at this time. The final design for the project included 15 courtrooms because the authorized new judgeship for which the 16th courtroom was intended was not funded and the court requested that it be built as a hearing room for greater functionality. The DOF approved this increase to provide for existing and new judgeships. Unspent appropriations from the preliminary plans phase (\$1.398 million) and the working drawings phase (\$1.493 million) were redirected in FY 2008–2009 to the construction phase.

Table 4.3

B. F. Sisk Courthouse—Appropriations and Project Costs

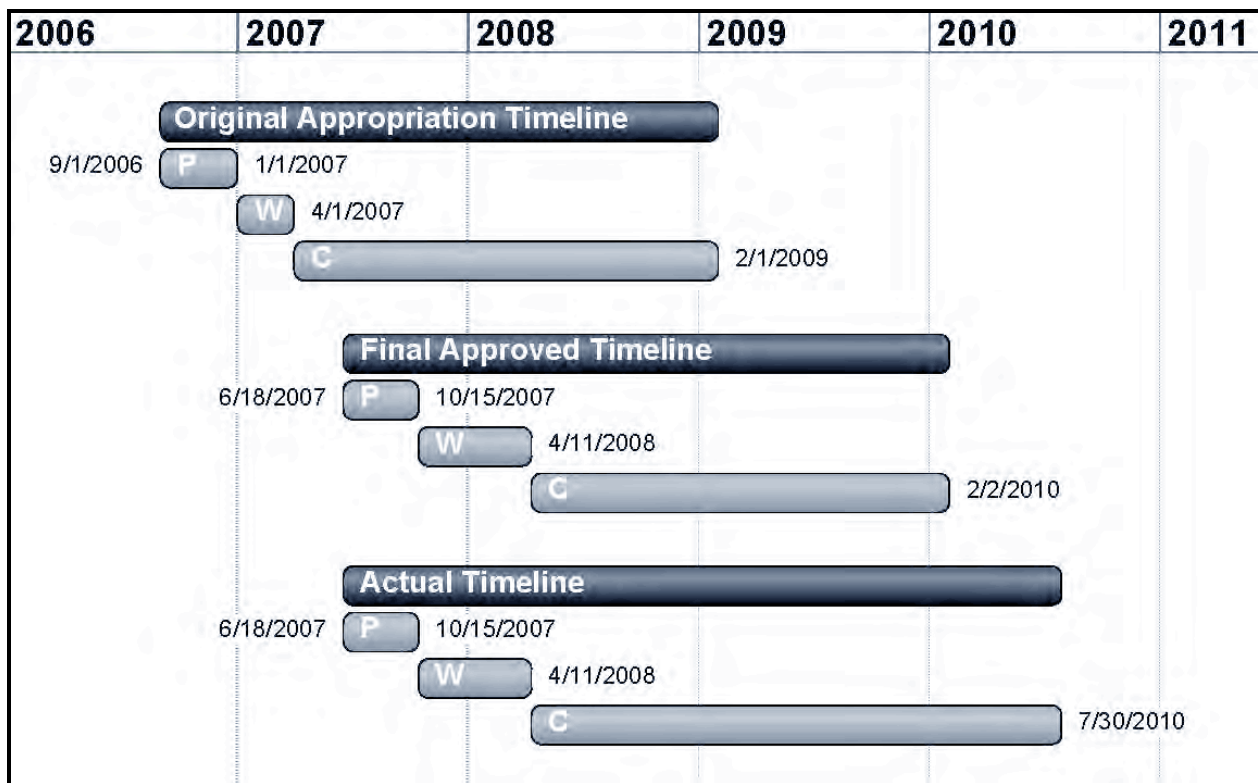
	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
1. Original Appropriation	\$0	\$3,470,000	\$4,468,000	\$53,389,000	\$61,327,000
2. Final Appropriation	\$0	\$2,072,000	\$2,975,000	\$65,851,000	\$70,898,000
3. Actual Expenditure	\$0	\$2,055,327	\$2,956,678	\$60,140,849	\$65,152,854
4. Increase or (Savings) from Original Appropriation (4 = 3 - 1)	\$0	(\$1,414,673)	(\$1,511,322)	\$6,751,849	\$3,825,854
5. Increase or (Savings) from Final Appropriation (5 = 3 - 2)	\$0	(\$16,673)	(\$18,322)	(\$5,710,151)	(\$5,745,146)

Project Timelines

As shown in Figure 4.1 below, this project was completed 25 weeks after the final approved completion date and 78 weeks after the originally scheduled completion date. The delay was caused by difficulty in completing the transfer of the federal courthouse first to the County of Fresno and then to the state. The federal legislation sponsored by Senator Boxer gave the property to the county, not the state, as subsequently mandated in Senate Bill 1732. The legal and real estate staffs at the federal, state, and county levels had to figure out how to accomplish the transfer to the state. In addition, after the transfer problem was solved, the AOC had to wait over a year longer than originally anticipated for the federal General Services Administration (GSA) to vacate the property before closing escrow. The original timeline called for the property transfer to be complete by July 2006. For the reasons stated above, the acquisition was not approved by the SPWB until their September 2007 meeting, which accounts for 61 weeks of the delay.

Figure 4.1

B. F. Sisk Courthouse—Timeline Comparison⁶



Final Approved Timeline: Augmentation of construction phase 7/15/2008

⁶ The funding for the preliminary plans phase (\$3,470,000) was transferred from the State Court Facilities Construction Fund to the Court Facilities Architectural Revolving Fund in November 2006.

Judicial Branch Project Management Costs

Judicial branch project management costs are presented in Table 4.4 below. See Appendix C for the methodology used to calculate judicial branch project management costs. See Table 1.3 on page 7 for a summary of Judicial Branch project management costs for the six subject projects. Judicial branch project management costs accounted for 2.31 percent of total cost or 2.61 percent of construction cost for this project.

Table 4.4

B. F. Sisk Courthouse—Judicial Branch Project Management Costs

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
AOC Employee Costs	\$72,619	\$180,594	\$237,156	\$1,015,491	\$1,505,860
Consultant / Contractor Costs	\$0	\$0	\$0	\$0	\$0
Totals	\$72,619	\$180,594	\$237,156	\$1,015,491	\$1,505,860

Costs for Contractors

In this report, the costs for contractors are classified and calculated two ways as listed below.

Project contractors: all service providers and vendors including the construction contractor, with the following exceptions: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.

Construction contractor: the general contractor responsible for constructing the project.

Costs for contractors are shown in Table 4.5 below. Project contractor costs accounted for 99.8 percent of total cost of this project. The separate cost of the construction contractor accounted for 88.5 percent of the total aggregate project costs.

Table 4.5

B. F. Sisk Courthouse—Costs for Contractors

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
Costs for Project Contractors (all service providers and vendors)	\$0	\$2,026,093	\$2,949,000	\$60,078,035	\$65,053,128
Costs for Construction Contractor	\$0	\$0	\$0	\$57,627,990	\$57,627,990
Total Actual Costs	\$0	\$2,055,327	\$2,956,678	\$60,140,849	\$65,152,854
Project Contractor Costs as % of Actual Costs (all service providers and vendors)	N/A	98.6%	99.7%	99.9%	99.8%
Construction Contractor Costs as % of Actual Costs	N/A	0.0%	0.0%	95.8%	88.5%

Chapter 5

Richard E. Arnason Justice Center

Key Findings

This \$48.6 million project was delivered for 24.9 percent less than the final appropriation amount and 22.3 percent less than the original appropriation amount. The actual completion date was 6 weeks after the final approved completion date and 58 weeks after the originally scheduled completion date. The delays were caused by a scope change from four to seven courtrooms—based on a Judicial Council–adopted update to new judgeship requirements identifying additional new judgeships needed by the Superior Court of Contra Costa County. This scope change was included in the annual budget act for FY 2006–2007. See key findings below for each of the six mandated information categories. More detail is provided in the body of this chapter.

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.
2. Procurement methods and evaluation criteria: The CMAR process was used for this project. Four proposals were received.
3. Project costs and increases: The AOC delivered this project for \$16.1 million less than the final appropriation amount and \$13.9 million less than the original appropriation amount.
4. Original timeline and delays: This project was completed 6 weeks after the final approved completion date and 58 weeks after the originally scheduled completion date.
5. Judicial branch project management costs: Judicial branch project management costs accounted for 2.95 percent of total cost or 3.39 percent of construction cost for this project.
6. Contractor costs: Project contractor (all service providers and vendors) costs accounted for 99.6 percent of total cost of this project. The separate cost of the construction contractor accounted for 87.0 percent of the total aggregate project costs.

Project Description

The Richard E. Arnason Justice Center replaced the outdated and undersized four-courtroom Pittsburg-Delta Courthouse, originally constructed in 1952 and demolished after the new courthouse was completed.

The eastern region of Contra Costa County includes the growing communities of Pittsburg, Antioch, Brentwood, and Oakley. Previously served by the outdated and undersized Pittsburg-Delta Courthouse, this region needed a larger, modern facility to meet growing demand for court services as well as a location for three new judicial officers. The previous building was so overcrowded that approximately 6,000 cases had to be reassigned to other courts throughout the county. The Arnason Justice Center has greatly improved access to justice for East County residents.

This courthouse has won numerous awards, and was the first judicial branch courthouse to receive LEED™ Silver certification from the U.S. Green Building Council. The building was named in honor of Richard E. Arnason, distinguished jurist and pioneering member of the bar in eastern Contra Costa County.

Project Facts

Location:	1000 Center Drive, Pittsburg, California
Capacity:	7 courtrooms in 73,500 square feet
Project cost:	\$48.6 million for all project costs, \$45.1 million for construction
Funded by:	State Court Facilities Construction Fund (SCFCF), Trial Court Facilities Act of 2002 (SB 1732), which established a revenue source of court user fees for judicial branch courthouse projects.
Architect:	HOK
Contractor:	Sundt Construction, Inc.
Timeline:	Originally funded in FY 2005–2006. To accommodate three new judgeships, funding was increased in the annual budget act for FY 2006–2007 to fund a scope change from four to seven courtrooms. Construction began in April 2009 and was completed in November 2010.
More information:	www.courts.ca.gov/facilities-contracosta.htm

Completion Dates for Project Milestones and Approvals

All necessary approvals were secured as shown in Table 5.1 below.

Table 5.1
Richard E. Arnason Justice Center—Review and Approval Dates

Description	Judicial Council	Governor (Dept. of Finance) Form DF 14D	Legislature (Annual Budget Act)	Review Dates for Local Courts	State Public Works Board
1. Site Selection	12/10/2004 2/27/2004 6/24/2005 2/23/2007	7/17/2006	n/a	5/31/2006	7/14/2006
2. Site Acquisition (A)	12/10/2004 2/27/2004 6/24/2005 2/23/2007	9/14/2007	8/26/2005	n/a	12/08/2006 9/14/2007
3. Preliminary Plans (P)	12/10/2004 6/24/2005	2/8/2008	8/26/2005	2/22/2007	2/8/2008
4. Working Drawings (W)	6/24/2005 8/25/2006	1/12/2009	9/28/2007	8/19/2008	n/a
5. Proceed to Bid	8/25/2006 4/27/2007	1/12/2009	n/a	n/a	n/a
6. Construction Contract Award (C)	8/25/2006 4/27/2007	3/30/2009	10/23/2008	n/a	n/a
7. Scope Change - 4 to 7 Courtrooms	6/24/2005	4/7/2006	9/12/2006	n/a	7/14/2006
8. Augment A - \$672,000	n/a	n/a	9/12/2006	n/a	n/a
9. Augment P - \$1,560,000	n/a	n/a	9/12/2006	n/a	n/a

Legend for Review and Approval Dates

n/a = not applicable to this item

nba = DOF or SPWB action, not in annual budget act

ft = fund transfer

xx = day of month not available on State website

Completion dates for the contractor selection process and the project phases are shown in Table 5.2 below.

Table 5.2
Richard E. Arnason Justice Center—Completion Dates for Milestones

Contractor Selection Process	
1. Request for CMAR Qualifications / Proposals	6/5/2007
2. Due Date for Qualifications / Proposals	6/19/2007
3. CMAR Shortlist	7/11/2007
4. CMAR Interviews	7/16/2007
5. CMAR Intent to Award	7/20/2007
6. CMAR Contract Executed	9/17/2007
Completion of Project Phases	
1. Acquisition (A)	9/14/2007
2. Preliminary Plans (P)	2/8/2008
3. Working Drawings (W)	1/12/2009
4. Construction (C)	11/10/2010

Procurement Methods and Evaluation Criteria

The CMAR process was used for this project. Four proposals were received from construction management firms. See Appendix B for a description of how the AOC selects construction management firms.

Project Costs

The AOC delivered this project for \$16.1 million less than the final appropriation amount and \$13.9 million less than the original appropriation amount. Project costs are identified in Table 5.3 below.

The cost increases in the acquisition (\$672,000) and preliminary plans (\$1.56 million) phases were included in the Budget Act of 2006 (FY 2006–2007) to fund a scope change from four to seven courtrooms.

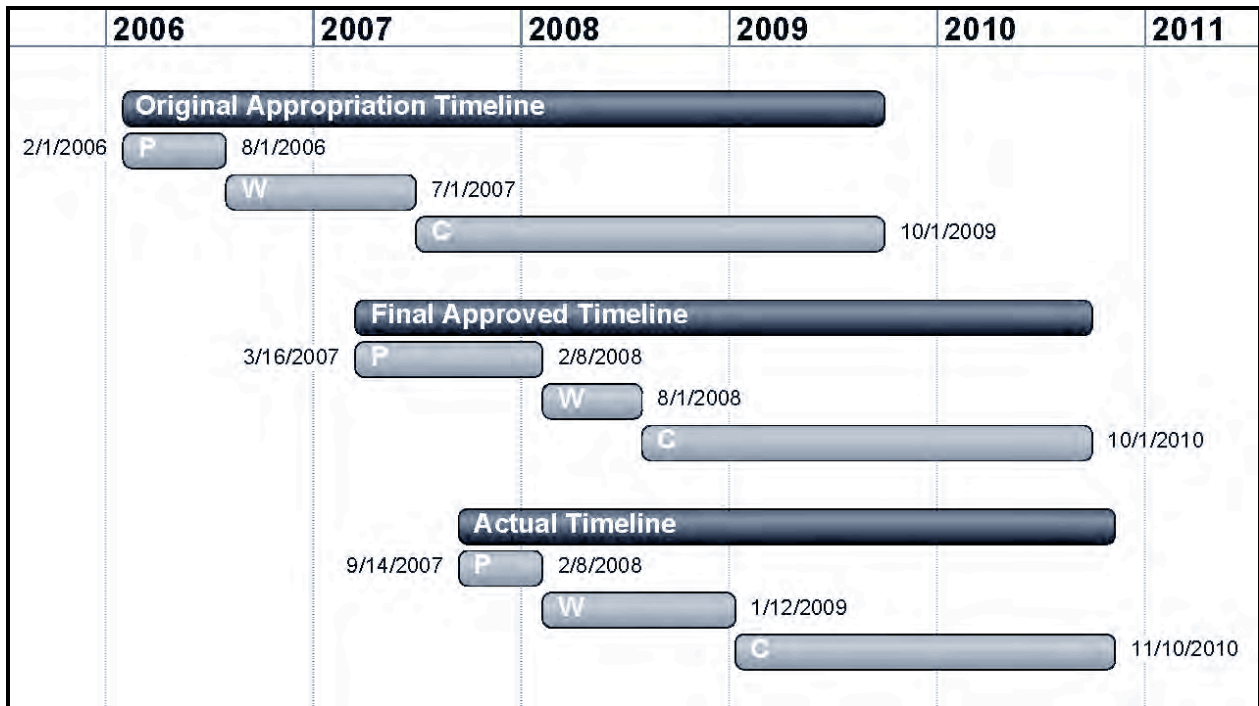
Table 5.3
Richard E. Arnason Justice Center—Appropriations and Project Costs

	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
1. Original Appropriation	\$6,000,000	\$1,237,000	\$3,632,000	\$51,628,000	\$62,497,000
2. Final Appropriation	\$6,672,000	\$2,797,000	\$3,632,000	\$51,628,000	\$64,729,000
3. Actual Expenditure	\$245,272	\$1,494,085	\$1,708,361	\$45,141,930	\$48,589,648
4. Increase or (Savings) from Original Appropriation (4 = 3 - 1)	(\$5,754,728)	\$257,085	(\$1,923,639)	(\$6,486,070)	(\$13,907,352)
5. Increase or (Savings) from Final Appropriation (5 = 3 - 2)	(\$6,426,728)	(\$1,302,915)	(\$1,923,639)	(\$6,486,070)	(\$16,139,352)

Project Timelines

As shown in Figure 5.1 below, this project was completed 6 weeks after the final approved completion date and 58 weeks after the originally scheduled completion date. The delay was caused by the change in building size from four to seven courtrooms.

Figure 5.1
Richard E. Arnason Justice Center—Timeline Comparison



Final Approved Timeline: Construction phase appropriation 7/1/2008

Judicial Branch Project Management Costs

Judicial branch project management costs are presented in Table 5.4 below. See Appendix C for the methodology used to calculate judicial branch project management costs. See Table 1.3 on page 7 for a summary of judicial branch project management costs for the six subject projects. Judicial branch project management costs accounted for 2.95 percent of total cost or 3.39 percent of construction cost for this project.

Table 5.4

Richard E. Arnason Justice Center—Judicial Branch Project Management Costs

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
AOC Employee Costs	\$353,626	\$202,036	\$112,928	\$766,063	\$1,434,653
Consultant / Contractor Costs	\$0	\$0	\$0	\$0	\$0
Totals	\$353,626	\$202,036	\$112,928	\$766,063	\$1,434,653

Costs for Contractors

In this report, the costs for contractors are classified and calculated two ways as listed below.

Project contractors: all service providers and vendors including the construction contractor, with the following exceptions: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.

Construction contractor: the general contractor responsible for constructing the project.

Costs for contractors are shown in Table 5.5 below. Project contractor costs accounted for 99.6 percent of total cost of this project. The separate cost of the construction contractor accounted for 87.0 percent of the total aggregate project costs.

Table 5.5

Richard E. Arnason Justice Center—Costs for Contractors

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
Costs for Project Contractors (all service providers and vendors)	\$185,073	\$1,469,335	\$1,699,459	\$45,039,137	\$48,393,003
Costs for Construction Contractor	\$0	\$0	\$0	\$42,289,814	\$42,289,814
Total Actual Costs	\$245,272	\$1,494,085	\$1,708,361	\$45,141,930	\$48,589,648
Project Contractor Costs as % of Actual Costs (all service providers and vendors)	75.5%	98.3%	99.5%	99.8%	99.6%
Construction Contractor Costs as % of Actual Costs	0.0%	0.0%	0.0%	93.7%	87.0%

Chapter 6

Mammoth Lakes Courthouse

Key Findings

This \$20.2 million project was delivered for 6.1 percent less than the final appropriation amount and 5.1 percent less than the original appropriation amount. The actual completion date was 1 week before the final approved completion date and 44 weeks after the originally scheduled completion date. The delay was caused by the challenging site acquisition—a land exchange with the U.S. Forest Service—which delayed the start of the preliminary plans phase. See the Project Timelines section in this chapter for more detail on this topic. The original timeline assumed site acquisition would be complete by August 2006. The acquisition was actually approved by the SPWB at their February 2008 meeting, which was a delay of 78 weeks. The actual project duration was compressed by 30 weeks compared to the originally scheduled project duration primarily by accelerating the design phases—19 weeks in preliminary plans and 7 weeks in working drawings. See key findings below for each of the six mandated information categories. More detail is provided in the body of this chapter.

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.
2. Procurement methods and evaluation criteria: The CMAR process was used for this project. Seven proposals were received.
3. Project costs and increases: The AOC delivered this project for \$1.3 million less than the final appropriation amount and \$1.1 million less than the original appropriation amount. There was a 30 percent augmentation of the working drawings phase to accommodate site complexities and issues connected with the mountainous location.
4. Original timeline and delays: The actual completion date was 1 week before the final approved completion date and 44 weeks after the originally scheduled completion date.
5. Judicial branch project management costs: Judicial branch project management costs accounted for 2.91 percent of total cost or 3.93 percent of construction cost for this project.
6. Contractor costs: Project contractor (all service providers and vendors) costs accounted for 92.0 percent of total cost of this project. The separate cost of the construction contractor accounted for 74.2 percent of the total aggregate project costs.

Project Description

The Mammoth Lakes Courthouse replaced inadequate, overcrowded leased space and provides the Superior Court of Mono County with a modern, secure, adequately sized courthouse for all court services.

The site for the new courthouse was part of a land exchange between the U.S. Forest Service and the Town of Mammoth Lakes and the County of Mono. The town and county then conveyed, at a discount, a portion of the land to the state for the new courthouse. The courthouse is the first building in a location envisioned as the future government center for Mammoth Lakes.

The historic Mono County courthouse in Bridgeport, built in 1881, is the second oldest, still functioning courthouse in California. Because of its adjacency to the county jail, this historic building is used almost exclusively for arraignments. The court has operated a branch courthouse in Mammoth Lakes, 55 miles south, for many years. Findings in the 2003 facilities master plan showed that 90 percent of the court's civil and criminal workload was attributable to the Mammoth Lakes area, where the population can increase from approximately 7,000 to 40,000 during peak ski season. The previous South County Branch Courthouse was a leased space in a shopping mall that was undersized, in poor condition, and in need of replacement. The new Mammoth Lakes Courthouse provides improved security, expanded space for current and new court services, and improved access to justice for the majority of Mono County residents and visitors.

Project Facts

Location:	100 Thompsons Way, Mammoth Lakes
Capacity:	2 courtrooms and 1 small hearing/multipurpose room in 20,000 square feet
Project cost:	\$20.3 million for all project costs, \$17.5 million for construction
Funded by:	State Court Facilities Construction Fund (SCFCF), Trial Court Facilities Act of 2002 (SB 1732), which established a revenue source of court user fees for judicial branch courthouse projects.
Architect:	Mark Cavagnero Associates
Contractor:	Sundt Construction, Inc.
Timeline:	Received initial funding in FY 2006–2007. Construction began in May 2010 and was completed in August 2011. The building opened in September 2011.
More information:	www.courts.ca.gov/facilities-mono.htm

Completion Dates for Project Milestones and Approvals

All necessary approvals were secured as shown in Table 6.1 below.

Table 6.1
Mammoth Lakes Courthouse—Review and Approval Dates

Description	Judicial Council	Governor (Dept. of Finance) Form DF 14D	Legislature (Annual Budget Act)	Review Dates for Local Courts	State Public Works Board
1. Site Selection	6/30/2006	3/13/2007	n/a	1/8/2007	3/9/2007 8/10/2007
2. Site Acquisition (A)	2/27/2004 6/24/2005	3/13/2009	9/12/2006	1/11/2008	2/8/2008
3. Preliminary Plans (P)	2/27/2004 6/24/2005	4/10/2009	9/12/2006	02/11/2009 07/15/2009	4/10/2009
4. Working Drawings (W)	8/25/2006 4/27/2007	12/3/2009	9/28/2007	12/3/2009	n/a
5. Proceed to Bid	4/27/2007	12/3/2009	n/a	12/3/2009	n/a
6. Construction Contract Award (C)	4/27/2007	2/4/2010	10/23/2008	n/a	n/a
7. Augment W - \$219,000	n/a	4/14/09 ft	10/23/2008	n/a	n/a

Legend for Review and Approval Dates

n/a = not applicable to this item

nba = DOF or SPWB action, not in annual budget act

ft = fund transfer

xx = day of month not available on State website

Completion dates for the contractor selection process and the project phases are shown in Table 6.2 below.

Table 6.2
Mammoth Lakes Courthouse—Completion Dates for Milestones

Contractor Selection Process	
1. Request for CMAR Qualifications / Proposals	9/29/2008
2. Due Date for Qualifications / Proposals	10/21/2008
3. CMAR Shortlist	10/28/2008
4. CMAR Interviews	11/3/2008
5. CMAR Intent to Award	11/10/2008
6. CMAR Contract Executed	12/1/2008
Completion of Project Phases	
1. Acquisition (A)	2/8/2008
2. Preliminary Plans (P)	4/8/2009
3. Working Drawings (W)	12/1/2009
4. Construction (C)	7/25/2011

Procurement Methods and Evaluation Criteria

The CMAR process was used for this project. Seven proposals were received from construction management firms. See Appendix B for a description of how the AOC selects construction management firms.

Project Costs

The AOC delivered this project for \$1.3 million less than the final appropriation amount and \$1.1 million less than the original appropriation amount.

The only cost increase on this project, an augmentation of the working drawings phase in the amount of \$219,000 that was required to align the working drawings with the final construction scope, was included in the Budget Act of 2008 (FY 2008–2009). Some of the early planning for this project did not anticipate the full impact of the site development issues.

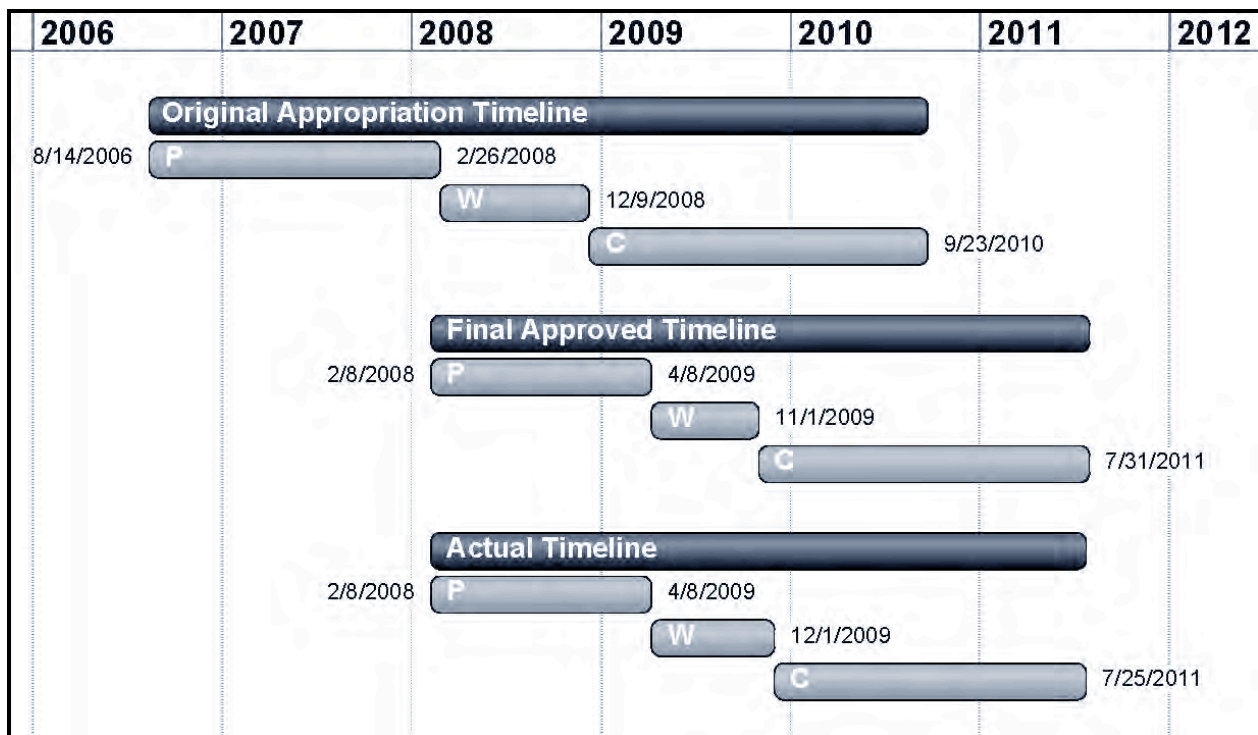
Table 6.3
Mammoth Lakes Courthouse—Appropriations and Project Costs

	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
1. Original Appropriation	\$1,353,000	\$702,000	\$725,000	\$18,523,000	\$21,303,000
2. Final Appropriation	\$1,353,000	\$702,000	\$944,000	\$18,523,000	\$21,522,000
3. Actual Expenditure	\$1,347,859	\$690,132	\$830,825	\$17,349,365	\$20,218,181
4. Increase or (Savings) from Original Appropriation (4 = 3 - 1)	(\$5,141)	(\$11,868)	\$105,825	(\$1,173,635)	(\$1,084,819)
5. Increase or (Savings) from Final Appropriation (5 = 3 - 2)	(\$5,141)	(\$11,868)	(\$113,175)	(\$1,173,635)	(\$1,303,819)

Project Timelines

As shown in Figure 6.1 below, this project was completed 1 week before the final approved completion date and 44 weeks after the originally scheduled completion date. The challenging site acquisition was accomplished under the provisions of section 206 of The Federal Land Policy Management Act of 1976 (43 U.S.C. § 1716), through a land exchange with the U.S. Forest Service (USFS) that originally involved the Town of Mammoth Lakes, the County of Mono, and the local hospital district. Ultimately, the hospital district dropped out of the transaction and the town and the county acquired land, which was exchanged for the courthouse site with the USFS and acquired at below market value by the AOC. The original timeline called for the site acquisition to be complete by August 2006. The acquisition was approved by the SPWB at their February 2008 meeting, which accounts for 78 weeks of delay. The actual project duration was compressed by 30 weeks compared to the originally scheduled project duration primarily by accelerating the design phases—19 weeks in preliminary plans and 7 weeks in working drawings.

Figure 6.1
Mammoth Lakes Courthouse—Timeline Comparison



Final Approved Timeline: Reappropriation of construction phase 7/1/2009

Judicial Branch Project Management Costs

Judicial branch project management costs are presented in Table 6.4 below. See Appendix C for the methodology used to calculate judicial branch project management costs. See Table 1.3 on page 7 for a summary of judicial branch project management costs for the six subject projects. Judicial branch project management costs accounted for 2.91 percent of total cost or 3.93 percent of construction cost for this project.

Table 6.4
Mammoth Lakes Courthouse—Judicial Branch Project Management Costs

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
AOC Employee Costs	\$149,409	\$94,066	\$60,263	\$239,327	\$543,065
Consultant / Contractor Costs	\$0	\$0	\$0	\$45,838	\$45,838
Totals	\$149,409	\$94,066	\$60,263	\$285,165	\$588,903

Costs for Contractors

In this report, the costs for contractors are classified and calculated two ways as listed below.

Project contractors: all service providers and vendors including the construction contractor, with the following exceptions: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.

Construction contractor: the general contractor responsible for constructing the project.

Costs for contractors are shown in Table 6.5 below. Project contractor costs accounted for 92.0 percent of total cost of this project. The separate cost of the construction contractor accounted for 74.2 percent of the total aggregate project costs.

Table 6.5
Mammoth Lakes Courthouse—Costs for Contractors

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
Costs for Project Contractors (all service providers and vendors)	\$38,432	\$666,000	\$825,530	\$17,066,425	\$18,596,387
Costs for Construction Contractor	\$0	\$0	\$0	\$15,000,315	\$15,000,315
Total Actual Costs	\$1,347,859	\$690,132	\$830,825	\$17,349,365	\$20,218,181
Project Contractor Costs as % of Actual Costs (all service providers and vendors)	2.9%	96.5%	99.4%	98.4%	92.0%
Construction Contractor Costs as % of Actual Costs	0.0%	0.0%	0.0%	86.5%	74.2%

Chapter 7

Lassen Superior Court Hall of Justice

Key Findings

This \$34.5 million project was delivered for 11.4 percent less than the final appropriation amount, which was the same as the original appropriation amount. The actual completion date was 28 weeks after the final approved completion date, which was the same as the originally scheduled completion date. The delay was caused primarily by a transition from analog to digital technology by the manufacturer of the video and recording portions of the security system that required cost changes and redesign at a critical point in the construction schedule. See the Project Timelines section in this chapter for more detail on this topic. See key findings below for each of the six mandated information categories. More detail is provided in the body of this chapter.

1. Completion dates for project approvals and milestones: All necessary approvals were obtained.
2. Procurement methods and evaluation criteria: The design-bid-build process was used for this project. Seven bids were received.
3. Project costs and increases: The AOC delivered this project for \$4.4 million less than the final appropriation amount, which was the same as the original appropriation amount.
4. Original timeline and delays: This project was completed 28 weeks after the final approved completion date, which was the same as the originally scheduled completion date.
5. Judicial branch project management costs: Judicial branch project management costs accounted for 5.29 percent of total cost or 6.98 percent of construction cost for this project.
6. Contractor costs: Project contractor (all service providers and vendors) costs accounted for 96.7 percent of total cost of this project. The separate cost of the construction contractor accounted for 75.8 percent of the total aggregate project costs.

Project Description

The Lassen Superior Court Hall of Justice replaces the court's inadequate space in three buildings and provides the Superior Court of Lassen County with appropriate and accessible court space for all calendar types and related support services in the county seat.

Built in 1915, the Lassen County original one-courtroom courthouse, with its natural stone façade, is listed on the National Register of Historic Places. In 1991, the court expanded into the Court Annex, in a building originally intended for county offices and the public library. The court also leased space in a nearby building for the Access to Justice Self-Help Center.

The Historic Courthouse and Annex were functionally deficient, overcrowded, and among the worst in the state in terms of security and physical condition, hindering the public's access to court services. The new courthouse replaces the three existing court locations and consolidates all court services into one new courthouse. The 42,300-square-foot, two-story building includes space for court clerks, holding areas, and building support space.

Project Facts

Location:	2610 Riverside Drive in Susanville
Capacity:	3 courtrooms and 1 hearing room in 42,300 square feet
Project cost:	\$34.5 million for all project costs, \$30.3 million for construction
Funded by:	State Court Facilities Construction Fund (SCFCF), Trial Court Facilities Act of 2002 (SB 1732), which established a revenue source of court user fees for judicial branch courthouse projects.
Architect:	Lionakis
Contractor:	Clark and Sullivan
Timeline:	Received initial funding in FY 2007–2008. Construction began in August 2010 and was completed in April 2012. The building opened in May 2012.
More information:	www.courts.ca.gov/facilities-lassen.htm

Completion Dates for Project Milestones and Approvals

All necessary approvals were secured as shown in Table 7.1 below.

**Table 7.1
Lassen Hall of Justice—Review and Approval Dates**

Description	Judicial Council	Governor (Dept. of Finance)	Legislature (Annual Budget Act)	Review Dates for Local Courts	State Public Works Board
		Form DF 14D			
1. Site Selection	2/27/2004 8/25/2006	3/14/2008	n/a	4/30/2008	6/13/2008
2. Site Acquisition (A)	2/27/2004 8/25/2006	10/10/2008	9/28/2007	n/a	10/10/2008
3. Preliminary Plans (P)	4/27/2007	8/14/2009	10/23/2008	7/28/2009	8/17/2009
4. Working Drawings (W)	4/27/2007	5/11/2010	10/23/2008	1/22/2010	n/a
5. Proceed to Bid	4/25/2008	5/11/2010	n/a	n/a	n/a
6. Construction Contract Award (C)	4/25/2008	7/13/2010	10/12/2009	n/a	n/a

Legend for Review and Approval Dates

n/a = not applicable to this item

nba = DOF or SPWB action, not in annual budget act

ft = fund transfer

xx = day of month not available on State website

Completion dates for the contractor selection process and the project phases are shown in Table 7.2 below.

**Table 7.2
Lassen Hall of Justice—Completion Dates for Milestones**

Contractor Selection Process	
1. Request for GC Qualifications / Proposals	3/30/2010
2. Due Date for Qualifications / Proposals	4/20/2010
3. Prequalified List and Invitation to Bid	4/28/2010
4. Bids Received from Prequalified GCs	6/24/2010
5. Notice of Intent to Award	6/30/2010
6. Contract Executed	7/22/2010
Completion of Project Phases	
1. Acquisition (A)	10/10/2008
2. Preliminary Plans (P)	8/14/2009
3. Working Drawings (W)	5/10/2010
4. Construction (C)	4/10/2012

Procurement Methods and Evaluation Criteria

The design-bid-build process was used for this project. The AOC prequalified contractors, received seven bids, and awarded the contract to the lowest qualified bidder. See Appendix B for a description of how the AOC prequalifies contractors.

Project Costs

The AOC delivered this project for \$4.4 million less than the final appropriation amount which was the same as the original appropriation amount.

There were no cost increases on this project.

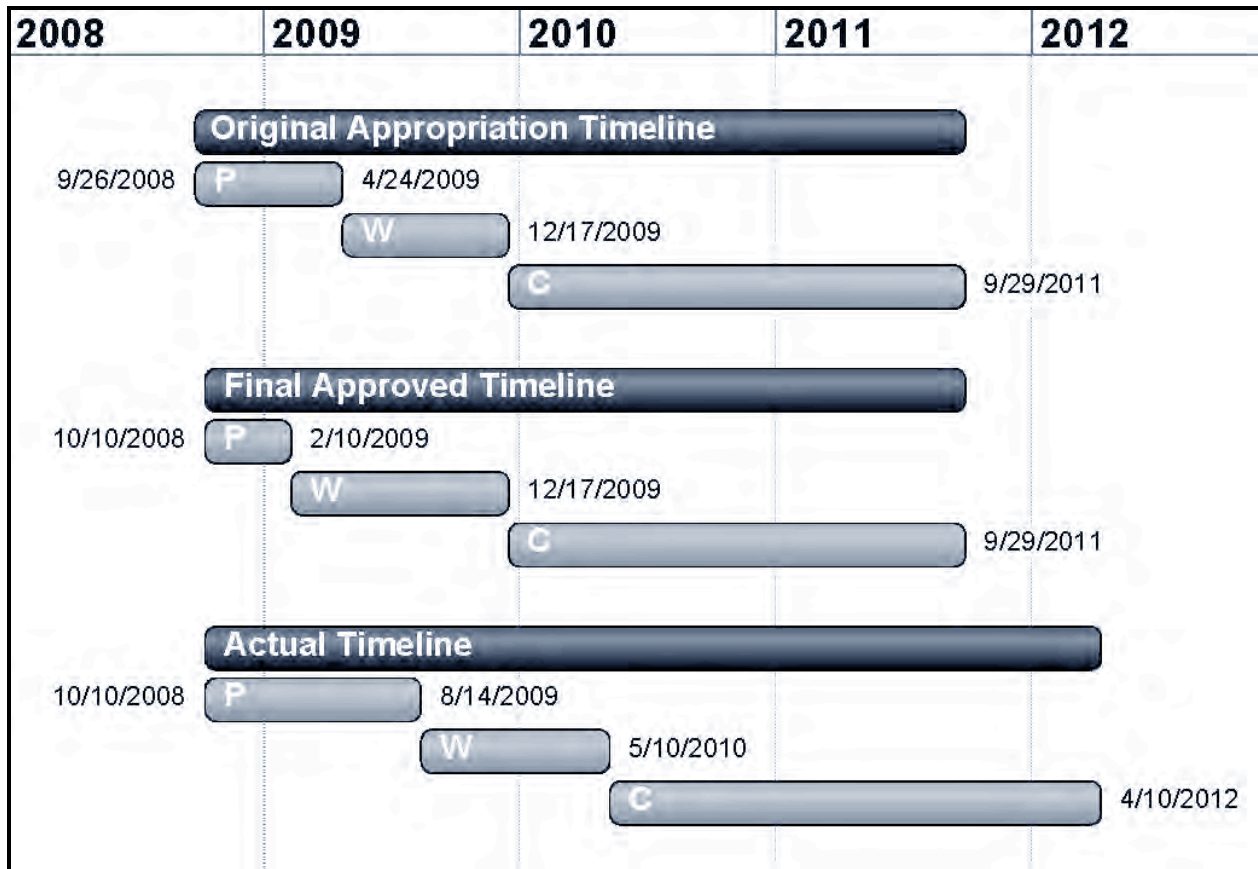
Table 7.3
Lassen Hall of Justice—Appropriations and Project Costs

	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
1. Original Appropriation	\$1,478,000	\$1,465,000	\$2,075,000	\$33,919,000	\$38,937,000
2. Final Appropriation	\$1,478,000	\$1,465,000	\$2,075,000	\$33,919,000	\$38,937,000
3. Actual Expenditure	\$932,826	\$1,406,590	\$1,838,052	\$30,325,751	\$34,503,219
4. Increase or (Savings) from Original Appropriation (4 = 3 - 1)	(\$545,174)	(\$58,410)	(\$236,948)	(\$3,593,249)	(\$4,433,781)
5. Increase or (Savings) from Final Appropriation (5 = 3 - 2)	(\$545,174)	(\$58,410)	(\$236,948)	(\$3,593,249)	(\$4,433,781)

Project Timelines

As shown in Figure 7.1 below, the project was completed 28 weeks after the final approved completion date, which was the same as the originally scheduled completion date. A primary cause for the delay was a transition from analog to digital technology by the manufacturer of the video and recording portions of the security system during the design/bid/construction period that created the need for review and approval of cost changes, redesign, new shop drawings, and manufacturer-required training for the installing subcontractor.

Figure 7.1
Lassen Hall of Justice—Timeline Comparison



Final Approved Timeline: Construction phase appropriation 7/1/2009

Judicial Branch Project Management Costs

Judicial branch project management costs are presented in Table 7.4 below. See Appendix C for the methodology used to calculate judicial branch project management costs. See Table 1.3 on page 7 for a summary of judicial branch project management costs for the six subject projects. Judicial branch project management costs accounted for 5.29 percent of total cost or 6.98 percent of construction cost for this project.

Table 7.4
Lassen Hall of Justice—Judicial Branch Project Management Costs

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
AOC Employee Costs	\$225,432	\$159,980	\$88,464	\$500,657	\$974,533
Consultant / Contractor Costs	\$0	\$96,070	\$125,580	\$629,105	\$850,755
Totals	\$225,432	\$256,050	\$214,044	\$1,129,762	\$1,825,288

Costs for Contractors

In this report, the costs for contractors are classified and calculated two ways as listed below.

Project Contractors: all service providers and vendors including the construction contractor, with the following exceptions: land purchase price; document review and construction inspection fees charged by the State Fire Marshal, the Division of the State Architect, and the Board of State and Community Corrections; local or regional development fees; and utility connection fees.

Construction contractor: the general contractor responsible for constructing the project.

Costs for contractors are shown in Table 7.5 below. Project contractor costs accounted for 96.7 percent of total cost of this project. The separate cost of the construction contractor accounted for 75.8 percent of the total aggregate project costs.

Table 7.5
Lassen Hall of Justice—Costs for Contractors

Description	Acquisition	Preliminary Plans	Working Drawings	Construction	Total
Costs for Project Contractors (all service providers and vendors)	\$111,596	\$1,406,590	\$1,836,862	\$30,008,550	\$33,363,598
Costs for Construction Contractor	\$0	\$0	\$0	\$26,137,994	\$26,137,994
Total Actual Costs	\$932,826	\$1,406,590	\$1,838,052	\$30,325,751	\$34,503,219
Project Contractor Costs as % of Actual Costs (all service providers and vendors)	12.0%	100.0%	99.9%	99.0%	96.7%
Construction Contractor Costs as % of Actual Costs	0.0%	0.0%	0.0%	86.2%	75.8%

Appendix A

Text of SB 78 Section 22, Definition of Terms, and Information Categories Requested in SB 78

SB 78 Section 22

The text of section 22 of the bill is shown in courier font below. Terms defined in the next section of this appendix are bolded.

SEC. 22. (a) The Judicial Council shall report to the Joint Legislative Budget Committee by January 15, 2013, on the process, transparency, costs, and timeliness of its construction procurement practices. The information in this report shall include, but not be limited to, the following for each court construction project completed between January 1, 2008, and January 1, 2013:

- (1) The dates that each step of the procurement and construction process was completed, including steps involving the seeking or selection of bidders or contractors, completion of the different phases of project design and construction, and **approvals** by local courts, the Judicial Council, the State Public Works Board, the Governor, and the Legislature.
- (2) The criteria and factors used in evaluating contractors for prequalification as well as those used to evaluate bids, as well as the number of bids received for each procurement.
- (3) Identification of all **project costs for each phase of design and construction**, including any **cost increases** and reasons for those increases.
- (4) Identification of the **original project timeline** for each phase of design and construction, as well as all project **delays** and the reasons associated in causing the project delays.
- (5) The total project management costs incurred by the Judicial Branch, including for existing staff who worked on each project, distinguished by **project activity**.
- (6) The total costs paid for **contractors**, distinguished by project activity.

(b) Within 75 days of receiving the report required under subdivision (a), the Legislative Analyst's Office shall conduct an analysis of the findings and, based on information which shall be provided by the Department of General Services, compare the costs and timeliness of methods of delivery used by the judiciary to projects of comparable size, scope, and geographic location procured under the Public Contract Code provisions applicable to state agencies. At the request of the Legislative Analyst's Office, the Department of General Services shall provide the comparable information as that required of the Judicial Council in subdivision (a) for those projects managed by the Department of General Services.

Definition of Terms

SB 78 includes several terms, shown in bold in the bill text above, that could be defined in several ways. Below is a description of how terms are defined for the purpose of presenting the information and findings requested in SB 78 and as they are used in this report.

Actual Completion Date

While this term does not occur in the bill, it is defined here to establish the precise end date of the actual project timeline. The completion of the construction phase in the Actual Timeline shown in the Timeline Comparison Figure in each of the project-specific chapters is the date when occupancy was granted by the State Fire Marshal (SFM) in the form of a Temporary Certificate of Occupancy followed by a Certificate of Occupancy.

Approval

In connection with approval dates described in section 22(a)(1), “approval” by the Department of Finance (DOF) shall constitute approval by the Governor, and approval by the Joint Legislative Budget Committee or inclusion in the annual budget act shall constitute approval by the Legislature.

Contractors

In connection with section 22(a)(6), “contractors” shall be defined as all service providers and vendors involved with the project. In the Costs for Contractors table in each of the project-specific chapters, the separate cost of the construction contractor is also provided.

Cost Increase/Project Costs/Each Phase of Design and Construction

In connection with section 22(a)(3), a “cost increase” shall be defined as costs exceeding the amount of the original appropriation request for each phase, at the time the subject phase was actually requested. “Project costs” presented in this report include site acquisition (A) phase costs as well as costs for “each phase of design and construction,” which are preliminary plans (P), working drawings (W), and construction (C).

Original Project Timeline and Delay

In connection with section 22(a)(4), the “original project timeline” is the timeline presented in the capital outlay budget change proposal (COBCP) that is the basis of the budget act appropriation and “delay” is measured against the original project timeline and is calculated by comparing the original completion date for each phase of design and construction (P, W, and C) with the actual completion dates. The final approved timeline is also represented, along with the original and actual timelines, in the Timeline Comparison figure in each of the project-specific Chapters 2 through 7. The final approved timeline is the timeline presented in the final project action or funding request approved by the DOF or the SPWB. The overall timelines represent the time period between the start of preliminary plans and the completion of construction. As set forth in the State Administrative Manual (SAM), Section 6853 – Award Construction Contract, and Section 6854 – Construction, the construction (C) phase begins with the approval of working drawings and proceed to bid, and thus includes bid and award activities.

Project Activity

In connection with section 22(a)(5) and (6), “project activity” shall mean the typical phases of a state capital project, which are site acquisition (A), preliminary plans (P), working drawings (W), and construction (C).

Information Categories Requested in SB 78

SB 78 requests six categories of information about the relevant projects as summarized below and reported in more detail in Chapters 2 through 7.

Section 22(a)(1) – Completion Dates for Project Approvals and Milestones

The following milestones in the approval, construction procurement, and phases of project delivery are documented.

Approvals for Capital Project Phases

1. Site Selection
2. Site Acquisition
3. Preliminary Plans
4. Working Drawings/Proceed to Bid
5. Construction Contract Award
6. Scope Changes, Augmentations, Reversions, and Redirections

Construction Procurement Contractor Selection Process

1. Request for qualifications and proposal (RFQ/P) for construction managers at risk (CMAR) or prequalified general contractors (GC)
2. Due date for qualifications/proposals
3. Shortlist for interviews
4. Interviews
5. Prequalified list and invitation to bid (DBB process omits steps 3 and 4)
6. Bids received from prequalified GCs
7. Notice of intent to award (CMAR process omits steps 5 and 6)
8. Contract executed

Phases of Project Delivery

1. Site Acquisition (A)
2. Preliminary Plans (P)
3. Working Drawings (W)
4. Construction (C)

Section 22(a)(2) – Procurement Methods and Evaluation Criteria

The following two construction procurement methods were used by OCCM to deliver the capital projects covered by this report.

1. Construction manager at risk with guaranteed maximum price
2. Design-bid-build with a select list of prequalified general contractors

Each method is described in Appendix B. The method used and the number of bids received are presented in each project-specific chapter.

Section 22(a)(3) – Project Costs/Increases

Project costs are taken directly from job cost accounting reports generated by OCCM Business and Finance Unit. The Appropriations and Project Costs table in each project-specific chapter shows the original appropriation amount, the final appropriation amount, and the actual expenditure for each as well as increases or savings from appropriation amounts. The original appropriation amount refers to the original amount appropriated in the annual budget act for each phase. The final appropriation amount refers to the sum of the original appropriation amount and all subsequent changes to that amount as contained in the annual budget act or as approved by the DOF or the SPWB. Changes to the original appropriation amount can be augmentations, reversions, or redirections (from one phase to another). Some changes to the original appropriation amount, within the guidelines set forth in the SAM, may be approved independently by the DOF or the SPWB and do not appear in the annual budget act. Cost increases are listed and reasons for cost increases are described.

Section 22(a)(4) – Original Timeline/Delays

The original project timeline, the final approved timeline, and the actual timeline are presented graphically including start and finish dates for each phase. The completion of the construction phase in the Actual Timeline shown in the Timeline Comparison figure in each of the project-specific chapters is the date when occupancy was granted by the State Fire Marshal (SFM) in the form of a Temporary Certificate of Occupancy followed by a Certificate of Occupancy.

Section 22(a)(5) – Judicial Branch Project Management Costs

Internal judicial branch project management costs are estimated through a combination of direct estimation for project managers, planners, real estate analysts, and construction inspectors, and a cost model for other AOC staff who contributed to the management of the capital projects. See Appendix C for the calculation methodology.

Section 22(a)(6) – Contractor Costs

Costs for contractors are taken directly from job cost accounting reports generated by the OCCM Business and Finance Unit.

Appendix B

Procurement Methods and Evaluation Criteria

Judicial Branch Procurement Methods and Evaluation Criteria

When procuring design and construction services, the AOC operates under two policy documents as described below.

Court Facilities Contracting Policies and Procedures

This document was adopted by the Judicial Council on December 7, 2007, and fulfills the mandate of the Trial Court Facilities Act of 2002 (Gov. Code, §§ 70301–70404) and the California Government Code concerning the adoption of independent contracting policies and procedures for acquisition and development of court facilities by the Judicial Council in consultation with the state Department of Finance. Its opening comprehensive policy statement is included below.

To provide Californians the best value initially and over the long-term operational life of court facilities the Administrative Office of the Courts (AOC) will follow competitive practices as set forth in these policies and procedures when contracting with qualified firms and individuals for products and services to be used in the planning, acquisition, design, construction, operation, and maintenance of trial and appellate court facilities.

These policies and procedures emphasize qualifications-based selection (QBS) processes and affirm that “contracts must provide for contemporary delivery methods and best practices related to facilities planning, acquisition, design, construction, operations, and maintenance of court facilities.”

AOC / OCCM Internal Procedure 3.40–Delivery Method and Contractor Selection

This document was implemented on July 28, 2009, with the intent “that a project delivery method be selected which results in the best value for the court, the Judicial Branch and all Californians.” As stated in its opening paragraph below, this procedure sets up a framework that allows flexibility in delivery methods and selection process and allows considerable discretion on the part of OCCM management.

Selecting a project delivery method is a strategic decision made by OCCM management. Once decided, a project manager determines the selection criteria and proceeds with the solicitation and selection process. The *Court Facilities Contracting Policies and Procedures* grants flexibility to OCCM in both delivery methods and the selection process.

Delivery Methods Utilized for SB 78 Report Subject Projects

Of the delivery methods made available in OCCM's Internal Procedure 3.40, the AOC employed two processes, as described below, for construction procurement on the courthouse capital projects covered by this report: construction manager at risk (CMAR) and design-bid-build (DBB) with a list of prequalified general contractors.

The CMAR process is employed because it has the following advantages in delivering these complex, design-intensive projects: early focus on design issues, construction advice and cost review during the design process, careful oversight of costs and schedule, early cost commitments, and opportunities to shorten the overall project schedule.

The design-bid-build process is used when the project conditions are present that make it expedient and advisable. In projects that are smaller in size (1- to 5-courtroom projects) with simpler design demands, less complexity, rural regional location, increased general contractor pool, or increased familiarity with the DBB process by the project team, the prequalified design-bid-build project delivery method may be elected as an alternative to the CMAR delivery method. The project manager must work together with OCCM management in the analysis of the project type, size, location, and competitive market conditions to determine if this project delivery type best serves the project and the pursuit of the best overall value. It should be noted that every project is unique and that **this is not a delivery method that** should be used exclusively on **all** small projects; however, this is a long-standing traditional method of project delivery that can be successful and cost effective if properly managed by experienced professionals. This process was used for the Plumas/Sierra Regional Courthouse and the Lassen Superior Court Hall of Justice.

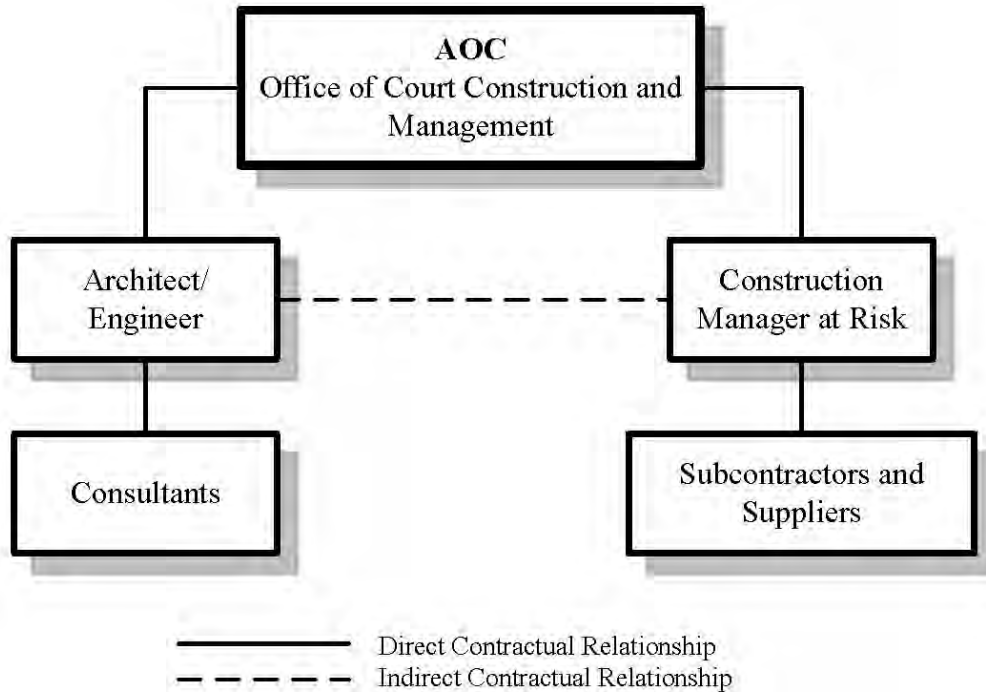
Construction Manager at Risk

Construction, by nature, is complicated to manage due to fluctuating material pricing, workloads and workforces, changing building regulations and variable inspection processes, all of which have significant budgetary implications. Construction management is a broad term covering a variety of project delivery scenarios in which a construction manager is added to the building team to oversee scheduling, cost control, constructability, project management, building technology, bidding or negotiating construction contracts, and construction.

When the construction manager serves as constructor, the role of general contractor is added to the CM's standard management tasks. The construction manager assumes all the liability and responsibility of the general contractor, which is why this method is also known as construction manager at risk. This method combines the qualities of several other approaches. It offers the direct contractual relationship between owner and architect of traditional methods, the advisory benefits of CM as advisor, and the early cost commitment characteristic of design-build. The CMAR is hired early in the design process to deliver an early cost commitment and to manage

issues of schedule, cost, construction, and building technology. The owner benefits from the simplicity of one contract with a single entity for the entire construction process. The contractual relationships are illustrated in Figure B.1 below.

Figure B.1
CMAR Relationship Diagram



AOC's CMAR Procurement Process

The AOC issues a request for qualifications and proposals (RFQ/P) via its website. Written qualifications and proposals are submitted to the AOC for review. A shortlist is established after review of the responsive written submissions. The short-listed firms are then interviewed by a team comprising AOC staff, court staff, and architectural firm staff. Only AOC staff and court staff contribute scores; the architectural firm staff serves in an advisory capacity. The criteria used to evaluate the written qualifications and the interview presentations are shown in Figure B.2 below.

Figure B.2
Judicial Branch Construction Procurement Evaluation Criteria

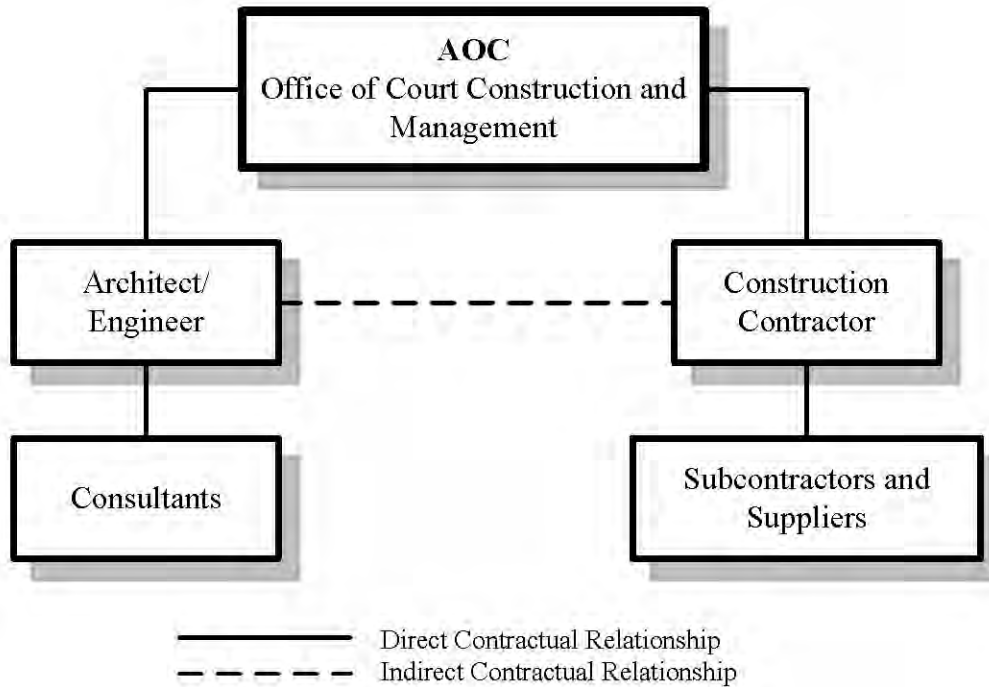
Financial Strength, Safety Record, and Claims Avoidance	Firm-Wide Qualifications and Experience	Project Personnel Qualifications and Experience	Project Plan (Including Local Trade Involvement)	Total
20%	30%	30%	20%	100%

The proposal portion of the written submission contains amounts for preconstruction services, construction services, and a mark-up percentage to be applied to the value of all construction subcontracts. The final selection is made by combining the qualitative evaluation of the written submissions and interview presentations with the quantitative proposal to arrive at a cost per unit of quality. This portion of the process closely follows paragraph IV(D)(3)(d) of the *Court Facilities Contracting Policies and Procedures*, which states: “The AOC may review the compensation or product cost portion of a proposal, if one exists, as the sole criterion (as in the traditional low-bid model) or as a weighted criterion, or it may request that the compensation portion of the proposal be placed in a separate envelope for consideration independently or at a later date.” The CMAR contract is offered to the firm with the lowest cost per unit of quality. The successful CMAR firm works with the architect and the AOC project manager to create bid packages best suited to the local trade market and administers a bid process involving multiple bids for each bid package (trade or combination of trades). The trade contractors responsible for delivering each bid package are represented by the subcontractors and suppliers in Figure B.1 above. Competitive pricing for the required construction work is achieved through this bid process.

Design-Bid-Build with a List of Prequalified General Contractors

The traditional and most common form of project delivery is design-bid-build. It is a familiar way of working for all parties in the building industry. This project delivery method is characterized by its three phases (captured in the name design-bid-build) by its two independent contracts with the owner, and by the linear phasing of the work. There are three prime players: owner, architect, and contractor as illustrated in Figure B.3 below.

Figure B.3
Traditional Design-Bid-Build Relationship Diagram



For decades, this traditional method was automatically assumed to be the best approach to project delivery. More recently, cost and scheduling pressures have pushed the owner’s interests in other directions. In the DBB process, the phases are organized end-to-end. For example, the construction documents must be complete before the general contractors can submit bids. While many aspects of design and construction might be undertaken in a parallel fashion in the CMAR process, restrictions imposed by the DOF on procuring a critical scope of work before the guaranteed maximum price is agreed upon diminish this potential time advantage. The potential for disputes and change orders is exacerbated by the independence of architect and contractor. The AOC mitigates the potentially adversarial nature of this delivery option by prequalifying general contractors and by adding a CM as advisor to the team.

AOC’s Design-Bid-Build Procurement Process

A process similar to that described above for the CMAR process is used to establish a shortlist of prequalified general contractors. The firms on this list are invited to submit sealed bids on the project. The construction contract is offered to the firm with the lowest responsive bid. The CM advisor is retained by the AOC early in the design process to help with cost estimating and constructability.

Appendix C

Judicial Branch Project Management Costs

Introduction

The purpose of this appendix is to explain how the judicial branch project management costs for its Capital Construction Program (Capital Program) were allocated to the six subject projects. These costs are displayed in Table 1.3 in the Executive Summary and in the Judicial Branch Project Management Costs table in each of the project-specific, Chapters 2–7.

The Capital Program is one of the responsibilities of the Administrative Office of the Courts (AOC), the staff agency of the Judicial Council. The AOC has one office dedicated to the Capital Program, the Judicial Branch Capital Program Office (Capital Program Office), some offices that support the capital program although this is not their primary mission (see note 2 under Table C.1), and some offices that have no connection to the Capital Program.

The fall 2012 reorganization of the AOC includes dividing the former Office of Court Construction and Management (OCCM) into the Judicial Branch Capital Program Office and the Office of Real Estate and Facilities Management. To accurately present the full project management costs of the six projects reviewed in this report, the analysis includes staff costs as attributed to OCCM.

Judicial branch project management costs comprise the sum of the four components displayed in Table C.1 below. The direct and indirect costs for AOC employees include salaries and wages, all employee benefits, and standard allocation of operating expenses and equipment.

Table C.1
Cost Components of Judicial Branch Project Management Costs

Cost Type	Judicial Branch Program	Allocation Basis	Description
1. Direct	OCCM	Actual Hours Worked	AOC OCCM employees: project managers, associate project managers, planners, real estate analysts, and construction inspectors
2. Direct	OCCM	Actual Cost	Outside firms providing project management services in support of the AOC OCCM project manager
3. Indirect	OCCM	Pro Rata Share	AOC OCCM units ¹ that provide support functions to the capital projects
4. Indirect	AOC (Non-OCCM)	Pro Rata Share	Non-OCCM AOC units ² that provide support functions for the capital projects

Notes for Table C.1

¹ AOC OCCM units that provide support functions to the capital projects:

1. Executive Management Team
2. Risk Management
3. Business and Finance
4. Environmental Analysis and Compliance
5. Appellate and AOC Facilities

² Non-OCCM AOC units that provide support functions for the capital projects:

1. Security and Emergency Response
2. Legal Services – Real Estate Unit
3. Governmental Affairs – Facilities
4. Education – Court Facilities
5. Fiscal – Accounting
6. Fiscal – Business Services
7. Fiscal – Budget
8. Information and Technology Services – Technical Support – OCCM
9. Information and Technology Services – Desktop Support – OCCM
10. Human Resources Services – Labor and Employee Relations
11. Human Resources Services – Recruitment, Classification, Strategy, and Policy Development

For the six subject projects, direct project management costs accounted for 74 percent, and indirect project management costs accounted for 26 percent, of the total judicial branch project management costs, as displayed in Table C.2 below.

Table C.2

Judicial Branch Project Management Costs—Proportion Direct / Indirect

Project Name / Delivery Method	Direct Costs	Indirect Costs	Total Project Management Costs
Court of Appeal, 4th Appellate District, Division 3 / CMAR	\$880,037	\$462,086	\$1,342,122
	66%	34%	100%
Plumas/Sierra Regional Courthouse / DBB	\$305,557	\$151,528	\$457,085
	67%	33%	100%
B. F. Sisk Courthouse / CMAR	\$1,030,100	\$475,760	\$1,505,860
	68%	32%	100%
Richard E. Arnason Justice Center /CMAR	\$1,042,304	\$392,349	\$1,434,653
	73%	27%	100%
Mammoth Lakes Courthouse / CMAR	\$441,302	\$147,601	\$588,903
	75%	25%	100%
Lassen Superior Court Hall of Justice / DBB	\$1,570,589	\$254,699	\$1,825,288
	86%	14%	100%
Totals	\$5,269,890	\$1,884,023	\$7,153,913
	74%	26%	100%

Definitions

Direct Costs

Costs that can easily be identified to a program. For this report direct costs are developed from actual hours worked by project managers, associate project managers, planners, real estate analysts, and construction inspectors and actual the cost of outside firms providing project management services in support of the AOC OCCM project managers.

Indirect Costs

Costs that by their nature cannot be readily associated with a specific organization unit or program. Like general administrative expenses, indirect costs are distributed, through the use of a formula, to the organizational units or programs that benefit from their incurrence. See notes for Table C.1 for functional units that contributed indirect costs to the Capital Program.

Calculation of Judicial Branch Project Management Costs

Judicial branch project management costs include direct and indirect components. The direct costs, such as those for project managers, associate project managers, planners, real estate analysts, construction inspectors, and outside firms providing project management services, are added to the indirect costs to yield the total project management costs. Below is a description of how the indirect costs are distributed to the projects.

Allocation Methodology for Indirect Costs

The indirect component of judicial branch project management costs were calculated by the process described below.

1. Obtain from accounting reports the cost of non-OCCM AOC units that provide support functions for the Capital Program.
2. Obtain from accounting reports the total cost of all OCCM units.
3. Calculate the cost of each OCCM unit as a percentage of OCCM's total cost as displayed in Table C.3. For example, as shown in Table C.3, in FY 2010–2011, the OCCM Executive Management Team accounted for 4.56 percent of OCCM's total cost. This percentage is used in the next step to calculate the pro rata share of the non–OCCM AOC support units' costs to be distributed to each OCCM unit.
4. To obtain the total indirect cost of each OCCM unit by fiscal year, distribute the pro rata share of the total cost of the non–OCCM AOC support units to each OCCM unit based on its percentage of OCCM's total cost (calculated in step 3 above). For example, as shown in Table C.3, in FY 2010–2011, the OCCM Executive Management Team accounted for 4.56 percent of OCCM's total cost, so 4.56 percent of the non–OCCM AOC support unit costs for FY 2010–2011 were distributed to the OCCM Executive Management Team. This calculation was repeated for each of the 10 OCCM units.
5. Add the total indirect costs (calculated in step 4 above) of the five OCCM units that support the Capital Program (see note 1 under Table C.1) to obtain the total indirect costs to be distributed to the project phases.
6. Calculate the direct project management cost of each project phase as a percentage of OCCM's total cost, as displayed in Table C.4. For example, in FY 2010–2011 the cost of the Construction (C) phase of the B. F. Sisk Courthouse accounted for 0.14 percent of OCCM's total cost.
7. To obtain the pro rata share of the total indirect costs for each project phase, multiply the total indirect cost calculated in step 5 by the percentage calculated in step 6. These indirect costs are displayed in Table C.2 above.

Table C.3

Proportional Cost of OCCM Functional Units by Fiscal Year

OCCM Units	FY 2003-04	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11
1. Executive Management Team	18.50%	14.83%	8.35%	8.91%	8.38%	4.48%	5.19%	4.56%
2. Risk Management	0.00%	0.00%	0.00%	0.00%	2.13%	3.33%	4.38%	6.60%
3. Business Finance	1.76%	3.52%	4.40%	4.07%	4.80%	5.21%	5.23%	6.22%
4. Planning and Policy	0.22%	2.09%	2.10%	3.49%	1.76%	6.28%	5.07%	4.46%
5. Design and Construction	6.65%	27.47%	22.34%	24.96%	23.54%	19.95%	19.88%	18.88%
6. Real Estate	2.47%	10.82%	9.13%	10.83%	8.76%	7.06%	7.03%	5.78%
7. Facilities Management AOC Statewide Operating Unit	2.29%	8.90%	23.11%	22.47%	21.09%	27.14%	37.52%	35.30%
8. Environmental Analysis and Compliance	2.28%	5.45%	4.76%	5.02%	3.74%	1.80%	2.43%	2.40%
9. Portfolio Administration	0.00%	0.00%	1.48%	2.68%	11.90%	18.11%	7.49%	10.45%
10. Appellate and AOC Facilities	65.83%	26.94%	24.32%	17.58%	13.90%	6.65%	5.78%	5.36%
Totals	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Table C.4

Proportional Cost of Direct Staff Time by Project and Phase

Fiscal Year	Project Phase	Court of Appeal, 4th App. District, Division 3	Richard E. Arnason Justice Center	B. F. Sisk Courthouse	Mammoth Lakes Courthouse	Plumas Sierra Regional Courthouse	Lassen Superior Court Hall of Justice
2003-04	A	2.45%	0.00%	0.00%	0.00%	0.00%	0.00%
	P	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	W	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	C	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
2004-05	A	1.49%	0.00%	0.00%	0.00%	0.00%	0.00%
	P	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	W	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	C	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
2005-06	A	0.10%	1.05%	0.08%	0.01%	0.37%	0.00%
	P	1.49%	0.00%	0.00%	0.00%	0.00%	0.00%
	W	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	C	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
2006-07	A	0.00%	1.08%	0.33%	0.55%	0.81%	0.00%
	P	0.67%	0.00%	0.11%	0.00%	0.00%	0.00%
	W	0.45%	0.00%	0.00%	0.00%	0.00%	0.00%
	C	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
2007-08	A	0.00%	0.19%	0.05%	0.26%	0.17%	0.73%
	P	0.00%	0.81%	0.65%	0.15%	0.26%	0.00%
	W	0.03%	0.00%	0.95%	0.00%	0.13%	0.00%
	C	1.50%	0.00%	0.63%	0.00%	0.00%	0.00%
2008-09	A	0.00%	0.00%	0.00%	0.00%	0.00%	0.21%
	P	0.00%	0.00%	0.00%	0.27%	0.00%	0.66%
	W	0.00%	0.53%	0.00%	0.10%	0.11%	0.00%
	C	1.48%	0.76%	1.93%	0.08%	0.40%	0.00%
2009-10	A	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	P	0.00%	0.00%	0.00%	0.00%	0.00%	0.09%
	W	0.00%	0.00%	0.00%	0.17%	0.00%	0.40%
	C	0.09%	1.91%	1.83%	0.44%	0.15%	0.15%
2010-11	A	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	P	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	W	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	C	0.00%	0.69%	0.14%	0.45%	0.00%	1.05%
2011-12	A	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	P	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	W	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	C	0.00%	0.00%	0.00%	0.03%	0.00%	0.80%

ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	11/18/2013
PREPARED BY	William Guerin
OFFICE NAME	Judicial Branch Capital Program Office
JUDICIAL COUNCIL DIRECTIVE NUMBER	139
JUDICIAL COUNCIL DIRECTIVE	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.
SEC RECOMMENDATION	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.
JC DIRECTIVE TIMELINE	Administrative Director of the Courts to provide interim report to Judicial Council at December 2013 meeting
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the Status Report provided to the Judicial Council)	
<p>Directive is completed.</p> <p>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>	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<p><input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:</p> <p>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>	



139 - JBCPO Staffing
Requirements Final
Report 13 11 18.pdf
Adobe Acrobat Document
133 KB

This directive is pending:



File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:

Review Judicial Branch Capital Program Office Staffing Requirements

AOC Directive #139

November 18, 2013 Final Report

1.1 Executive Summary.

The Judicial Council's AOC Restructuring Directive #139 directs the Chief Operating Officer to review the staffing requirements of the Judicial Branch Capital Program Office (the office) given the slowdown in new court construction. This report has been prepared in response to this directive.

The Chief Operating Officer has been reviewing the staffing requirements of the office since October 2012. His collaboration with the recently hired Director of the Judicial Branch Capital Program Office on organizational changes and final staffing requirements are presented in this final report to the Judicial Council. Key findings are as follows:

- 1.1 **The construction program is very large in scope** – the program currently has 36 active projects valued at \$4.4 billion.¹ From 2009 to now, ongoing and one time construction fund redirections and loans have reduced available funding and the associated total scope of the construction program. Program scope reductions include 2 project cancellations, delays to several projects, indefinite delay of 11 projects, and cost reductions to the projects moving forward.

A nearly \$5.0 billion construction program, involving 36 projects from the California-Mexico border in the south to the California-Oregon border in the north, is a very large program requiring adequate management to ensure it is delivered on time and within budget, meets quality standards, and avoids problems associated with the complexities of managing a multi-billion dollar construction program across the state.

- 1.2 **Ongoing hiring freeze has reduced office staffing** – Budget reductions and the resulting hiring freeze that began in 2009 have prevented the office from backfilling vacated positions and hiring additional staff necessary to run the program, which was originally valued at \$6.0 billion. The office currently has 56.5 FTE, down from 68 FTE in July 2011.
- 1.3 **Pegasus 2012 Audit Report states program was understaffed** – the report by the independent outside oversight consultant hired by the Court Facilities Advisory Committee (CFAC) states that there was insufficient staff at the time of their analysis to

¹ This includes 4 projects that are recently completed and in the warranty or project close-out phase: the Governor George Deukmejian Courthouse in Long Beach (August 2013); the South County Justice Center in Porterville, Tulare County (October 2013); the Calaveras County Courthouse in San Andreas (November 2013), and the Superior Court of California San Benito County in Hollister (December 2013), and the Sacramento project for which only the Acquisition phase can be completed due to ongoing redirection of construction funds.

adequately oversee a \$6.0 billion construction program located across the state of California.

- 1.4 **Original program without delays would have required 80 staff to execute** – Based on workload analyses prepared by staff, incorporating metrics consistent with the Pegasus 2012 Audit Report and standard industry practice of care and described in section 2.4 below, the office would have needed 80 staff to successfully oversee the originally planned program, which would have had an estimated 50 active projects in the summer of 2013 if there had been no delays. The office has never had 80 staff dedicated to implementing the capital program. The originally planned program would have needed 23 additional staff today to be properly executed.
- 1.5 **Organizational Changes** – In September 2013 the office made several organizational changes to streamline management and transfer two staff from another office that were performing work to support the capital program. The changes affect the current FTE by a net increase of one staff due to the recent loss of one staff person.
- 1.6 **Reduced program requires 67 staff** – Based on workload analyses prepared by staff, incorporating metrics consistent with the Pegasus 2012 Audit Report, the office needs 66 staff to successfully oversee the reduced-scope program of 36 currently active projects. Given the office currently has 56.5 FTEs, another 11 staff are required to manage the current scope of the capital program without increasing risk to the branch.

2.1 Status of Construction Program

Since 2009, \$1.7 billion in construction funds—both SB 1732 and SB 1407 funds—have been either loaned or redirected on a one time or ongoing basis to the General Fund or the trial courts. In addition, the FY 2013–2014 Budget Act requires the new Long Beach Courthouse annual payment be funded from SB 1407 rather than the General Fund. These significant changes to the original plan for expenditure of SB 1407 funds has resulted in the Judicial Council canceling 2 projects, directing short-term delayed next phase starts for various projects since FY 2011–2012, indefinitely delaying 11 projects, and mandating cost reductions to all projects that are moving forward.

The scope of the original 59-project program gradually decreased to 45 total projects from when SB 1407 was enacted in 2008 to the present. First, the Judicial Council cancelled 2 projects and delayed the next phase starts of 4 projects in December 2011 to address cash shortfalls projected for FY 2012–2013. In October 2012 the Judicial Council indefinitely delayed 7 projects and forwarded one project to Trial Court Facilities Advisory Committee (then the Trial Court Facility Modifications Working Group) for consideration of funding. The council indefinitely delayed another 4 projects in January 2013. In February 2013 the council delayed the next phase starts of 11 projects due to cash shortfalls projected in FY 2013–2014.

Had no construction funds been redirected from the construction program, it is estimated that as of July 2013 there would be 50 projects underway in design, construction, or warranty. With the projects cancelled or indefinitely delayed, the office now oversees a total of 36 active capital projects, with a total estimated cost of about \$4.4 billion. By the end of calendar year 2013, there will be 8 projects in acquisition (one of which is Sacramento, a project indefinitely delayed by the Judicial Council in January 2013 but allowed to complete property purchase), 5 ready to begin design, 8 in design, 11 in construction, and 4 completed projects in the warranty phase. Within the next few months, the 2 additional projects that proceed to construction this year bring the total value of construction currently underway to \$1.7 billion.

In the past several years, the office has also managed between 40-60 complex Facility Modification projects and other special projects such as modular facilities for new judgeships, court funded projects to improve space in existing courthouses, and the build-out of court funded lease tenant improvements. Moving forward, the office will scale back its role in Facility Modifications and special projects, overseeing up to 30 larger, complex projects each budget year. The Facility Modification projects that the Judicial Branch Capital Program Office will continue to oversee require a licensed architect to design in compliance with building codes, and require adequate project management and inspection staff to properly execute. These projects include reconfiguration of space for new functions, projects involving a structural component, and projects that require design and engineering to resolve overlapping codes.

2.2 Ongoing hiring freeze has reduced office staffing

The ongoing and one-time loans and redirections from construction funds that began in 2009 resulted in a hiring freeze that started the same year. The hiring freeze severely limited the ability of the office to fill positions that had been, or became, vacated even though the legislature had authorized additional staffing for the program in 2009. For example, during the past 19 months, 7 FTEs have left the office, one person was hired, and 2 staff persons from the Center for Judiciary Education and Research were transferred to the office, for a net reduction of 4 people.

In an effort to augment staff positions from 2009 to 2011, the office hired temporary administrative help and consultant project managers. Additional staff was needed to oversee the original program, the scope of which gradually decreased from December 2011 to its current status, as described above.

2.3 Pegasus 2012 Audit Report indicates program was understaffed

The Court Facilities Advisory Committee, formerly the Court Facilities Working Group, has overseen the scope definition, procurement, execution, and completion of a review and assessment of the Judicial Branch's construction program. The overall objective of the assessment was to evaluate the construction program within the AOC's Office of Court

Construction and Management (OCCM), now managed by the AOC's Judicial Branch Capital Program Office (JBCPO), and to determine opportunities to improve its efficiency and effectiveness. Specifically, the assessment had three objectives: to assess the overall management of the courthouse construction program compared to industry standards and best practices; to assess outcomes of six sample projects at various stages of completion; and to assess organizational structure, staff qualifications, and quality of project consultants, including architects, engineers, and general contractors.

To oversee the procurement of the outside oversight consultant and to make its final selection on behalf of the working group, the working group established its Independent Outside Oversight Consultant Subcommittee, who ultimately selected Pegasus Global Holdings, Inc. (Pegasus). Pegasus is an international consulting firm with extensive experience auditing project management and fiduciary processes in multi-billion dollar capital construction and infrastructure projects. Its clients include state, federal, and local government entities in numerous jurisdictions in the United States, Canada, Europe, and Australia.

The California Capital Construction Program Audit Report produced by Pegasus (Pegasus 2012 audit report) contains 26 findings and 137 recommendations to improve the policies, processes, and procedures of the judicial branch's courthouse construction program.² In assessing the organizational structure and staffing of the program, Pegasus found that the program has been understaffed from the beginning and was faced with executing projects immediately with a dedicated, but small, staff. With the enactment of SB 1407 in 2008, the program ballooned from 15 to 59 projects, with the expectation that all projects would advance at the same time.

The Pegasus 2012 audit report states the following:

"... there was insufficient staff to execute all of the functions required for a megaproject..." (*Finding VI-F-4.2.6*). The report notes that JBCPO Project Managers currently manage two to three or more major projects and several facility modifications projects, in addition to other assignments relating to supporting program wide initiatives.

"From Pegasus-Global's examination of the full responsibilities required under the enabling legislation, the industry best practices, and the interviews conducted at all levels of the AOC and OCCM staff there is simply too much work for the current staff (and in particular the project management staff) working under the current organization structure to successfully manage or control the projects and the Program."

The organizational structure was addressed by the Judicial Council in their adoption of an AOC-wide realignment plan. In this plan the OCCM was split into two separate offices: the Judicial Branch Capital Program Office and the Office of Real Estate and Facilities Management. This

² The Pegasus 2012 audit report is available on California Courts public web site: www.courts.ca.gov/documents/Pegasus-Global-AOC-OCCM-Final-Audit-Report.pdf.

Judicial Branch Capital Program Office concentrates on capital projects and major facility modifications projects. Certain services, including staffing, are shared between the two offices. The shared services are:

- Business and finance
- Risk management and quality management
- Inspection services
- Project management for facility modifications
- Real estate and environmental services related to acquisition of property

The Capital Program Office is now structured consistent with the recommendations contained in the Pegasus 2012 audit report. However, there is still a staff shortage for the reduced scope program, as presented below.

2.4 Original program without delays would have required 80 staff to execute

As confirmed by the Pegasus 2012 audit report, the AOC never hired adequate staff to successfully execute a \$6.0 billion program across the state of California. The Pegasus 2012 audit report provides some guidance on how to adequately staff each project in the program:

“Insofar as the Project Execution Division staff with the exception of large complex projects the Project Manager and the Project Clerk of the Works³ would be part time, expected to oversee two or more projects simultaneously. For large, complex projects Pegasus-Global recommends that the Project Execution Division staff assigned be full time on those projects.”⁴

The recommended number of staff needed to oversee the original program without any project cancellations for indefinite delays was developed by using several methodologies. These methodologies incorporate Pegasus’s guidance and the industry standard practice of care and are designed to minimize risk to the program owner. Since the key driver to staffing needs is the number of project managers needed to oversee projects, staff first analyzed how many large and small projects can be effectively managed by one project manager using the Pegasus metric referred to above as a guideline. Secondly, staff considered how the program is currently staffed in four office locations (San Francisco, Sacramento, Fresno, and Burbank) and assigned new project managers to projects that currently do not have project managers assigned, based on which projects should logically be managed from one of the four office locations. Lastly, staff

³ Traditionally a Clerk of the Works is an onsite field staff whose job is to ensure project is constructed to the owner’s quality standards. The AOC uses onsite construction management staff to fulfill comparable duties of this position.

⁴ California Capital Construction Program Management Audit-Final Draft”, Dated July, 2012 Section 7.7.3.2.2, Project Execution Team, Page 419

completed a workload analysis that assigned hours to project-specific and program-wide duties to generate a staffing need.

Using the results of these methodologies, it is estimated that an additional 23 staff would have been required to manage the original program without any project cancellations or indefinite delays. More specifically if there had been no project cancellations or indefinite delays, the office would have required—in addition to the current staff—a quality manager, 3 senior construction inspectors, 17 additional project managers, and 2 more budget analysts for a total of 23 more staff. Based on the office's current 56.5 FTE, the office would require a total of 80 staff to manage the original program scope without increasing risk to the branch.

2.5 Organizational Changes

The new office director has collaborated with the Chief Operations Officer to institute several organizational changes to streamline management and incorporate two staff from another office that were performing work to support the capital program. The changes affect each of the office's three functional areas: Business and Planning Services, Design and Construction, and Risk Quality and Compliance. The changes are as follows and affect the current FTE by a net increase of one staff due to the recent loss of one staff person:

- 2.5.1 Although there continues to be a robust effort associated with ongoing work and future construction, a leveling off on new projects at this time has facilitated the elimination of the vacant supervising facilities planner position in the Business and Planning Services unit.
- 2.5.2 With the construction program entering into the execution stage—where project management is at the forefront of the program—the assistant division director position for Design and Construction unit has been eliminated, and the four primary managers will report directly to the office director, facilitating timely elevation and resolution of issues.
- 2.5.3 The Chief Operational Officer's review of units under his management identified two staff in the Center for Judicial Education and Research that were supporting the capital program nearly full time. These two staff persons were transferred to the capital program office's Risk Quality and Compliance unit in September 2013 to align staff functions with program management.

2.6 Reduced 36-project program requires 67 staff

Staff has applied this same analysis—described in section 2.4 above—to the current program scope to determine the current staff requirement given the reduction in active projects due to cancellations and indefinite delays. Today, to avoid increasing risk to the branch, the current

Review Judicial Branch Capital Program Office Staffing Requirements

AOC Directive #139

November 18, 2013

program requires 11 additional staff as follows: a quality manager, 2 senior construction inspectors, 6 additional project managers, and 2 more budget analysts. Based on the office's current 56.5 FTE, the office requires a total of 67 staff to adequately staff the current program scope of 36 active projects.

The 11 additional staff required to manage the program without increasing risk to the branch include 3 crucial positions to support construction inspections which are approved and in process to hire, and 7 other essential positions, as follows:

2.6.1 A total of three crucial inspection staff in the Risk Quality and Compliance unit. The office has only two on-staff construction inspectors to oversee all contract inspections for 11 capital projects in construction and numerous facility modifications projects across the state. To ensure necessary oversight during construction of current and new, approved court facilities, external recruitments to fill vacancies are moving forward for a supervisor/manager and two additional senior construction inspectors in the Risk Quality and Compliance unit.

2.6.2 A total of 8 essential positions to support program execution. These include:

2.6.2.1 A total of six project managers to support ongoing capital outlay projects. This includes 1 recently vacated position and 5 new hires. The program is moving into a period of substantial management and execution of projects in design and construction, with all but seven projects that have not currently acquired sites. At the direction of the Judicial Council, funding for design starts for 5 of these 7 projects has been requested for FY 2014–2015. The projects in design and construction require adequate project management to ensure they are delivered on time and within budget, and conform to quality standards.

2.6.2.2 A total of two budget analysts, one senior budget analyst and one budget analyst. The senior budget analyst is needed to support the updating and maintenance of the four facility fund condition statements which are regularly updated for internal planning and forecasting and for formal submissions to the state Department of Finance and the legislature at every key budget milestone each year. The budget analyst is essential to process utility invoices and accounts receivable invoicing and collection.

In summary, the reduction in program scope—from 50 active projects and 40-60 annual facility modifications and special projects to 36 active projects and up to 30 annual facility modifications and special projects—has reduced the additional need for staff in the Judicial Branch Capital Program Office from approximately 23 to 11.

Attachment 1

Prepared by JBCPO

**Required Capital Program Staff With and Without Project Delays
Compared to Currently Available Staff
November 18, 2013**



a Program and Staffing Summary	b Number of Projects	c Staff Required to Execute Program (2)	d Total Staff October 2013 (3, 4)	e = c-d Additional Staff Needed		
				Back Fill Recently Vacated Positions	New Staff	Total
A. Total Active Projects July 2013 if No Delays Had Occurred (1)	50	79.8	56.5	2	21.3	23.3
1 Acquisition	0					
2 Design	23					
3 Construction	25					
4 Warranty	2					
5 Total annual special projects and facility modifications (approximate)	40-60					
B. Total Active Projects in December 2013 (With Delays)	36	67.5	56.5	3	8	11
1 Acquisition (includes Sacramento)	8					
2 Acquisition Complete Now - Design Starts July 2014	4					
3 Preliminary Plans Complete Now - Design Restarts July 2014	1					
4 Design	8					
5 Construction	11					
6 Warranty	4					
7 Total annual special projects and facility modifications (approximate)	up to 30					

Notes:

1. Estimated project status in July 2013 if there had been no delays to projects. Based on July 2011 schedule prepared by JBCPO.
2. Based on analysis consistent with Pegasus and industry standards of care. Excluded from this staff requirement are 3 additional staff needed in Budget and Finance team and Risk Management to support the OREFM. If these three positions were filled, capacity of the JBCPO staff would be indirectly increased. These 3 positions are: 1 Supervising Budget Analyst for the Business and Planning unit, and 1 Health & Safety Risk Analyst and 1 administrative support position for the Risk Quality and Compliance Management unit.
3. AOC employees and consulting project managers retained for program and project management services during the acquisition, design phases, or construction phases are part of the AOC staff count. Moving forward, staff count excludes hiring firms for design services, inspection services, materials testing, and construction management services. Note that Budget and Finance staff and Risk Management staff also serve the OREFM.
4. There are 60 authorized and established positions for the Judicial Branch Capital Program Office. This includes two positions transferred from Center for Judicial Education and Research.

ACTIVITY REPORTING AND PROPOSAL FORM


JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING


DATE	1/12/2013
PREPARED BY	Peter Allen
OFFICE NAME	<u>Office of Communications</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	124
JUDICIAL COUNCIL DIRECTIVE	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
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input type="checkbox"/> This directive has been completed and implemented: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>	
<input checked="" type="checkbox"/> Other: <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>At the time the Strategic Evaluation Committee made its final report in May 2102, the Office of Communication was comprised of 14 employees and was providing ad hoc “media relations service” to small and medium-sized courts. The service was provided by three individuals. When the Judicial Council adopted a similar recommendation in August 2012, the office had been downsized and the ad hoc media relations service to courts was provided by two individuals, one of whom was Leanne Kozak, a former television broadcaster and Public Information Officer for the San Joaquin court. Leanne was based in Sacramento and was able to travel to courts at their request to manage media issues in a high-profile case. Leanne has since retired and the Office of Communications has shrunk to seven employees. The office continues to provide general, high-level assistance—i.e. telephone consulting—when any court requests it, but does not have the resources to provide anything more than telephonic consultation.</p> <p>The use of Public Information Officers was the focus of one of the recommendations made by the</p> </div>	

Bench Bar Media Committee, chaired by Associate Justice Carlos R. Moreno. The committee was created in 2008 by Chief Justice Ronald M. George to make recommendations to improve communications and working relationships among the three key stakeholders - judges, attorneys, and members of the media. The committee's term expired in December 2010. In its final report, the Bench Bar Media Committee recommended the "Creation of regional public information officer (PIO) positions . . . when funds are available. The primary responsibilities of the regional PIOs would include assisting local courts, upon request, with: (1) coordination of media activities in high-profile cases, (2) responses to other complex media situations, and (3) community outreach efforts and general media relations. Until the creation of these regional positions, the AOC Office of Communications should continue to provide the trial courts with assistance on high-profile cases and other media matters on an ad hoc basis when requested by the courts and according to AOC resource availability." The Judicial Council never adopted this recommendation and it was never referred to any other committee or advisory group.

Bench Bar Media Committee: <http://www.courts.ca.gov/10842.htm>

Bench Bar Media Final Report: <http://www.courts.ca.gov/documents/jc-121311-itemL.pdf>

 File Attachment

 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	<input type="text"/>
RESOURCES REQUIRED FOR IMPLEMENTATION	<input type="text"/>

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input type="text"/>  File Attachment
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input type="text"/>  File Attachment
<input type="checkbox"/> SAVINGS	<input type="text"/>  File Attachment
<input type="checkbox"/> COST	<input type="text"/>  File Attachment
	<input type="text"/>

<input type="checkbox"/> EFFICIENCIES	<input type="text" value="File Attachment"/>
<input type="checkbox"/> SERVICE LEVEL IMPACT	<input type="text" value="File Attachment"/>
<input type="checkbox"/> OTHER	<input type="text" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="2/7/2013"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="2/14/2013"/>

ACTIVITY REPORTING AND PROPOSAL FORM
JUDICIAL COUNCIL DIRECTIVES

DATE	10/29/2014
PREPARED BY	Mark Dusman
OFFICE NAME	<u>Information Technology</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	101
JUDICIAL COUNCIL DIRECTIVE	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.
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.
JC DIRECTIVE TIMELINE	The Judicial Council Technology Committee (JTC) and Technology Planning Task Force presented the updated Court Technology Governance and Strategic Plan at the Judicial Council's October 2014 meeting. The plan was approved.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the Status Report provided to the Judicial Council)	
The Technology Committee has developed a unified, long-term plan to achieve funding stability for court technology that was approved by the Judicial Council. The Technology Planning Task Force was charged with developing this plan. Three tracks were launched: governance, strategic plan, and funding. The new Court Technology Governance and Strategic Plan was developed and reviewed by the Judicial Council. A period of public comment period was held. The plan was approved by the council in August 2014, and was updated and approved at the October 2014 council meeting, with revised language around language access. Work has started to implement the recommendations from the Court Technology Governance and Strategic Plan.	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:	
The Technology Committee has developed a unified, long-term plan to achieve funding stability for court technology that was approved by the Judicial Council.	
In 2013, the Chief Justice tasked the new Technology Planning Task Force to develop this plan. Membership included judicial officers, court executive officers, court information technology officers, and stakeholders representing the trial and appellate courts, State Bar, and the public.	

Their charge was to 1) define judicial branch technology governance; 2) develop a strategic plan for technology at the trial court, appellate court, and Supreme Court level; and 3) develop recommendations for funding judicial branch technology.

To accomplish this, three tracks were launched. These included governance, led by Jake Chatters, Court Executive Officer, Placer; strategic plan, led by Brian Cotta, Chief Information Officer, Fresno; and funding, led by Judge Marsha Slough, Presiding Judge, San Bernardino. The task force approved a charter and vision statement.

The task force developed three products: 1) the Judicial Branch Technology Governance and Funding Model Proposal; 2) the Judicial Branch 4-year Technology Strategic Plan (2014-2018); and the Judicial Branch 24-month Technology Tactical Plan (2014-2016).

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, 2014. The branch comments were incorporated into the proposals, and the updated documents sent out for public comment in April 2014. The 60-day public comment period closed on June 16, 2014. The task force reviewed the comments, and updated the documents.

On July 9, 2014, the final draft Court Technology Governance and Strategic Plan was posted, with an invitation for public comment. On July 11, 2014, the task force was asked to vote on this plan, which was approved on July 14, 2014. The plan was then forwarded to the JCTC for final review. On July 21, 2014, the JCTC approved the Court Technology Governance and Strategic Plan and approved a recommendation that the Judicial Council to approve the plan.

At the August Judicial Council meeting, the JCTC recommended that the Judicial Council approve the Court Technology Governance and Strategic Plan. With the submittal of the plan to the Council in August, the task force has sunset. The Judicial Council approved the report and plan. The JCTC worked with the Joint Working Group for California's Language Access Plan to update language around language access.

The updated plan was approved by the JCTC on October 2, 2014. The updated Court Technology Governance and Strategic Plan was approved by the Judicial Council at their October 2014 meeting.

The task force charge, roster, and documents are available on the public website and can be found at <http://www.courts.ca.gov/jctc.htm>

 File Attachment

This directive is pending:


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ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date: **November 18, 2014**

ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING

DATE	10/16/2012
PREPARED BY	Mark Dusman
OFFICE NAME	<u>Information & Technology Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	102
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	Especially with CCMS not being fully deployed, staff reductions in this division are in order, including: (a) Unnecessary CCMS positions should be eliminated.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>CCMS Decommission - On March 27, 2012, the Judicial Council voted to stop the deployment of CCMS V4 as a statewide initiative. The council's decision was based on the unprecedented fiscal challenges confronting California's court system and the recognition that funding to deploy the system to all 58 courts will not be available for the foreseeable future.</p> <p>The council directed the CCMS Internal Committee, in partnership with the trial courts, to develop timelines and recommendations to the Judicial Council to find other ways to use the CCMS technology and the state's investment in the software system, as well as develop new strategies to assist courts with failing case management systems.</p> <p>Following the March 27 decision, the AOC began activity to terminate the CCMS Project including the Project Management Office. By July 31, 2012 all staff, contractors and temporary employees were terminated, retired or were redirected into non-CCMS, critical vacant ISD positions. Other material savings resulted from termination of contracts for goods and services.</p>	
<div style="border: 1px solid black; padding: 5px;">  <p>100212 #102 CCMS, dist.docx Microsoft Office Word Document 14.4 KB</p> </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	
<div style="border: 1px solid black; width: 100%;"></div>	

 File Attachment

Other:

Link to March 27, 2012 Judicial Council Meeting Agenda:
<http://www.courts.ca.gov/documents/jc-20120327-agenda.pdf>

Link to March 27, 2012 Judicial Council Minutes:
<http://www.courts.ca.gov/documents/jc-20120327-minutes.pdf>

Link to California Court Case Management System: Deployment Options:
<http://www.courts.ca.gov/documents/jc-20120327-itemE.pdf>

 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

**IMPLEMENTATION
DATE OR
PROJECTED
IMPLEMENTATION
DATE**

July 31, 2012

**RESOURCES
REQUIRED FOR
IMPLEMENTATION**

\$395,143 for leave balances and severance payouts.

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

**PROCEDURES/
POLICIES UPDATED
OR DEVELOPED**

None

 File Attachment

**TRAINING
UPDATED OR
DEVELOPED**

None

 File Attachment

SAVINGS





Annual on-going staff and materials costs savings: \$25,797,130. Additional materials cost savings may be forthcoming later this fiscal year as branchwide licenses and maintenance agreements are evaluated to determine if they can be renegotiated.



100312 #102 CCMS,
dist3.xlsx
Microsoft Office Excel
Worksheet
55.9 KB

One-time costs to implement CCMS staff reductions including leave balances and severance payouts: \$395,143

One-time equipment return/disposal costs: \$53,100. Returned equipment will be available for redirection to trial courts or State of California as part of AOC's equipment reutilization program. The potential market value of this

<input checked="" type="checkbox"/> COST	<p>equipment is not included in the savings or cost to implement this recommendation.</p> <div data-bbox="500 279 816 478">  <p>100312 #102 CCMS, dist3.xlsx Microsoft Office Excel Worksheet 55.9 KB</p> </div>
<input type="checkbox"/> EFFICIENCIES	<p>None</p> <div data-bbox="500 552 816 615">  File Attachment </div>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>The Judicial Council's decision to stop deployment of CCMS was made with the understanding that the need for case management systems at the local court level still existed. In addition, the Judicial Council directed the IT Internal Committee to develop a roadmap for assuring that the case management system needs of the courts will be met in the future without CCMS. Consistent with legislative directive no Trial Court Trust Funds are being used for any CCMS V 4 activities.</p> <div data-bbox="500 846 816 909">  File Attachment </div>
<input type="checkbox"/> OTHER	<div data-bbox="500 982 816 1045">  File Attachment </div>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>

California Courts Case Management System (CCMS) Decommission

On March 27, 2012, following a review of a report by Grant Thornton presenting three options for the future of the case management program, the Judicial Council voted to stop the deployment of CCMS V4 as a statewide initiative. The council's decision was based on the unprecedented fiscal challenges confronting California's court system and the recognition that funding to deploy the system to all 58 courts will not be available for the foreseeable future.

The council directed the CCMS Internal Committee, in partnership with the trial courts, to develop timelines and recommendations to the Judicial Council to find other ways to use the CCMS technology and the state's investment in the software system, as well as develop new strategies to assist courts with failing case management systems.

Following the March 27 decision, the AOC began activity to terminate the CCMS Project including the Project Management Office. Steps immediately following the March 27 decision by the Council included:

- Termination of non-critical contractors.
- Staff identified for reassignment or maintenance activities, depending on priority of work to shut down the CCMS program.
- The remainder of CCMS V4 staff were laid off.
- By June 30, 2012, consultants and staff had rolled off the project.
- Regarding contracts with Deloitte, the main vendor for V4, on March 28, following the Judicial Council decision, the AOC instructed Deloitte to terminate support to the V4 environments in their Spring Valley data center.
- The shared services vendor, the California Courts Technology Center (CCTC), decommissioned the CCTC environments.
- Maintenance contracts were terminated for hardware and software specific to CCMS. Application components were appropriately stored for potential future use. Examples of components include: the source code, developed forms, development tools, configuration tools and processes, and test scripts.

By July 31, 2012 all staff, contractors and temporary employees were terminated, retired or were transferred into critical vacant ISD positions.

In order to carry out the Judicial Council decision to terminate CCMS V4, AOC ISD worked with the vendor for the CCTC to process an orderly shutdown of all existing environments. Notice was provided to software and hardware vendors to discontinue support as per terms in the vendor agreements. The decommissioned hardware was inventoried and made available to meet the needs of other judicial branch initiatives.

The CCMS Program Management Office archived and organized project deliverables and documentation according to project management best practices. Final reports and updates are being completed for the Judicial Council, the California Technology Agency (CTA), the Bureau of State Audits (BSA), and the annual legislative report.

CCMS Annual Savings and Cost to Implement

CCMS Annual Savings		Comments
FTEs (-26.2)	\$3,589,868	Actual FY 2011-2012 salaries and benefits
Temps (-9)	\$797,056	Rates x 2080 hrs/year
Contractors (-17)	\$3,042,142	Actual contract amts or rates x 2080 hrs/year
California Courts Technology Center (CCTC)	\$17,563,614	Estimates from FY 2011-2012 five-year budget
Maintenance contracts not renewed	\$804,450	
Total Savings	<u>\$25,797,130</u>	

Cost to Implement		
FTE payouts	\$395,143	Actuals
Equipment return/disposal	\$53,100	Includes estimate for round 2 servers and SAN.
Total Cost	<u>\$448,243</u>	

CCMS V4 Program Staffing Comparison 2/1/12 to 9/30/12

CCMS V4 Program	No. on 2/1/12	Comments
FTEs - CCMS	26.2	
Temps	9	
Contractors	17	
<u>Total Staffing</u>	<u>52.2</u>	

CCMS Staff Reductions Between 2/1/12 - 9/30/12

Staff	Final No.	Comments
CCMS VSIP Round 2	-2	
CCMS Resignations between 2/1/12 - 9/30/12	-4	
Temps	-9	
Contractors	-17	
FTE's- CCMS	-13.2	Redirected to critical ISD positions
Layoffs	-7	
<u>Total Staffing Reduction</u>	<u>-52.2</u>	

CCMS Position Costs

Name	Division	Salary	Benefits*	Total Costs	FTE Count
FTE 1	ISD	\$30,210	\$9,643	\$39,853	0.2
FTE 2	ISD	\$139,039	\$40,137	\$179,176	1
FTE 3	ISD	\$126,134	\$43,750	\$169,884	1
FTE 4	ISD	\$84,474	\$32,925	\$117,399	1
FTE 5	ISD	\$93,473	\$30,378	\$123,851	1
FTE 6	ISD	\$120,491	\$45,808	\$166,299	1
FTE 7	ISD	\$113,823	\$44,501	\$158,324	1
FTE 8	ISD	\$121,930	\$45,895	\$167,825	1
FTE 9	ISD	\$100,472	\$32,184	\$132,656	1
FTE 10	PMO	\$150,464	\$42,278	\$192,742	1
FTE 11	PMO	\$128,357	\$33,674	\$162,031	1
FTE 12	PMO	\$108,775	\$43,506	\$152,281	1
FTE 13	PMO	\$104,061	\$42,428	\$146,489	1
FTE 14	PMO	\$135,756	\$35,123	\$170,879	1
FTE 15	PMO	\$89,386	\$29,231	\$118,617	1
FTE 16	PMO	\$84,493	\$33,591	\$118,084	1
FTE 17	PMO	\$90,752	\$38,794	\$129,546	1
FTE 18	PMO	\$84,493	\$33,128	\$117,621	1
FTE 19	PMO	\$68,899	\$23,158	\$92,057	1
FTE 20	PMO	\$68,700	\$19,893	\$88,593	1
FTE 21	PMO	\$68,700	\$28,996	\$97,696	1
FTE 22	PMO	\$68,304	\$22,813	\$91,117	1
FTE 23	PMO	\$68,899	\$33,157	\$102,056	1
FTE 24	PMO	\$63,821	\$31,846	\$95,667	1
FTE 25	PMO	\$171,108	\$54,976	\$226,084	1
FTE 26	PMO	\$106,057	\$37,120	\$143,177	1
FTE 27	PMO	\$66,565	\$23,298	\$89,863	1
	TOTAL	\$2,657,638	\$932,230	\$3,589,868	26.2

* Actual benefit costs not available. Calculated based on average 35% of salaries.

	Layoff June 2012
	Resigned
	VSIP

Savings from Temps

Name	Hourly Rate	Annual Hours	Estimated Total Cost
PMO Temps			
Temp 1	\$26.40	2080	\$54,912
Temp 2	\$28.30	2080	\$58,864
Temp 3	\$34.88	2080	\$72,550
Temp 4	\$49.58	2080	\$103,126
Temp 5	\$53.14	2080	\$110,531
Temp 6	\$53.14	2080	\$110,531
Temp 7	\$54.73	2080	\$113,838
Temp 8	\$54.73	2080	\$113,838
Information Services Division			
Temp 9	\$28.30	2080	\$58,864
	Total		\$797,056

Savings from Reductions in Contractors

PMO

Name	Annual contract amount for	Rate/hr
Contractor 1	\$109,168	N/A
Contractor 2	\$134,912	N/A
Contractor 3	\$161,133	N/A
Contractor 4	\$150,211	N/A
Contractor 5	\$157,437	N/A
Contractor 6	\$142,181	N/A
Contractor 7	\$176,800	\$85
Contractor 8	\$218,400	\$105
Contractor 9	\$176,800	\$85
Contractor 10	\$176,800	\$85
Contractor 11	\$176,800	\$85
Contractor 12	\$249,600	\$120
	\$2,030,242	

ISD

Name	Annual contract amount for FY 12/13	Rate/hr
Contractor 13	\$197,600	\$95
Contractor 14	\$239,200	\$115
Contractor 15	\$249,600	\$120
Contractor 16	\$249,600	\$120
Contractor 17	\$75,900	N/A
	\$1,011,900	

Total: \$3,042,142

FTE Cost/Payout

Source: HR 9/26/12 email

Layoff	Name	Division	Leave Balance Payout	Severance Payout	Total
	Staff 1	ISD	\$12,467	\$10,000	\$22,467
	Staff 2	ISD	\$22,604	\$7,987	\$30,591
	Staff 3	CCMS	\$36,075	\$10,000	\$46,075
	Staff 4	CCMS	\$14,509	\$4,952	\$19,461
	Staff 5	CCMS	\$21,200	\$4,952	\$26,152
	Staff 6	CCMS	\$16,524	\$4,108	\$20,632
	Staff 7	CCMS	\$6,304	\$4,108	\$10,412
					\$175,790

Resigned	Name	Division	Leave Balance Payout		
	Staff 8	CCMS	\$31,371		
	Staff 9	CCMS	\$10,272		
	Staff 10	CCMS	\$8,225		
	Staff 11	CCMS	\$118,346		
			\$168,214		

VSIP	Name	Division	Leave Balance Payout	VSIP	Total
	Staff 12	PMO	\$3,935	\$20,000	\$23,935
	Staff 13	PMO	\$9,405	\$17,799	\$27,204
					\$51,139

Total Cost/Payout

\$395,143

	Layoff June 2012
	Resigned
	VSIP

AOC Costs to Return CCMS Equipment

Servers - Round 1	
Transport	\$9,000
Receive and unload in SF	\$3,000
e-waste disposal	\$1,200
	\$13,200

Servers - Round 2	
Transport to SF, storage, e-waster disposal	\$12,500
3 months storage	\$2,400
	\$14,900

EMC San	
De-installation and shipping	\$21,000
Storage (4 mo.)	\$4,000
Shipping to GSA	TBD
	\$25,000

Awaiting confirmation on shipping costs.

Estimated total cost for equipment return/disposal **\$53,100**

Server Deliveries and P/U's List - Final as of 9/19/12

Court	Make	Model	S/N	AOC Tag	P/U or Delivery
Amador	Dell	2950	3GGIWDI		Picked up Aug 8
Amador	HP	G5	USE727N639	133934	Picked up Aug 8
Amador	HP	DL380G7	2M202904AN		Amador picked up in SF
Sutter	Sun	T-5240	FMLO85006P		Picked up Aug 10
Sutter	Sun	T-5240	BYL08180A2		Picked up Aug 10
Sutter	Sun	T-5240	BYL08180A4		Picked up Aug 10
Sutter	Sun	T-5240	FMLO85006N		Picked up Aug 10
Sutter	Sun	T-5240	FMLO85006M		Picked up Aug 10
Sutter	Sun	Storedge 6100	D852DHG02D		Picked up Aug 10
Sutter	Sun	V245	0732FNL08P	133901	Picked up Aug 10
Sutter	Sun	V245	0732FNL0AU	133902	Picked up Aug 10
Sutter	Sun	V245	0733FML061	133908	Picked up Aug 10
Sutter	Sun	V245	0733FML06W	133916	Picked up Aug 10
Sutter	Sun	Server Rack			Picked up Aug 10
Placer	HP	DL380G7	USE048N2VB		Picked up Aug 10
Placer	HP	DL380G7	USE048N2VC		Picked up Aug 10
Butte	Cisco	48TS	FOC1136W047		Picked up Aug 24
Butte	Cisco	48TS	FOC1252W6H4		Picked up Aug 24
Shasta	HP	DL380G2	D401LQK3H114		Picked up Aug 24
Shasta	Cisco	48TS	FOC1252W663		Picked up Aug 24
Napa	HP	DL380G6	MXQ01301HW		Picked up on Aug 24
Fresno	Cisco	48TS	FOC1136W043	133939	Picked up on Aug 24
Fresno	Cisco	48TS	FOC1129Z245		Picked up on Aug 24
San Francisco	HP	DL380G7	USE048N2VD		Picked up by SF
San Francisco	HP	DL380G7	2M202904AF		Picked up by SF
El Dorado	HP	G5	467410A8VUTO1A		Deliv. by Kennedy movers Aug 13
El Dorado	HP	G5	467410A8VUTO17		Deliv. by Kennedy movers Aug 13
Inyo	HP	DL380G7	LWCR10A86ZPOR2		Kennedy to ship to court
Inyo	Cisco	48TS	FOC1136W03Y	133937	Kennedy to ship to court
Inyo	HP	DL580	D352LQK3H229	124008	Kennedy to ship to court
Inyo	Blue C.	Proxy SG			Kennedy to ship to court
Inyo	Blue C.	Proxy SG			Kennedy to ship to court
Riverside	Sun	T5240	BYL08180A3		Deliv. by Kennedy movers Sep 2
Riverside	Sun	T5240	BYL08180A5		Deliv. by Kennedy movers Sep 2
Riverside	Sun	Storedge 3510	07300B5068	133931	Deliv. by Kennedy movers Sep 2
San Bernardino	Sun	T5240	FN41330224		Deliv. by Kennedy movers Sep 2
San Bernardino	Sun	Storedge 3510	1094ML07300B500E	133930	Deliv. by Kennedy movers Sep 2
Kings	HP	DL380G7	2M202904AB		Deliv. by Kennedy movers Sep 4
Kings	Cisco	48TS	FOC1136W03N	133940	Deliv. by Kennedy movers Sep 4

Equipment returned from Deloitte Spring Valley Development Center:

- 36 Servers redistributed to trial courts
- 2 Proxy servers redistributed to trial courts
- 1 server Rack redistributed to trial court

- 38 Servers destroyed (no court wanted)
- 4 Storage racks destroyed

**Projected Annual Budget Costs
for CCTC Hosting Prior to Shutdown**

V4 Deployment	
production	\$1,815,513
non-production	\$5,536,957

V4 Development	
production	\$10,211,144

Total - V4 CCTC \$17,563,614

Vendor/Manufacturer	Product Description	PO#	Support Expiry Date	FY 2011-2012 Purchase Cost	V3 Split	V4 Savings FY2012-2013
USPS	Zipcode + 4 (for CCMS V4)	Cal Card	11/4/2012	\$ 1,350	\$ 450	\$ 900
Ektron	eWebEditPro (Enterprise Edition) for CCMS - V4	1022316	2/12/2013	\$ 2,600	\$ -	\$ 2,600
Ektron [Contians V3 split]	eWebEditPro (Std) + XML Enterprise for V4 & V3	1021653	11/14/2012	\$ 11,088	\$ 5,544	\$ 5,544
IBM	Cognos, FileNet, and Rational	1024015	10/31/2012	\$ 271,904	\$ -	\$ 271,904
Adobe Systems, Inc.	LiveCycle 9 products (for CCMS)	1023906	10/31/2012	\$ 103,795	\$ -	\$ 103,795
iRise	Definition Center/Studio Enterprise/Connect for IBM (for CCMS V4)	1023903	11/01/2012	\$ 48,000	\$ -	\$ 48,000
SAP	Business Object Enterprise PRO (for CCMS V4) Burbank	1024002	12/21/2012	\$ 49,141	\$ -	\$ 49,141
SAP	Business Object Enterprise PRO (for CCMS V4) Santa Ana	1024003	12/21/2012	\$ 13,600	\$ -	\$ 13,600
Cisco	Tidal	1024270	03/09/2013	\$ 7,580	\$ -	\$ 7,580
McAfee	Gold Support (for CCMS Desktops)	1023986	11/01/2012	\$ 2,395	\$ -	\$ 2,395
Blue Coat	Appliances (for CCMS) Std. Support 24x7, NBD (SN #3307061087/3307061085)	1023992	11/30/2012	\$ 1,591	\$ -	\$ 1,591
HP	Fortify for CCMS V4	1024135	12/21/2012	\$ 26,182	\$ -	\$ 26,182
HP [Contians V3 split]	LoadRunner & Mercury Software for V4 & V3	1023935	10/31/2012	\$ 164,655	\$ 53,160	\$ 111,495
Informatica	PowerCenter SE (12+) per CPU-cores Multi-core Multi-OS Production	1024166	12/17/2012	\$ 78,156	\$ -	\$ 78,156
Adobe Systems, Inc.	RoboHelp Office v.ALL Win	1023893	11/29/2012	\$ 1,111	\$ -	\$ 1,111
Zoomerang	Premuim	1022155	01/17/2012	\$ 449	\$ -	\$ 449
Oracle /sun	Sun Java System Directory Server	1023870	10/31/2012	\$ 74,965	\$ -	\$ 74,965
Spelllex	for CCMS V4	1023901	11/01/2012	\$ 4,740	\$ -	\$ 4,740
Titan	FTP v7 - Enterprise Editon for CCMS	cal card	09/05/2012	\$ 300	\$ -	\$ 300
TOTALS				\$ 863,603	\$ 59,154	\$ 804,450

ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	3/28/2014
PREPARED BY	Mark Dusman
OFFICE NAME	<u>Information & Technology Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	104
JUDICIAL COUNCIL DIRECTIVE	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.
SEC RECOMMENDATION	Especially with CCMS not being fully deployed, staff reductions in this division are in order, including: (c) The use of temporary employees, consultants, and contractors should be reviewed and reductions made accordingly.
JC DIRECTIVE TIMELINE	The ADOC will report to the council at the April 2014 meeting.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the Status Report provided to the Judicial Council)	
<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 services to the user community and experience cost savings for the organization.</p>	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	

This directive has been completed, implemented, or closed:

Information Technology Services Office utilizes a number of contractors in hard to fill, critical support positions and is taking direct action to fill some of these critical support positions held by contractors with full time employees. Hiring permanent FTEs is expected to bring cost savings and longer term stability and support.

At the end of April 2013, ITSO began recruiting for 18 critical support FTEs. ITSO is using a phased approach, posting approximately 1/3 of the contractor positions at that time. The second phase to recruit for additional contractor positions began in November 2013. Nine FTEs have been hired into these critical positions.

For the month of February 2014, ITSO has reduced 1 contractor staff. As of March 1, 2014, ITSO has 42.6 contractor staff and continues to look for opportunities to reduce contractor staffing where possible.

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.

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 services to the user community and experience cost savings for the organization.



closing report April
2014.pdf
Adobe Acrobat Document
52.4 KB



Project Plan April
2014.pdf
Adobe Acrobat Document
48.0 KB

This directive is pending:



File Attachment



File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:

Project Plan: ITSO Hiring Critical FTE Positions - Attachment to Directive #104 – April 2014 (3/28/14)

Major Tasks	Owner	Timeline	Status
Identify Positions to post by Phase; Phase I includes 18 positions	ITSO Mgmt	Dec. 2012	Completed
Coordinate with Finance (PCCs, PSN)	ITSO	Feb. 2013	Phase I completed
Coordinate with HR (Job Announcements, Posting, Recruitment)	ITSO	March - April 2013	Completed
Create and implement Communication Plan	ITSO	April 2013	Completed
Post positions on California courts web site and external jobs sites; open recruitment process	HR	April 2013	Completed: 18 Posted
Receive applications; Review and evaluate applicants; schedule interviews	ITSO Mgmt	May – Oct 2014	Completed
Hire staff	ITSO Mgmt	Oct 2013	8 Consultant positions filled with FTEs
Actual Annual Savings Phase I:	\$550,000		Phase I Complete.
Phase II Recruitment	Owner	Timeline	Status
Identify Positions for Phase II : 18 (10 unfilled Phase I + 8 additional Phase II)	ITSO Mgmt	October 2013	Complete
Coordinate with HR (PARs, Job Descriptions, Posting)	ITSO	Nov – Feb 2014	WIP
Coordinate with Finance (PCCs, PSN, Reporting Units)	ITSO	Nov – Dec 2013	WIP
Post positions; open recruitment	HR	June 2014 until filled	WIP – Recruitment temporarily on hold. Adjusting strategy with management.
Receive applications; Review, interview and evaluate applicants;	ITSO Mgmt	Target: ongoing	Expect to restart recruitment April

Major Tasks	Owner	Timeline	Status
			2014.
Hire staff	ITSO Mgmt	Until filled	1 Position filled with FTE. One additional position filled with contractor who then quit after one month.
ITSO established an on-going process to review contractor positions and determine if they should be FTEs. In addition, when requesting new staff, there is a review to determine should this be a contractor or an FTE.	ITSO Senior Management	On-Going	On-Going at ITSO Senior Management level.

Judicial Council Directive #104
ITSO Hiring Critical FTE Positions
Final Closing Report

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 Strategic Evaluation Committee (SEC), appointed by Chief Justice Tani G. Cantil-Sakauye in March 2011, conducted an in-depth review of the AOC with a view toward promoting transparency, accountability, and efficiency. The Chief Justice received the report and recommendations on May 25, 2012. In August 2012, The Judicial Council voted unanimously to approve recommendations developed by the council's Executive and Planning Committee (E&P), based on the SEC report, to reaffirm Judicial Council authority over the Administrative Office of the Courts, restructure the AOC, and endorse a plan for monthly monitoring of the implementation of the recommendations.

The SEC report specifically directed Information Technology Services that: "Especially with CCMS not being fully deployed, staff reductions in this division are in order, including: The use of temporary employees, consultants, and contractors should be reviewed and reductions made accordingly." The related Judicial Council Directive #104 directed the Information Technology Services Office that "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."

Consistent with this directive, Information Technology Services Office has taken direct action to fill critical support positions held by contractors with full time employees. Hiring permanent full-time employees has resulted in cost savings and longer term stability and support. The ITSO has eliminated temporary staff, reduced consultants and contractors, and developed a program to convert a limited number of long-term contractor positions in critical long-term maintenance and support roles into full time employee positions.

Information Technology Services Office

Information Technology serves at the request of the Judicial Council to meet the branch strategic goals and objectives. ITSO provides a number of services, supporting technology infrastructure and technical expertise to enable the Judicial Branch to fulfill its responsibilities effectively and efficiently. In fulfilling this charter, ITSO's key goal is to provide full technology life cycle services, such as planning, design, development, procurement, implementation, deployment and ongoing customer service support for these applications and requisite infrastructure, while optimizing operational core services through standardization and efficiencies, protecting technology assets through timely cost-effective technological enhancements and solutions, controlling costs and increasing productivity through improvement of work processes.

Historically, Information Technology has augmented staff with contractors when there is insufficient internal staff to support projects for many reasons. These include: the hiring freeze in 2008-2012; to backfill vacancies due to retirements or staff resignations; for programs receiving special funding limited only to contractors; for programs that require specialized skills and experience; or when full time employee resources cannot be recruited due to the AOC salary structure, which is generally lower in this competitive market for IT resources.

ITSO Staff Review Program

In 2012, to achieve the goals of directive #104, Information Technology Services Office received Executive Office approval for a program to convert to full time employees a limited number of contractor positions in critical long-term maintenance and support roles. This approach is consistent with the goals of reducing dependency on temporary and contract workers, ensuring the appropriate use of temporary workers to meet short-term needs, and maintaining institutional knowledge in critical areas such as information technology. Shorter term project positions such as support for interim case management systems were not included in this program.

As a result of this program, 10 full time employees have been hired to date to replace contractors. Each full time employee hired saves approximately 35% in costs to the program.

It's important to emphasize that while this request is to formally close directive #104, this program to hire contractors into FTE positions, reduce dependency on contractors and the related review processes for obtaining staff will be ongoing on a periodic basis.

Goals

The goal of this recruiting effort was to improve services to the AOC and the courts, consistent with the direction set by the SEC and the E&P, and the Chief's new Access 3D goals for the branch; and to manage ongoing efforts at the AOC to improve the organization. This initiative has the potential to provide court programs with committed long term resources to support ITSO user communities.

This program was designed to remedy the current reliance on contracting resources in ITSO to meet program demands. The process of hiring full time staff in lieu of contractors does not increase the overall total position count within the AOC. The transition from contractor to full time employee results in a significant cost savings to the AOC. Each hiring of a full time employee saves approximately 35% in costs to the program.

Process

To meet the goals of this program, a three-phase project plan was developed by ITSO, in close coordination with Human Resources, Executive Office and Fiscal Services Office, to identify, review and prioritize long term contractor positions for conversion to FTEs. Short term positions, for example, for interim case management systems, were excluded.

Approximately 40 critical contractor positions were reviewed, prioritized, grouped, and approved for the program. A phased approach was adopted. Approximately 18 positions in ITSO were identified as performing key roles in core and essential programs. All position requests were reviewed on a case-by-case basis by the Human Resources Services Office and the Fiscal Services Office, with a recommendation to the AOC Executive Office for final approval.

The first recruitment phase began in April 2013 with the development of 10 priority job descriptions posted internally and externally. Active recruitment encompassed all three AOC geographic locations (San Francisco, Burbank and Sacramento). Eight positions were successfully filled by full time staff. These included 3 senior business systems analysts, 2 business systems analysts, 2 senior programmers and 3 senior technical analysts.

The application, interview and hiring process utilized conforms to agency policies and procedures. These positions were posted internally and on the judicial branch public careers site www.courts.ca.gov/careers, as well as other popular recruiting sites. Internal communications to all ITSO staff and contractors included a memo, a FAQ, and an informational meeting to discuss any questions about this new program.

The second recruitment phase began in November 2013 with additional contractor positions posted and two additional full time positions filled in this stage. One person has since left the AOC for a new opportunity.

This ongoing program is now part of an overall AOC and ITSO process to review critical long term contractor positions and identified which should be recruited for full time staff. As new positions are required, there is also a review to identify if this should be a full time employee or a short term contractor.

Conclusions

Although this program has been met with success with savings of 35% for each full time position hired, ITSO has also met challenges with filling these positions for a number of reasons. These include:

- Difficulty with hiring full time staff into contractor positions due to a competitive market for IT specialists. In the first phase of this program, not all position offers to existing contractors were accepted and 50% of external candidates declined offers for positions;
- Exclusion of contractors in short term programs or assignments in the program;
- Reduced salary for potential employees due to a pay structure at the AOC that is generally perceived to be non-competitive for skilled and experienced IT resources; and
- The telecommute pilot program policy which excludes new hires from participating in the program in their first year of employment.

For these reasons, the program appears to have plateaued and although ITSO will continue to review contractor positions for full time recruitments, it will do so periodically rather than as a focused effort.

It should be noted that ITSO will always have a need for contractors for reasons including: short term project needs; in those situations where the organization needs a specialized skill; when new programs are assigned; and for staff augmentation due to funding restrictions or hiring freezes. Additionally, it should be recognized that although not all contractor positions can be converted, with the termination of some interim programs, the overall numbers of contractors will be ultimately be reduced (i.e., V2).

The AOC is currently in the midst of its classification and compensation study and the results of this study may assist to attract more highly skilled and experienced IT resources as full time employees to compete with private industry. Regardless, as indicated above ITSO has implemented a structured process to conduct periodic reviews of all current and new positions to determine if a contractor or a full time staff would be the best fit for the program. ITSO will continue to work closely with HR and the Chief Administrative Officer to review the staffing requirements and determine the best path forward with the overall goal of hiring full time staff for full time programs to provide the best services to the user community.

ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	1/23/2014
PREPARED BY	Mark Dusman
OFFICE NAME	<u>Information & Technology Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	105
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	Different divisions in AOC operate from different technology platforms, including SAP used for the Phoenix system, Oracle, and CCMS. As part of a long range plan for the use of technology in AOC operations, the AOC should conduct a review and audit of all technology currently used in the AOC. Efficiencies and cost savings could result from the use of a single platform.
JC DIRECTIVE TIMELINE	ADOC will report to the council at the February 2014 meeting.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the Status Report provided to the Judicial Council)	
The Information Technology Services Office has prepared closure documentation regarding the technology standards and inventory process and targeted February 2014 to complete the directive. The enterprise architecture team continued its semi-annual update of the approved technology standards in December 2013.	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:	
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.	



105 Closure
Document January
2014.docx
Microsoft Office Word
Document
114 KB



#105 Enterprise
Technology Audit -
December 2013.xlsx
Microsoft Office Excel
Worksheet
30.4 KB

This directive is pending:



File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:

E&P Recommendation #105 - Completed

Date: January 17, 2014

Report by: Mark Dusman, Information Technology Services Office

E&P Recommendation No. 105:

E&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.

SEC Recommendation No. 7-46:

7-46. Different divisions in AOC operate from different technology platforms, including SAP used for the Phoenix system, Oracle, and CCMS. As part of a long range plan for the use of technology in AOC operations, the AOC should conduct a review and audit of all technology currently used in the AOC. Efficiencies and cost savings could result from the use of a single platform.

Note: A separate item, E&P Recommendation No. 133, addresses a specific category of software systems called Enterprise Resource and Planning systems which support finance, human resource and education functional areas Branchwide. The research for Recommendation No. 133 will identify costs, benefits, potential long-term savings and challenges of migrating this support to a single IT platform.

Enterprise Technology Audits – In August 2012, the AOC's Enterprise Architecture Working Group (EAWG) implemented a process of semi-annual audits to define and maintain enterprise technology standards. The standards are used when developing program roadmaps to guide technology decisions. Individual roadmaps aligned to the common standard technologies increase efficiency and reduce total cost of ownership. Monthly roadmap meetings with enterprise architects and program managers facilitate the process. Additional information about the audits, standards and roadmaps is included at the end of this form.

Detailed results from the most recent audit, completed in December 2013, are in the attached spreadsheet, Enterprise Technology Audit. Findings are summarized below:

- Prior to the introduction of the audit/roadmaps process, the AOC had agreed upon technology standards in the areas of servers, operating systems, database software, web servers, and application servers. The audit now includes a comprehensive list of technologies that should be leveraged and those that should be phased out in order to maximize efficiencies and cost savings.

- For optimal and cost effective usage of server resources, virtualization and cloud technologies were identified as the future direction. In the past few years, virtualization has been quite extensively used at both the California Courts Technology Center (CCTC) and the AOC data center. Solaris, Windows and Linux operating systems have been virtualized for optimal server utilization and significantly reduced total cost of ownership.
- In the latest audit, several versions of products (WebLogic 9g, JBoss 4.2 & 4.3, Oracle 10g, TIBCO Data Exchange Client, and Adobe LiveCycle 9.x products) were selected for retirement due to either replacement or reaching end of support. In addition, the program teams were informed of the upcoming end of regular support for versions of products up to one year in advance.
- For some products, more than one version is listed, with the latest being the preferred standard. There are a number of factors for maintaining multiple versions. For example, there may be version incompatibility with other components in the system, or the program may be resource constrained and unable to upgrade to a newer version.
- This continual process of auditing keeps the programs up to date with the latest technology and support, increasing both efficiency and effectiveness of the systems.

Implementation date: The initial enterprise technology audit was completed on August 29, 2012. The most recent semi-annual audit was completed on December 18, 2013.

Resources required: The process is implemented by existing AOC staff members of the Enterprise Architecture Working Group.

Procedures or policies updated or created: The continual process, including semi-annual audits, technology standards updates and monthly program roadmap reviews, is being documented as the Enterprise Technology Standards and Lifecycle Process. Documentation has been drafted and is being updated as the process matures.

Training developed: Specific ITOC staff has been piloting this process since August 2012, so the audit information is comprehensive and all the programs now maintain technology roadmaps that are updated monthly. When the process documentation mentioned above is completed, additional relevant ITOC staff will be trained in the process.

Efficiencies: Technology standards provide efficiency by reducing the number of products in use. This minimizes complexity, enables more efficient procurement, improves resource planning, reduces training needs, and makes better use of experienced personnel. Numerous efficiencies were identified via the audit process. They include:

- Extensive use of virtualization at the data centers reduced the physical server count, which in turn, reduced maintenance and costs.
- Informing program teams of the upcoming end of support for product versions they use enables early planning and more efficient resource allocation.
- Data center operations have achieved resource efficiencies due to the limited number of operating systems. Historically, the enterprise standards for operating systems were Solaris and Windows, but in 2012, the AOC adopted Linux as another standard operating system due to its lower total cost of ownership.
- Monthly meetings between enterprise architects and program teams provide the opportunity to align roadmaps and do better planning. Changes to technology are communicated in both directions and shared between all groups.
- Branchwide licenses allow program teams to avoid lengthy procurement timeframes (3-6 months or more) and reduce costs. Programs can also reduce staff training requirements by leveraging tools the teams are already familiar with.

Savings: Inherent savings are realized by developing and implementing technology standards. The savings are derived from the efficiencies supported by the technology standards as described above. Specific examples of savings identified in this audit are:

- The Phoenix project is already in the process of migrating its systems to the Linux operating system with a projected 63% (\$239,000) one-time capital cost savings, and a 13% (\$44,000) operational cost savings annually.
- The CAFM project saved 40% (\$144,000) in one-time capital cost savings by migrating to Linux.
- Oracle has been the agreed upon standard database due to its prevalent use in the applications hosted at the CCTC and throughout the Judicial Branch. A Branchwide license agreement (BWLA) was negotiated with Oracle in 2005, and via the BWLA, the Judicial Branch gets a significant discount (up to 75% or \$8M) in annual support costs.
- The Judicial Branch also has a BWLA for Oracle-WebLogic software. Oracle-WebLogic is one of the technology standards that are widely in use. Due to the BWLA the Judicial Branch gets significant discount (up to 80% or \$5.7M) in annual support costs.

Costs: No additional costs were incurred in the implementation of the audit as it is already part of ITSO's standard operating process.

Service level impact: none

Other implementation: none

Audits, Standards, and Roadmaps

The Information Technology Services Office has implemented a process of using semi-annual audits to maintain technology standards that allow for the development of a comprehensive technology roadmap to support an enterprise goal of implementing cost effective strategies for technologies. This enterprise roadmap consists of the individual application and infrastructure roadmaps and supports efficient and effective technology decision making.

In August of 2012, an initial audit of the technologies in use at the AOC datacenters was conducted. The audit included technologies used in over 20 server-side and 6 client-side categories, including operating systems, databases, application servers, web servers, middleware, security, productivity tools, testing tools and document management systems. The AOC had maintained and promoted implicit standards for many years, leveraging enterprise licenses with IBM, Microsoft, Oracle, SAP, TIBCO, and other leading technology companies, but enterprise level standards have now been established and documented based on the results of the audit so that program teams will have guidance when developing and supporting applications.

The AOC program teams maintain roadmaps projecting activities over the coming 12 months. An example roadmap for the Computer Aided Facilities Management (CAFM) application is included below. Technology areas are kept in alignment with the enterprise roadmap via monthly meetings between the enterprise architects and the program teams. The monthly meetings provide a two-way forum to discuss upcoming major application and infrastructure upgrades and changes in technology standards that will impact the systems.

ID	Task Name	Start	Finish
63	5 CAFM Roadmap	Mon 1/7/13	Tue 9/30/14
64	5.1 TRIRIGA Upgrade 3.2.1 to 3.3.x	Wed 1/1/14	Mon 3/31/14
65	5.2 High Availability - App Tier	Sat 3/1/14	Tue 9/30/14
66	5.2.1 Deploy Multi-App Servers for Linux (TBD)	Sat 3/1/14	Tue 9/30/14
67	5.3 Linux Migration and Upgrade to CAFM 10	Mon 1/7/13	Thu 10/31/13
68	5.3.1 Platform and Application Upgrade for Proto and DEV	Thu 4/4/13	Sat 8/31/13
69	5.3.2 Deploy to Stage	Sun 9/1/13	Wed 10/30/13
70	5.3.3 Deploy to Production	Fri 11/1/13	Sat 11/30/13
71	5.3.4 Validation/Warranty of Production Environment	Sun 12/1/13	Fri 1/31/14
72	5.4 Infrastructure Projects	Mon 4/22/13	Sat 11/30/13
73	5.4.1 Enterprise SiteMinder Migration (v12)	Mon 4/22/13	Sat 11/30/13
74			

Figure 1 : Program Roadmap Example - CAFM

#	Technology Area	Open Source?	Manufacturer	Technology	Version	Manufacturer Product Status	Status Update Date	Technology Description	License Notes	Dependencies/Notes
1	Application Servers	N	Oracle	Oracle WebLogic Server	Version 9	Premier Support ends November 2011. Extended Support ends November 2013.	12/12/2013	Java Application Server supporting full Java Enterprise Edition technology specification	AOC Enterprise License	
2	Application Servers	Y	Apache Software Foundation	Apache Tomcat	Version 7	Open Source Software. Version 7.0 is supported by the Apache open software community.	5/22/2013	Java Application Server supporting partial list of Java Enterprise Edition technology specification	Apache License Version 2	
3	Application Servers	N	Adobe	Adobe ColdFusion	All Versions	Version 10.x End of core support "5/16/2017" End of extended support "5/16/2019" Version 9.x End of core support "12/31/2014" End of extended support "12/31/2016" Version 8.x End of core support "7/31/2012" End of extended support "7/31/2014"	5/22/2013	Web Application Server with proprietary Cold Fusion Markup Language.		ACCMS, web team and CIDCS use it
4	Application Servers	Y	Redhat	Jboss Application Server	Version 4.3	Full Support Ends January 2011 Maintenance Support Ends January 2013 Extended Life Support Ends January 2016	12/12/2013	Open source Java Application Server supporting full Java Enterprise Edition technology specification	GNU LGPL License	Only CAFM uses it
5	Application Servers	Y	Redhat	Jboss Application Server	Version 5.x	Full Support Ends November 2013 Maintenance Support Ends November 2016 Extended Life Support Ends November 2019	5/22/2013	Open source Java Application Server supporting full Java Enterprise Edition technology specification	GNU LGPL License	Only CAFM uses it
6	Application Servers	N	Oracle	Oracle WebLogic Server	Version 12c	Premier Support ends June 2016. Extended Support ends June 2019.	8/1/2012	Java Application Server supporting full Java Enterprise Edition technology specification	AOC Enterprise License	
7	Application Servers	N	Oracle	Oracle WebLogic Server	Version 11g (10.3.4)	Premier Support ends June 2014. Extended Support ends June 2017.	8/1/2012	Java Application Server supporting full Java Enterprise Edition technology specification	AOC Enterprise License	
8	Application Servers	N	Oracle	Oracle WebLogic Server	Version 8	Premier Support ends September 2009. Extended Support ends September 2011.	8/1/2012	Java Application Server supporting full Java Enterprise Edition technology specification	N/A	
9	Application Servers	Y	Apache Software Foundation	Apache Tomcat	Version 5.5	Open Source Software. Version 5.5 is supported by the Apache open software community. Version 5.5.x is end of life September 2012	12/12/2013	Java Application Server supporting partial list of Java Enterprise Edition technology specification	Apache License Version 2	
10	Application Servers	Y	Apache Software Foundation	Apache Tomcat	Version 6	Open Source Software. Version 6.0 is supported by the Apache open software community.	8/1/2012	Java Application Server supporting partial list of Java Enterprise Edition technology specification	Apache License Version 2	
11	Application Servers	N	SAP/Sybase	Sybase EA Server	All Versions	EA Server 5.x End of Support March 15, 2011 EA Server 6.x End of Support January 31, 2015	11/22/2013	Sybase Power Builder Application Server		Only used in CCMS-V2
12	Application Servers	Y	Redhat	Jboss Application Server	Version 4.2	Can we retire this if no project is using this?	12/12/2013	Open source Java Application Server supporting full Java Enterprise Edition technology specification	GNU LGPL License	Only CAFM uses it. Maintenance Support Ended June/2012.
13	Business Applications	N	IBM	IBM TRIRIGA	Platform Version 3.2.1	IBM TRIRIGA Platform 3.2.x General Availability December 16, 2011 and No End of Support announced. TRIRIGA Application 10.2.x General Availability December 02, 2011 and No End of Support announced.	5/22/2013	Commercial Application for Court Facilities Management		Only CAFM uses it
14	Business Applications	N	Sustain Technologies	Sustain Justice Edition	Version 1.26		8/1/2012	Commercial application for Court Case Management.		
17	Business Intelligence Reporting	N	Informatica	Informatica PowerMart (UNIX, PowerMart6, PowerMart4 & Unlimited 32bit)	Version 6	Is this product supported by vendor?	11/22/2013	Data warehouse reports		
18	Database	N	Oracle	Oracle Database	Oracle 11g	For 11gR1 Premier Support ends August 2012, Extended Support Ends August 2015. For 11gR2 Premier Support ends January 2015, Extended Support Ends January 2018.	5/22/2013	Enterprise class relational database	AOC Enterprise License	
19	Database	N	Oracle	Oracle Database	Oracle 10g	For 10gR1 Premier Support ended January 2009 and Extended Support ended January 2012. For 10gR2 Premier Support ended July 2010 and Extended Support ends July 2013	12/12/2013	Enterprise class relational database	AOC Enterprise License	
20	Database	N	Oracle	Oracle Database Real Application Cluster (RAC)	Oracle 11gR2	For 11gR2 Premier Support ends January 2015, Extended Support Ends January 2018.	5/22/2013	Technology to deploy Oracle database in Active/Active high availability configuration	AOC Enterprise License	Prior versions are unstable. Disaster Recovery is not completely resolved.
21	Database	N	Microsoft	Microsoft SQL Server	Microsoft SQL Server 2005	End of Mainstream Support April 12, 2011. End of Extended Support April 12, 2016	5/22/2013			
22	Database	N	Microsoft	Microsoft SQL Server	Microsoft SQL Server 2008	End of Mainstream Support July 8, 2014. End of Extended Support July 9, 2019	5/22/2013			
23	Database	N	Oracle	Oracle Audit Vault	Version 10.2	10.2 Premier Support ends June 2013. No Extended Support available. 10.3 Premier Support ends December 2016. No Extended Support available.	5/22/2013	Database auditing	AOC Enterprise License	No known usage at AOC, CCTC or the Courts
24	Database	N	Oracle	Oracle Database	Oracle 9i	Extended Support ended July 2010	8/1/2012	Relational Database product		
25	Database	N	Oracle	Oracle Database	Oracle 8	Extended Support ended December 2006	8/1/2012	Relational Database product		
26	Database	N	IBM	IBM DB2	All Versions		8/1/2012	Relational Database product		
27	Database	N	IBM	IBM Informix	All Versions		8/1/2012	Relational Database product		
34	Database	N	Oracle	Oracle Database Client	Version 11g	For 11gR2 Premier Support ends January 2015, Extended Support Ends January 2018.	8/1/2012	Database client	AOC Enterprise License	
35	Database	N	Microsoft	Microsoft Access			8/1/2012	Relational Database product		
36	Directory Servers	N	Oracle	Sun One Directory Server	Version 5.2	Premier Support ended December 2009. No Extended Support available.	12/12/2013	LDAP directory server		Only used in CCMS-V3
37	Directory Servers	N	Oracle	Oracle Internet Directory	Version 11.1	Premier Support ends June 2015. Extended Support ends June 2017.	5/22/2013	LDAP directory server	AOC Enterprise License	AOC has enterprise license As of 11/22/2013 only Oracle Web Services Manager uses this product.
38	Directory Servers	N	Oracle	Oracle Virtual Directory	Version 11.1	Premier Support ends June 2015. Extended Support ends June 2017.	5/22/2013	LDAP directory server	AOC Enterprise License	AOC has enterprise license As of 11/22/2013 only Oracle Web Services Manager uses this product.
39	Directory Servers	N	Microsoft	Microsoft Active Directory	Version 2003		8/1/2012	LDAP directory server		

#	Technology Area	Open Source?	Manufacturer	Technology	Version	Manufacturer Product Status	Status Update Date	Technology Description	License Notes	Dependencies/Notes
40	Directory Servers	N	Microsoft	Microsoft Active Directory	Version 2008	Active Directory 2008 is part of Windows 2008 server. It follows the lifecycle of Windows 2008 server.	8/1/2012	LDAP directory server		Official LDAP directory
41	Document Management Systems	N	IBM	FileNet Image Services		FileNet 4.0.x End of Support April 30, 2009 FileNet 4.1.x and 4.2.x End of Support not announced, yet	11/22/2013	Document Management Server		Supported by V3 for some V3 courts. Typo 2019 fixed to 2009.
43	Document Management Systems	N	EMC	Documentum		No known product use at the CCTC or AOC.	8/1/2012	Document and Content Management server		Courts selected FileNet and Documentum as standard Document Management System products after a lengthy formal selection process in 2011. No known Documentum installations exist as of now.
45	Encryption Tools			GPG Encryption			8/1/2012	Encryption technology		
46	Enterprise Applications	N	SAP	SAP Enterprise Application			8/1/2012	Enterprise Application (Human Resources)		
47	Enterprise Applications	N	Oracle	Oracle Financials			8/1/2012	Enterprise Application (Financials)		
48	ETL Tool	N	TIBCO	TIBCO DataExchange(ETL Tool)			5/22/2013	Extract Transform Load tool used to convert and load data from one format to another database format.		Vendor has announced end of life for this product. (12/17/13 ISB Note) Not used in any existing ISB applications.
49	ETL Tool	Y	Talend	Talend Open Studio	Version 5	Version 5.x is current. No other product lifecycle status is available.	5/22/2013	Extract Transform Load tool used to convert and load data from one format to another database format.	GPL v2 & Apache license	Open source license
50	ETL Tool	N	Informatica	Informatica PowerCenter	Version 9	8.x was end of life in 2011. 9.5 is the latest release as of this update. Support dates information is available only for registered users.	5/22/2013	Extract Transform Load tool used to convert and load data from one format to another database format.		AOC has limited licenses. AOC team is using this product (2013-06-05)
51	ETL Tool	N	TIBCO	TIBCO DataExchange Client	5.3.0	Can this be retired if this is not used in any project?	12/12/2013	ETL Client		Vendor has announced end of life for this product. (12/17/13 ISB Note) Not used in any application supported by ISB.
52	FTP Servers	N	Axway	Axway FTP Server		Managed File Transfer Appliance	8/1/2012	Enterprise FTP server		Defacto standard. This is the only Enterprise FTP server.
53	FTP Servers	N	South River Technologies	Titan FTP Server			8/1/2012			Replaced with Axway FTP server
54	Java	N	Oracle	Java Development Kit	Java JDK 1.5 (Java SE 5)	Premier Support ends May 2011. Extended Support ends May 2015.	5/22/2013	Oracle/Sun Java Development Kit & Runtime Environment		No longer updated by Oracle
55	Java	N	Oracle	Java Development Kit	Java JDK 1.7 (Java SE 7)	Premier Support ends July 2016. Extended Support ends July 2019.	5/22/2013	Oracle/Sun Java Development Kit & Runtime Environment		
56	Java	N	Oracle	Java Development Kit	Java JDK 1.6 (Java SE 6)	Premier Support ends December 2013. Extended Support ends December 2016.	8/1/2012	Oracle/Sun Java Development Kit & Runtime Environment		
58	Java	N	Oracle	Oracle JRockit	JRockit for JDK 1.6	Premier Support ends June 2014. Extended Support ends June 2017.	8/1/2012	A (BEA later Oracle) Server optimized Java development kit & runtime		
59	Java	N	Oracle	Oracle JRockit	JRockit for JDK 1.7	Extended Support ends June 2017.	8/1/2012	Does not exist		Oracle merged JRockit into standard JDK 7
60	Languages	N	SAP/Sybase	PowerBuilder	All Versions		8/1/2012	Once popular (in 90s) now obsolete programming language.		Only VZ application uses it.
61	Middleware	N	TIBCO	TIBCO BusinessConnect	6.0.0		8/1/2012	Business Partner Connectivity component	AOC Enterprise License	(12/17/13 - ISB Note) STG version 5.2.1, ETE version 5.3.3, target version for all environments 6.0.0. Vendor support for ver 5.2.1 is no longer available. Also, note that Service Release version digit (the third number in version strings of TIBCO products) is not a distinct product from the major version/minor version identifiers pair.
62	Middleware	N	TIBCO	TIBCO BusinessWorks	5.9.3		8/1/2012	Web Services Transformation & Translation engine.	AOC Enterprise License	(12/17/13 - ISB Note) STG version 5.7.0, ETE version 5.9.3, target version for all environments 5.9.3. Also, note that Service Release version digit (the third number in version strings of TIBCO products) is not a distinct product from the major version/minor version identifiers pair.
63	Middleware	N	TIBCO	TIBCO Enterprise Messaging Service (EMS)	6.1.0		8/1/2012	Message Queue Server	AOC Enterprise License	
64	Middleware	N	TIBCO	TIBCO BusinessWorks SmartMapper	5.5.0		8/1/2012	Mapping component for message transformation and translation	AOC Enterprise License	(12/17/13 ISB Note) TIBCO SmartMapper product is not currently used in any of ISB supported applications. Current STG/PRD version is 5.3.2, and ETE version is 5.5.0.
65	Middleware	N	TIBCO	TIBCO Runtime Agent	5.7.1		8/1/2012	TIBCO runtime agent	AOC Enterprise License	
66	Middleware	N	Microsoft	Microsoft Messaging	Version 4.x		8/1/2012	Microsoft Message Queue Server		
67	Middleware	N	TIBCO	TIBCO Administrator	5.7.0		8/1/2012		AOC Enterprise License	
68	Middleware	N	TIBCO	TIBCO HAWK (TIBCO Monitoring Tool)	4.9.0		8/1/2012	TIBCO monitoring tool	AOC Enterprise License	
69	Middleware	N	TIBCO	TIBCO PortalBuilder	5.3.0		8/1/2012		AOC Enterprise License	Vendor has announced end of life for this product
70	Middleware	N	TIBCO	TIBCO SmartMapper Plugins	5.3.2		8/1/2012		AOC Enterprise License	(12/17/13 ISB Note) SmartMapper Plugins is not a separate product. It is part of SmartMapper product, and is bundled with SmartMapper installation package.
71	Middleware	N	TIBCO	TIBCO BusinessConnect SOAP Plugin	5.1.0		8/1/2012		AOC Enterprise License	
72	Operating Systems	N	Microsoft	Windows Operating System	Windows Server 2008 Datacenter Windows Server 2008 Standard	End of Mainstream Support January 13, 2015. End of Extended Support January 14, 2020.	5/22/2013	Windows Operating System		

#	Technology Area	Open Source?	Manufacturer	Technology	Version	Manufacturer Product Status	Status Update Date	Technology Description	License Notes	Dependencies/Notes
73	Operating Systems	Y	Redhat	RedHat Linux Operating System	RedHat Enterprise Linux 5	Red Hat Enterprise Linux 5 End of Production 1 Q4 2012 Red Hat Enterprise Linux 5 End of Production 2 Jan 31, 2014 Red Hat Enterprise Linux 5 End of Production 3 (End of Production Phase) March 31, 2017 Red Hat Enterprise Linux 5 End of Extended Life Phase Q1, 2020	11/22/2013	Redhat Linux operating system		Preferred Patch level is 8 as AOC lifecycle Status Update date. Approved as the standard due to support of software used at CCTC.
74	Operating Systems	Y	Redhat	RedHat Linux Operating System	RedHat Enterprise Linux 6	Red Hat Enterprise Linux 6 End of Production 1 Q2 2016 Red Hat Enterprise Linux 6 End of Production 2 Q2 2017 Red Hat Enterprise Linux 6 End of Production 3 (End of Production Phase) November 30, 2020 Red Hat Enterprise Linux 6 End of Extended Life Phase Q4, 2023	11/22/2013	Redhat Linux operating system		Demoted to 'Experimental' due to lack of support for some software used at CCTC.
75	Operating Systems	N	Oracle	Solaris Operating System	Solaris 10	Premier Support ends January 2015. Extended Support ends January 2018.	8/1/2012	Oracle Unix operating system		De facto standard
76	Operating Systems	N	Oracle	Solaris Operating System	Solaris 11	Premier Support ends January 2021. Extended Support ends January 2024.	8/1/2012	Oracle Unix operating system		
77	Operating Systems	N	Microsoft	Windows Operating System	Windows Server 2003 Datacenter	End of Mainstream Support July 13, 2010. End of Extended Support July 14, 2015.	2/5/2013	Windows Operating System		Extended support until July 14, 2015
78	Operating Systems	N	IBM	IBM AIX	Version 5.3	End of support April 30, 2012	8/1/2012	IBM Unix operating system		Only to be used in CCMS-V2. (12/12/13 Due to imminent EOL V2 management has decided not to upgrade the AIX operating system)
79	PDF Documents	N	Adobe	Adobe LiveCycle Forms Server ES	Version 9.0 SP1	End of core support "12/31/2014" End of extended support "12/31/2016"	12/12/2013			Revisit during Shared PDF document service is created (12/12/13 Maintenance renewal was dropped some time ago as no application is using this technology.)
80	PDF Documents	N	Adobe	Adobe LiveCycle Output ES	Version 9.0 SP1	End of core support "12/31/2014" End of extended support "12/31/2016"	12/12/2013			Revisit during Shared PDF document service is created (12/12/13 Maintenance renewal was dropped some time ago as no application is using this technology.)
81	PDF Documents	N	Adobe	Adobe LiveCycle PDF Generator ES	Version 9.0 SP1	End of core support "12/31/2014" End of extended support "12/31/2016"	12/12/2013	Adobe PDF document generator from PDF templates and provided data.		Revisit during Shared PDF document service is created (12/12/13 Maintenance renewal was dropped some time ago as no application is using this technology.)
82	PDF Documents	N	Adobe	Adobe LiveCycle Production Print ES	Version 9.0 ES2	End of core support "12/31/2014" End of extended support "12/31/2016"	12/12/2013	Server software to schedule and print PDF documents in batch or bulk mode		Revisit during Shared PDF document service is created (12/12/13 Maintenance renewal was dropped some time ago as no application is using this technology.)
83	PDF Documents	N	Adobe	Adobe LiveCycle Reader Extensions Server License	Version 9.0 SP1	End of core support "12/31/2014" End of extended support "12/31/2016"	12/12/2013	Server software to enable PDFs so that they can be stamped using Adobe Reader.		Revisit during Shared PDF document service is created (12/12/13 Maintenance renewal was dropped some time ago as no application is using this technology.)
84	PDF Documents	N	Adobe	Adobe Document Server	Version 6	End of core support "12/31/2008" End of extended support "12/31/2010"	8/1/2012	Technology used to merge multiple PDF documents on the Server		Does V3 still use this?
85	PDF Documents	N	Adobe	Adobe Web Output Pak	All Versions	Version 2.0 End of core support "12/31/2008" End of extended support "12/31/2010" Version 2.0.7 End of core support "6/30/2014" End of extended support "6/30/2016"	8/1/2012	Adobe PDF document generator from PDF templates and provided data.		Only V3 uses this product.
86	PDF Documents	N	Adobe	Adobe Output Designer	Version 5	Version 5.6 End of core support "12/31/2010" End of extended support "12/31/2012" Version 5.7 End of core support "6/30/2014" End of extended support "6/30/2016"	8/1/2012	Development tool to create PDF form templates		
87	PDF Documents	N	Adobe	Adobe Central Pro Output Server	Version 6	Version 5.6 End of core support "12/31/2010" End of extended support "12/31/2012" Version 5.7 End of core support "6/30/2014" End of extended support "6/30/2016"	8/1/2012	Used for batch generation of customized PDF documents for printing, email or fax.		Mainly used by V3 to support batch printing.
88	PDF Documents	N	Adobe	Adobe LiveCycle Designer	Version 9	End of core support "12/31/2014" End of extended support "12/31/2016"	8/1/2012	Development tool to create PDF form templates		
89	PDF Documents	Y	Ghostscript	Ghostscript	Version 8	The last released update for the GNU version 8.71 is on May 4th 2011.	8/29/2012	An interpreter for the PostScript (TM) language, with the ability to convert PostScript language files to many raster formats, view them on displays, and print them on printers that don't have PostScript language capability built in	GNU GPL as well as commercial license are available.	Used by V2 and SAP

#	Technology Area	Open Source?	Manufacturer	Technology	Version	Manufacturer Product Status	Status Update Date	Technology Description	License Notes	Dependencies/Notes
90	PDF Documents	Y	Ghostscript	Ghostscript	Version 9	Manufacturer is actively updating the 9.x version.	8/29/2012	An interpreter for the PostScript (TM) language, with the ability to convert PostScript language files to many raster formats, view them on displays, and print them on printers that don't have PostScript language capability built in	GNU GPL as well as commercial license are available.	
91	Proxy Web Servers	Y	Apache Software Foundation	Apache HTTP Server (Proxy Web Server)	Version 2.2	Open Source Software. Version 2.2 is supported by the Apache open software community.	8/1/2012	Web Server as well as Reverse Proxy Server	Apache Open Source License v2	
92	Proxy Web Servers	Y	Apache Software Foundation	Apache HTTP Server (Proxy Web Server)	Version 2.4	Open Source Software. Version 2.4 is supported by the Apache open software community.	8/1/2012	Web Server as well as Reverse Proxy Server	Apache Open Source License v2	
94	Reporting Server	N	SAP	SAP Business Objects Enterprise XI	Enterprise Edition XI R2	End of life June 30 2010	12/12/2013	Reporting Server		
95	Reporting Server	N	SAP	SAP Business Objects Enterprise XI	Enterprise Edition XI R3.1	For BO XI 3.1. End of mainstream maintenance 12-31-2015. End of Priority-One Support 12-31-2017	8/1/2012	Reporting Server		
96	Reporting Server	N	SAP	SAP BusinessObjects BI, Edge edition	Version 4.0		12/12/2013	Reporting Server	DCACS purchased licenses	Used by DCACS
99	Scheduler	Y	Open Symphony	Quartz Scheduler		Open source software	8/1/2012	Java Scheduling library	Apache Open Source License v2	Open source software
100	Security Servers	N	Oracle	Oracle Identity Management	Version 10.1	Premier Support ends December 2011 Extended Support not available	8/1/2012	Security Identity management software	AOC Enterprise License	(12/12/13 This technology is not used anywhere. However, maintenance is renewed due to usage of Oracle Web Services Manager which is part of the bundle. The status is kept at Restricted)
101	Security Servers	N	Oracle	Oracle Access Manager	Version 10.1.4.3	Premier Support ends December 2013 Extended Support not available	8/1/2012	Security Policy Server	AOC Enterprise License	(12/12/13 This technology is not used anywhere. However, maintenance is renewed due to usage of Oracle Web Services Manager which is part of the bundle. The status is kept at Restricted)
102	Security Servers	N	Oracle	Oracle Web Gate	Version 10.1.4.3	Premier Support ends December 2013 Extended Support not available	8/1/2012	Security Agent running on Web Servers	AOC Enterprise License	(12/12/13 This technology is not used anywhere. However, maintenance is renewed due to usage of Oracle Web Services Manager which is part of the bundle. The status is kept at Restricted)
103	Security Servers	N	Oracle	Oracle (OAM) Authentication Provider	Version 10.1.4.3	Premier Support ends December 2013 Extended Support not available	8/1/2012	Security Agent running on Java Application Servers	AOC Enterprise License	(12/12/13 This technology is not used anywhere. However, maintenance is renewed due to usage of Oracle Web Services Manager which is part of the bundle. The status is kept at Restricted)
104	Security Servers	N	Oracle	Oracle SOA Suite (includes Oracle Web Services Manager (OWSM) ,Enterprise Manager and Gateway)	Version 11.1	Premier Support ends June 2015. Extended Support ends June 2017.	8/1/2012	Web Services Security software	AOC Enterprise License	
105	Security Servers	N	Oracle	Oracle Identity Federation	Version 11.1	Premier Support ends June 2015. Extended Support ends June 2017.	8/1/2012	Security software facilitating authentication across organizations	AOC Enterprise License	(12/12/13 This technology is not used anywhere. However, maintenance is renewed due to usage of Oracle Web Services Manager which is part of the bundle. The status is kept at Restricted)
106	Security Servers	N	Computer Associates	CA SiteMinder Policy Server	Version 6	End of support 3/31/2012	8/1/2012	Security Policy Server		
107	Security Servers	N	Computer Associates	CA SiteMinder Web Agent	Version 6	End of support 3/31/2012	8/1/2012	Security Agent running on Web Servers		
108	Security Servers	N	Computer Associates	CA SiteMinger App Agent	Version 6	End of support 3/31/2012	8/1/2012	Security Agent running on Java Application Servers		
109	Security Servers	N	Computer Associates	CA SiteMinder Policy Server	Version 12	?	8/1/2012	Security Policy Server		
110	Security Servers	N	Computer Associates	CA SiteMinder Web Agent	Version 12	?	8/1/2012	Security Agent running on Web Servers		
111	Security Servers	N	Computer Associates	CA SiteMinger App Agent	Version 12	?	8/1/2012	Security Agent running on Java Application Servers		
112	Terminal emulators	N	Microsoft	HIS 2006 Server/3270 Emulator	Version 2006	HIS 2004 Mainstream Support Ends January 12, 2010. HIS 2004 Extended Support Ends January 13, 2015 HIS 2006 Mainstream Support Ends April 10, 2012. HIS 2006 Extended Support Ends April 11, 2017	11/22/2013	Used for DMV connectivity		
113	Testing Tools	N	IBM	Rational Performance Tester		Version 7.0.x End of Support September 30, 2012 Version 8.0.x, 8.1.x and 8.2.x End of Support not announced.	8/1/2012	Performance / Stress Testing tool		(12/12/13 Rational Performance Tester maintenance/support is discontinued. This is due to contractual obligations to stay with Load Runner/Performance Center. Maintaining license for two load/stress test tools did not make sense. HP Performance Center will take its place. 'Restricted' status will be maintained until the Rational Performance Tester scripts are migrated to HP performance center..)
114	Testing Tools	N	HP	Mercury Loadrunner		End of current product support LoadRunner 9.x December 2013 End of self-help support LoadRunner 9.x December 2015 HP LoadRunner 11.0x Support Ends September 2014. HP LoadRunner 11.5x Support ends June 2016	12/12/2013	Performance / Stress Testing tool		(12/12/13 HP/Mercury Load Runner maintenance/support is discontinued. HP Performance Center will take its place.)
115	Testing Tools	N	IBM	Rational ClearQuest		Version 7.0.x End of Support September 30, 2011 Version 7.1.x End of Support not announced. Version 8.0.x End of Support not announced.	11/22/2013	Test Management Tool		
116	Testing Tools	N	IBM	Rational Functional Tester		Version 7.0.x End of Support April 30, 2012 Version 8.0.x, 8.1.x and 8.2.x End of Support not announced.	11/22/2013	Regression Testing Tool		
117	Testing Tools	N	IBM	Rational Requisite Pro		Version 7.0.x End of Support April 30, 2012 Version 7.1.x End of Support not announced.	11/22/2013	Requirements Capturing tool		
118	Testing Tools	N	IBM	Rational Quality Manager		Versions 1.x, 2.x, 3.x, and 4.x End of Support not announced.	8/1/2012	Quality and Test management		

#	Technology Area	Open Source?	Manufacturer	Technology	Version	Manufacturer Product Status	Status Update Date	Technology Description	License Notes	Dependencies/Notes
119	Testing Tools	N	HP	Mercury WinRunner		HP WinRunner software 7.5, 7.6, 8.0, 8.2, 9.2 (all editions) Support ends July 2009	8/1/2012	Regression Testing Tool		
120	Testing Tools	N	HP	Mercury Quality Center		Quality Center 10.x support ends August 2013. HP Quality Center Enterprise 11.0x support ends September 2014	8/1/2012	Test Management Tool		
121	Utilities	N	Spellx	Spellx			8/1/2012	Provides legal spell checking on the browser.		V2 & V3 use it.
122	Utilities	N	Helicon	Helicon IIS rewrite	All Versions	Latest version is 3.0	8/1/2012	Rewrites IIS URLs		Only V2 application uses it.
123	Version Control	Y	Apache Software Foundation	Subversion		Open Source Software. Version 1.5.x is no longer supported or updated. Version 1.6.x is no longer supported or updated. Version 1.7.x is only supported for security fixes. Version 1.8.x is actively supported by the Apache open software community.	11/22/2013	Source Version Control software	Apache Open Source License v2	
124	Virtual Network Servers	N	Citrix	Citrix Secure Gateway	Version 5.1		11/22/2013	Security for web enabled client server applications		Used by Sustain Justice Edition
125	Virtual Network Servers	N	Citrix	Citrix Presentation (Metaframe)/XenApp	Version 4.5		11/22/2013	Web enabler of client server applications		Used by Sustain Justice Edition
127	Virtualization	N	Oracle	Solaris 10 Logical Domains		Premier Support ends January 2015. Extended Support ends January 2018.	8/1/2012	Solaris Operating System Virtualization Technology		Enterprise Architects standardised on LDOM virtualization for Sun Solaris.
129	Virtualization	N	VMWare	VMWare	Version 5	Version 5 End of General Support August 24, 2016 Version 5 End of Technical Guidance August 24, 2018	5/22/2013	Operating System Virtualization Technology		
130	Web Rich Text Editors	N	Ektron	Ektron eWebEditPro		Manufacturer is no longer actively promoting this product. In fact this product may not work on IE9 browser, therefore V3 has to look for a replacement product.	8/1/2012			Only used in CCMS-V3
131	Web Servers	N	Microsoft	Internet Information Server (IIS)	IIS 6	Built-in component of Windows Server 2003. Follows Windows Server 2003 lifecycle.	12/12/2013	Web Server		(12/12/13 The status should be kept in sync with the 2003 Windows Server status.)
132	Web Servers	N	Microsoft	Internet Information Server (IIS)	IIS 7	Built-in component of Windows Vista and Windows Server 2008. Follows Windows Server 2008 lifecycle.	8/1/2012	Web Server		
133	Web Servers	N	Microsoft	Internet Information Server (IIS)	IIS 7.5	Built-in component of Windows 7 and Windows Server 2008 R2. Follows Windows Server 2008 R2 lifecycle.	8/1/2012	Web Server		
134	Web Servers	N	Oracle	iPlanet (Sun One Java System Web Server)	Version 6.1	Premier Support ends August 2015. Extended Support not available	8/1/2012	Web Server		
135	Web Servers	N	Oracle	iPlanet (Sun One Java System Web Server)	Version 7.0	Premier Support ends March 2014. Extended Support ends March 2017.	8/1/2012	Web Server		
136	Web Servers	Y	Apache Software Foundation	Apache HTTP Server	Version 2.0	Open Source Software. Version 2.0 was last updated on "2010-10-19"	8/1/2012	Web Server	Apache Open Source License v2	
137	Web Servers	Y	Apache Software Foundation	Apache HTTP Server	Version 2.2	Open Source Software. Version 2.2 is supported by the Apache open software community.	8/1/2012	Web Server	Apache Open Source License v2	
138	Web Servers	Y	Apache Software Foundation	Apache HTTP Server	Version 2.4	Open Source Software. Version 2.4 is supported by the Apache open software community.	8/1/2012	Web Server	Apache Open Source License v2	
139	Middleware	N	TIBCO	TIBCO ActiveMatrix Adapter for Database	6.1.0		7/26/2013	TIBCO Middleware Adapter	AOC Enterprise License	
140	Middleware	N	TIBCO	TIBCO ActiveMatrix Adapter for SAP	6.1.0		7/26/2013	TIBCO Middleware Adapter	AOC Enterprise License	
141	Middleware	N	TIBCO	TIBCO BusinessConnect Palette	6.0.0		7/26/2013	TIBCO Middleware components	AOC Enterprise License	(12/17/13 - ISB Note) BusinessConnect Palette is not a separate product. It is part of BusinessConnect and is included in BC installation package.
142	Middleware	N	TIBCO	TIBCO Rendezvous	8.3.1		7/26/2013	TIBCO high performance messaging middleware component	AOC Enterprise License	
143	Middleware	N	TIBCO	TIBCO BusinessWorks Collaborator	5.5.1		7/26/2013	TIBCO Middleware components	AOC Enterprise License	(12/17/13 ISB Note) TIBCO Collaborator product is currently not used in any of the ISB supported applications.
144	Middleware	N	TIBCO	TIBCO BusinessWorks FormBuilder	5.3.0		7/26/2013	TIBCO Middleware components	AOC Enterprise License	(12/17/13 ISB Note) TIBCO FormBuilder product is currently not used in any of the ISB supported applications.
145	Middleware	N	TIBCO	TIBCO General Interface (GI)	3.9.0		7/26/2013	TIBCO Middleware API	AOC Enterprise License	(12/17/13 - ISB Note) This product is provided as a freeware by TIBCO.
147	Testing Tools	N	HP	HP Performance Center			12/12/2013	Performance / Stress Testing tool	AOC Enterprise License	(12/12/13 Rational Performance Tester maintenance/support is discontinued. This is due to contractual obligations to stay with Load Runner/Performance Center. Maintaining license for two load/stress test tools did not make sense. HP Performance Center will take its place.)
148	DOJ Connectivity	N	DataMaxx Group	Omnixx Server			12/12/2013	Used for DOJ connectivity and transactions.		Applications requiring DOJ connectivity and transactions (CCPOR, Sustain) use it.
149	Content Management	N	OpenText	Open Text Server			12/12/2013	Content Management server		AOC Internet site uses this technology.
150	Employee Learning	N	ANCILE Solutions	uPerform	Version 5.0		12/18/2013	End user Training product for Phoenix		Used by Phoenix
151	Tax	N	BSI Business Software Inc	BSI Taxfactory Version 9	Version 9.0		12/18/2013	Tax updates for payroll		Used by Phoenix

ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES

DATE	10/28/2014
PREPARED BY	Mark Dusman
OFFICE NAME	<u>Information Technology</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	133
JUDICIAL COUNCIL DIRECTIVE	E&P recommends that the Judicial Council support SEC recommendations 7 -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.
SEC RECOMMENDATION	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.
JC DIRECTIVE TIMELINE	ADOC interim report to the council at the December 2014 council meeting.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the <i>Status Report</i> provided to the Judicial Council)	
<p>Judicial Council staff reviewed the Phoenix Financial System and Oracle Financial System to determine whether the council should expend future time and resources to consolidate the systems into a single platform.</p> <p>Combining the two systems into a single platform will require legislative and, potentially, constitutional changes that would allow the judicial branch to have a single branchwide enterprise resource planning IT platform, including deposit of all judicial branch funds into a single judicial branch treasury. If successful in gaining the authority to have a single branch treasury, then Oracle System would then be moved to the Phoenix System. A preliminary staff estimate suggests there would be approximately \$5,000,000 in deployment costs with an ongoing annual savings of \$250,000. This will also require significant effort from council's Legal Services and Governmental Affairs, and will require a complete cost-benefit analysis once the requirements are solidified.</p> <p>Based on the review, it was determined that consolidating the two systems into a single platform is cost prohibitive at this time, and there is no monetary benefit to separating from the State Controller's Office. For this reason, we are recommending that this directive be closed. However, there is an argument for future consideration that the branch would be better able to manage its resources if accounting for the state entities and the trial courts were in one system.</p>	
STATUS DETAIL	

(check applicable boxes and provide detail regarding status)

This directive has been completed, implemented, or closed:

Judicial Council staff reviewed the Phoenix Financial System and Oracle Financial System to determine whether the council should expend future time and resources to consolidate the systems into a single platform.

The attached report presents two options related specifically to a single platform.

Option 1: Do not consolidate the two branch enterprise resource planning systems. There would be no additional costs to the branch.

Option 2: Pursue legislative and, potentially, constitutional changes that would allow the judicial branch to have a single branchwide enterprise resource planning IT platform, including deposit of all judicial branch funds into a single judicial branch treasury. If successful in gaining the authority to have a single branch treasury, move the state-level judiciary from the Oracle System to the Phoenix System. A preliminary staff estimate suggests there would be approximately \$5,000,000 in deployment costs with an ongoing annual savings of \$250,000. This option will result in significant effort from council's Legal Services and Governmental Affairs, and will require a complete cost-benefit analysis once the requirements are solidified.

Option 1 is recommended because Option 2 is cost prohibitive at this time, and there is no monetary benefit to separating from the State Controller's Office. There is an argument for future consideration that the branch would be better able to manage its resources if accounting for the state entities and the trial courts were in one system.



JCC 133 Restructuring
Single ERP Platform
Final.docx
Microsoft Office Word
Document
106 KB

This directive is pending:



File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date: November 18, 2014



JUDICIAL COUNCIL OF CALIFORNIA

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

www.courts.ca.gov

Report regarding Directive 133

Executive Summary

Judicial Council restructuring Directive 133 directed the Administrative Director to review the information technology systems that are currently implemented branchwide to support enterprise resource planning - finance, human resources, and education functional areas - to identify costs, benefits, potential long-term savings, and the challenges of migrating support to a single information technology (IT) platform.

In response to this directive, it is recommended the council select option 1.

Recommendations

The options presented for consideration by the Judicial Council relate specifically to whether the council should expend future time and resources to consolidate the Phoenix Financial System and Oracle Financial System into a single platform.

It should be noted that this report does not include analysis and recommendations regarding whether the council should direct the organization to move off of the State Controller's Office (SCO) payroll system given that the SCO's payroll system is not a branchwide system. However, if the State Level Judiciary (SLJ)¹ is moved to the Phoenix system for financials (see Option 2 below), it would make sense to look at the HR/Payroll functionality within Phoenix, once the financial system is stable, to replace the state system for SLJ employees.

Additionally, also excluded from this analysis are recommendations to the council on moving some human resource and education functions currently being done in a Peoplesoft application for the SLJ. This area was not considered for this analysis because that functionality does not currently exist in Phoenix and, as such, there is no existing platform to migrate towards for these functions.

¹ SLJ is defined as the Judicial Council, the appellate courts, the Habeas Corpus Resource Center, and the Commission on Judicial Performance.

Option 1: Do not consolidate the two (Phoenix Financial and Oracle Financial) branch enterprise resource planning systems. There would be no additional costs to the branch.

Option 2: Pursue legislative and, potentially, constitutional changes that would allow the judicial branch to have a single branchwide enterprise resource planning IT platform, including the deposit of all judicial branch funds into a single judicial branch treasury. If successful in gaining the authority to have a single branch treasury, move the state-level judiciary from the Oracle system to the Phoenix system. A preliminary staff estimate suggests there would be approximately \$5,000,000 in deployment costs with an ongoing annual savings of \$250,000.

This option will result in significant effort from council's Legal Services and Governmental Affairs, and will require a complete cost-benefit analysis once the requirements are solidified.

Directive 133 will be closed once the council chooses an option.

Option 1 is being recommended because option 2 is cost prohibitive at this time, and there is no monetary benefit to separating from the State Controller's Office. There is an argument for future consideration that the branch would be better able to manage its resources if accounting for the state entities and the trial courts was in one system.

Previous Council Action

At its August 31, 2012, meeting, the council approved the following directive:

E&P recommends that the Judicial Council support SEC recommendations 7-46 and 7-50 and directs the Administrative Director of the Courts, as part of AOC long-term planning, to review the information technology systems currently implemented branchwide 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.

Rationale for Recommendations

Current status

Trial courts. Currently, all 58 trial courts are on the Phoenix Financial System, and nine trial courts are on the Phoenix human resources and payroll system.

Each court is responsible for managing and controlling its own fiscal affairs in compliance with Generally Accepted Accounting Practices (GAAP) from the Governmental Accounting Standards Board (GASB), and the Trial Court Financial Policies and Procedures Manual (TCFPPM). The trial courts are individual entities by statute and are considered in each year's Governor's Budget and Budget Act as "local assistance"; there is no official combined entity.

The trial courts receive their revenue from the state in 13 monthly installments. The 13th period is for reimbursements and other revenues that cannot be disbursed before the end of June. Once the trial courts receive their revenue - whether from the state, or local collections - they deposit the funds into the Trial Court Treasury as established by the Judicial Council pursuant to Government Code section 77009. A few courts have some money on deposit with their county but other than payroll, most payments to vendors are issued from the Trial Court Treasury. All expenses, regardless of source, are recorded in Phoenix.

State Level Judiciary (SLJ). The financial record keeping of the Judicial Council, the appellate courts, the Habeas Corpus Resource Center, and the Commission on Judicial Performance is being done on Oracle applications maintained by the council staff with interfaces to the State Controller’s Office (SCO). Payroll is completed by council staff entering information into the SCO payroll system.

The state-level judiciary is considered in each year’s Governor’s Budget and Budget Act as a state entity. The state-level judiciary’s financial records are required to be maintained with the California Legal Basis accounting methodology as described in Government Code sections 12460 and 13344. This is a modified accrual accounting with three fiscal years’ appropriations being tracked in the financial records at all times, along with other nuances as imposed by the State Controller’s Office and the Department of Finance.

SLJ funds are maintained in the State Treasury, and all payments from these entities are made through the SCO. The SCO is responsible for managing and controlling the fiscal affairs of the state, and therefore they review and validate all payments before releasing funds. Council staff facilitate this process by validating that all requests will meet SCO standards before sending to the SCO.

Phoenix/Oracle comparison. The table below provides additional information regarding the differences between the Phoenix and Oracle systems.

Function	Phoenix	Oracle
Configuration	Configured for the trial courts to be an end-to-end solution for financials and payroll.	Configured to manage SLJ budgets and accounting in the manner required by the state.
Compliance with state budgetary–legal basis of accounting	Trial courts do not have to comply with the state budgetary–legal basis of accounting as described in Government Code sections 12460 and 13344. Although, at year-end, information from the trial courts and Phoenix are combined to complete a Comprehensive Annual Financial Report (CAFR) that is	Oracle has to comply with state budgetary-legal basis of accounting as described in Government Code sections 12460 and 13344.

	included in the State of California government-wide financial statements.	
Appropriation accounting ²	Phoenix does not do appropriation accounting.	Configured to do appropriation accounting as required by the state.
Accounting structures and codes	Accounting structures and codes were set up specifically for the trial courts. They do not match the state structures and codes, other than in some of the written descriptions.	Accounting codes roll up to comply with the state's <i>Uniform Code Manual</i> .
Payments	Relies on there being a treasury (bank accounts) on which to deposit and draw funds. Checks and electronic payments to employees and vendors are done through Phoenix using interfaces to the bank.	Oracle generates claim schedules that have to be submitted to the SCO Claims Audit to initiate payments through the State Treasury.
Reporting	Each court is treated as a separate business entity. Yet, they all may be rolled up in a summary format for reporting to the state.	All SLJ entities are summarized and reported at the judicial branch level as one entity, as budgeted in the Budget Act or authorized by the Legislature.
Other	Trial courts do not manage capital projects.	Includes the following functionality not currently deployed in Phoenix: capital projects, construction in progress, fixed assets, and various interfaces.

Comments, Alternatives Considered, and Policy Implications

If the council were to decide that the Phoenix and Oracle systems should not be consolidated (Option 1 above), council staff will continue to look for opportunities in the future to streamline business processes and potentially combine Enterprise Resource Planning systems if a favorable cost benefit arises.

If the council were to request that the organization continue with activities to combine Phoenix and Oracle into a single branchwide enterprise platform (Option 2 above), additional work will be required. The additional work would include significant effort from Legal Services and Governmental Affairs, as well as a complete cost-benefit analysis once final requirements are solidified. Additionally, council staff would need to work with the state Department of Finance and the State Controller's Office on cash flow issues to the SLJ. A regular allocation process similar to that of the trial courts might work for SLJ operations, but funds related to construction

² Appropriation accounting requires the tracking of appropriations across fiscal years until funding is fully expended or reverts.

and bonds would be more complicated. Please note that the Senate and Assembly financial transactions are subject to State Controller's Office claims audit review and warrant processing; both houses of the Legislature are required to use the State Treasury.

Judicial Council staff understand that legislation is likely necessary in order to authorize the state-level judiciary to be exempt from the State Controller's Office claims audit review and warrant processing and from the obligation to use the State Treasury, but even then arguments could be made that these duties - because they are constitutional - cannot be transferred by legislation.

The review and creation of options for this directive were performed by a group of interdivisional council staff representing Finance, Trial Court Administrative Services, Information Technology, Human Resources, the Center for Judiciary Education & Research, and Legal Services. It should be noted that an additional task performed by the team was to survey the trial courts on the possible need for further functionality not currently available in Phoenix (education management, performance management, etc.). The courts have implemented alternate methods for fulfilling these requirements until a solution is available through Phoenix. This information will be used for future cost-benefit analyses and possible funding requests. As noted previously, given that this functionality is not in Phoenix at this time, this report does not address moving the SLJ from a PeopleSoft application to Phoenix.

Implementation Requirements, Costs, and Operational Impacts

The current cost for licenses for the Oracle Financial System is approximately \$250,000 per annum. In addition, major system upgrades requiring external consulting services to assist internal staff are performed about every seven years costing approximately \$1 million (\$143,000 if annualized). The system is supported on an everyday basis by two staff in Information Technology at a cost of approximately \$275,000. The only savings that would be realized by moving the SLJ to the Phoenix Financial System would be the license fee of \$250,000 per annum. The two Information Technology staff members would need to move to the Phoenix support team to work on support requests from the SLJ. Additionally, there would be no savings from the upgrade costs as it is estimated that these costs would be subsumed as Phoenix upgrade costs to cover the additional functionality required to meet the needs of the SLJ.

Based on Judicial Council staff experience in deploying Phoenix to the trial courts, an estimate of \$5,000,000 in one-time costs is being used for this exercise. This is a rough estimate because the requirements would depend on the outcome of the legislative pursuit and would be driven by the requirements of the state in regards to accommodating their ongoing budget and accounting needs. The branch owns an enterprise license for Phoenix, so no additional licensing costs would be incurred.

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVE
AOC RESTRUCTURING AND REALIGNMENT

DATE	10/4/2012
PREPARED BY	Maureen Dumas
OFFICE NAME	<u>Executive Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	1
JUDICIAL COUNCIL DIRECTIVE	The Administrative Director of the Courts operates subject to the oversight of the Judicial Council. E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report to E&P before each Judicial Council meeting on each item on this chart approved by the Judicial Council.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>To ensure that the Administrative Director of the Courts is operating subject to the oversight of the Judicial Council and that implementation of Judicial Council approved Administrative Office of the Courts (AOC) Realignment Recommendations is progressing, a formal process has been implemented that provides information prepared by the AOC, in coordination with the Administrative Director and the Executive Team to be shared by the Administrative Director with the Executive and Planning Committee (E&P) on all Judicial Council approved recommendations. Implementation activities of the recommendations will be monitored by the Executive Office who will communicate status and forward proposals for Judicial Council action as directed by the Judicial Council in the respective recommendations. The tools for providing this information include: the use of this form (Activity Reporting and Proposal Form); an accompanying Status Report that will be provided monthly or as requested by E&P or the Judicial Council; and as needed formal Judicial Council reports for more complex proposals that will require Judicial Council action.</p>	
<input type="checkbox"/> File Attachment	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	
<input type="checkbox"/> File Attachment	
<input type="checkbox"/> Other:	

 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE

9/27/12

RESOURCES REQUIRED FOR IMPLEMENTATION

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

PROCEDURES/ POLICIES UPDATED OR DEVELOPED

 File Attachment

TRAINING UPDATED OR DEVELOPED

 File Attachment

SAVINGS

 File Attachment

COST

 File Attachment

EFFICIENCIES

 File Attachment

SERVICE LEVEL IMPACT

 File Attachment

OTHER

The utilization of a formal process that requires the AOC Administrative Director of the Courts to report on the status of implementation of Judicial Council AOC Realignment recommendations:
* Assists with holding the organization accountable for implementation of AOC Realignment recommendations in a timely fashion.
* Provides transparency in the process with regular Status Reports both to the Executive and Planning Committee and the Judicial Council on a regular basis in a structured format.
* Provides valuable information to the Judicial Council on the impact of implementing recommendations (savings, costs, efficiencies, service level impact, etc.) to assist with Judicial Council decision-making.

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:

EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW

E&P REVIEW

Executive and Planning Review Date:

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVE
AOC RESTRUCTURING AND REALIGNMENT

DATE	10/4/2012
PREPARED BY	Maureen Dumas
OFFICE NAME	<u>Executive Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	24
JUDICIAL COUNCIL DIRECTIVE	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.
SEC RECOMMENDATION	<p>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.</p> <p>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.</p> <p>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.</p> <p>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>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>The Chief Deputy Administrative Director position must be eliminated. If the absence of the Administrative Director necessitates the designation of an</p>

Acting Administrative Director, the Chief Operating Officer should be so designated.

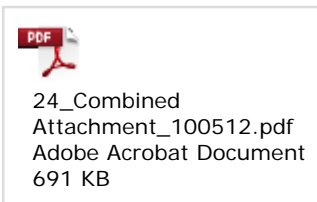
The Administrative Director, the Chief Operations Officer, the Chief Administrative Officer, and the Chief of Staff should be designated as the AOC Executive Leadership Team, the primary decision making group in the organization.

RESPONSE (check applicable boxes)

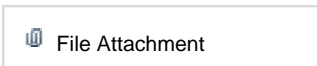
This directive has been completed and implemented:

On August 31, 2012, the Judicial Council approved a new organizational structure for the Administrative Office of the Courts (AOC) proposed by the interim Administrative Director of the Courts and incoming Administrative Director of the Courts. The new organizational structure reduced the AOC Executive Team to four positions (Administrative Director, Chief of Staff, Chief Operating Officer, and Chief Administrative Officer) and realigned and renamed existing divisions into offices housed under one of three newly created divisions (Judicial Council and Court Leadership Services Division, Judicial and Court Operations Services Division, and Judicial and Court Administrative Services Division) (Attachment A). As reflected in Attachment A, the Chief Deputy Director position was eliminated under the new organizational structure. The approved organizational structure became effective on October 1, 2012.

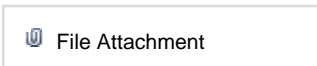
The approved structure incorporates other recommendations included in the Strategic Evaluation Committee's Final Report with minor modifications. Attachment B provides information on the approved modifications.



This directive is forwarded to the Judicial Council with options for consideration:








Other:



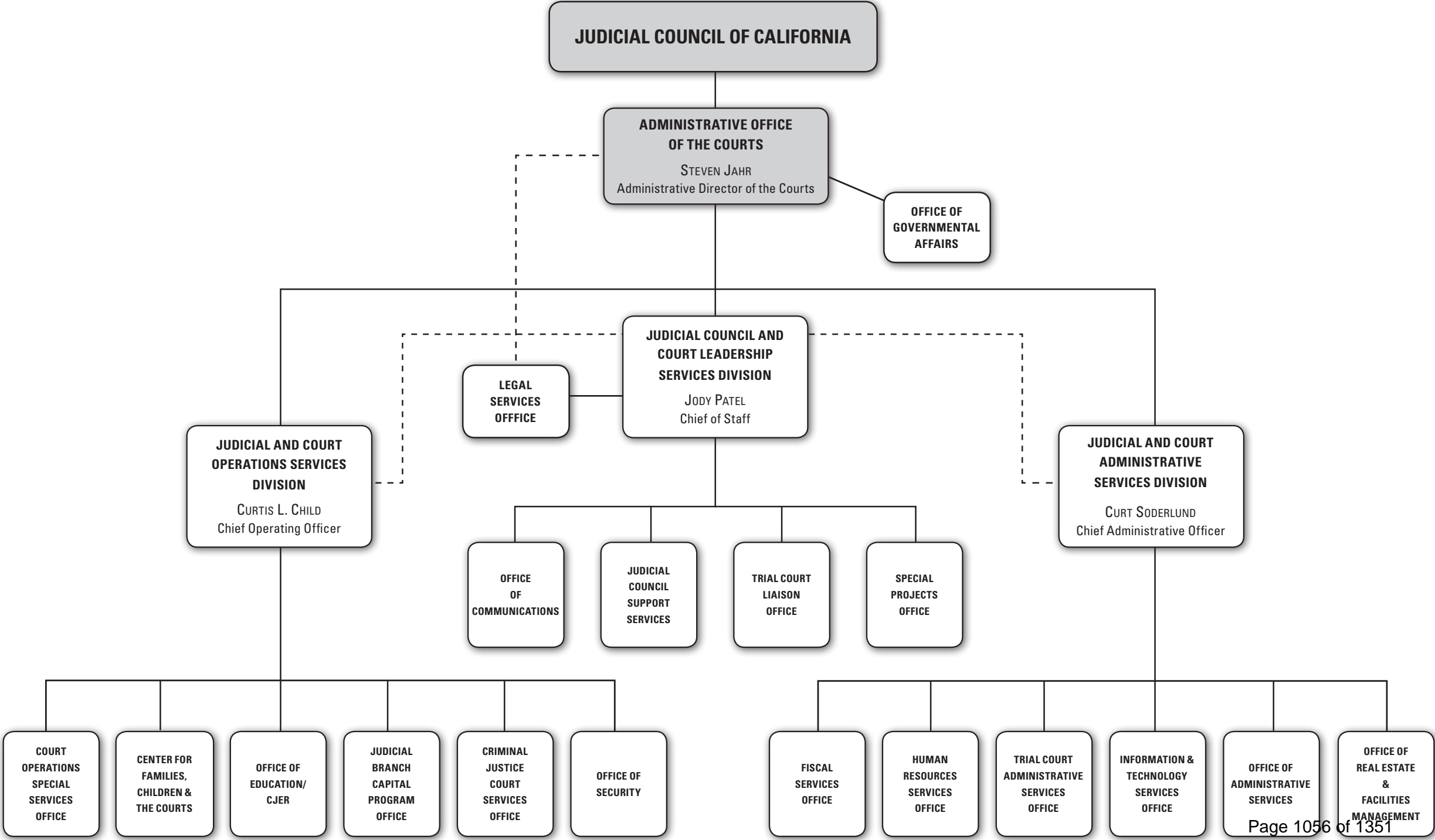
TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	<input type="text" value="10/1/12"/>
RESOURCES REQUIRED FOR IMPLEMENTATION	<input type="text"/>

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)	
<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">  File Attachment </div>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">  File Attachment </div>
<input checked="" type="checkbox"/> SAVINGS	<p>The approved AOC organizational structure includes the elimination of the Chief Deputy Director position. This elimination supports SEC Recommendation 5-6 which proposed that the "Chief Deputy Administrative Director position must be eliminated." With this elimination and other restructuring changes (elimination of the Regional Administrative Director and TCAS Division Director positions and creation of Chief of Staff, Chief Operating Officer, and Chief Administrative Office), the organization has realized net savings of \$191,283 in salary and benefits.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">  File Attachment </div>
<input type="checkbox"/> COST	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">  File Attachment </div>
<input checked="" type="checkbox"/> EFFICIENCIES	<p>By reducing the AOC Executive Team to four and creating three new divisions to house AOC offices, efficiencies for the organization will be realized with:</p> <ul style="list-style-type: none"> * A more manageable Executive Team with a reduced span of control to allow for more effective and consistent oversight of AOC programs and projects. * Clear designation of authority, responsibility, and accountability with a straightforward chain of command to effectively meet the organization's objectives. * A reduced number of direct report high-level leadership positions to the Administrative Director of the Courts responsible for ongoing leadership and management of AOC programs and projects while the Administrative Director of the Courts addresses external demands. * Streamlined decision-making resulting in more efficient processes for the organization. * Improved communications by housing like-activities into designated divisions to foster ongoing collaboration. <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">  File Attachment </div>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>The new organizational structure of the AOC Executive Team and the new divisions provides a clear chain of command for court customers and external stakeholders seeking services from the AOC.</p> <p>The new AOC organizational structure promotes transparency in providing services to the courts by clearly defining authority, responsibility, and the chain of command in the AOC.</p>

	<p>Additionally, services offered to the courts are enhanced with the creation of a more streamlined and efficient management structure that should allow for timely decision-making and communication with the courts.</p> <p> File Attachment</p>
<input type="checkbox"/> OTHER	<p> File Attachment</p>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>

ORGANIZATIONAL STRUCTURE OF THE ADMINISTRATIVE OFFICE OF THE COURTS



Additional Implementation Information:

- Reporting relationship of the Chief Counsel and the Legal Services Office to the Chief of Staff with a dotted line reporting relationship to the Administrative Director rather than a direct report to the Administrative Director.
- Reporting relationship of the Office of Governmental Affairs directly to the Administrative Director with a dotted line reporting relationship to the Chief of Staff rather than a direct report to Chief of Staff.
- Retention of Editing and Graphics Group as part of a new Judicial Council Support Services Office in the Judicial Council and Court Leadership Services Division rather than elimination of this unit.
- Bifurcation of Office of Court Construction and Management into new offices under two new divisions – Office of Real Estate and Facilities Management reports to the Chief Administrative Officer in the Judicial and Court Administrative Services Division and the Judicial Branch Capital Program Office reports to the Chief Operating Officer in the Judicial and Court Operations Services Division.
- Retention of the Office of Emergency Response and Security as Office of Security in the Judicial and Court Operations Services Division pending a report from the Administrative Director to the Judicial Council at the December 2012 meeting.
- Establishment of the Office of Administrative Services to house traditional administrative functions reporting to the Chief Administrative Officer in the Judicial and Court Administrative Services Division.
- Movement of the Criminal Justice Court Services Office from the Executive Office to the Judicial and Court Operations Services Division.

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/5/2012
PREPARED BY	Tina Carroll
OFFICE NAME	<u>Executive Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	45
JUDICIAL COUNCIL DIRECTIVE	E&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. E&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.
SEC RECOMMENDATION	<p>The total staff size of the AOC should be reduced significantly.</p> <p>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>The staffing levels of the AOC must be made more transparent and understandable. Information on staffing levels must be made readily available, including posting the information online. All categories of staffing—including, but not limited to, authorized positions, “909” staff, employment agency temporary employees and contract staff—must be accounted for in a manner understandable to the public.</p>
RESPONSE (check applicable boxes)	
<p><input checked="" type="checkbox"/> This directive has been completed and implemented:</p> <p>The AOC is currently undertaking a review of its key programs and activities to identify appropriate staffing levels across the organization.</p>	



Staffing Reductions.pdf
 Adobe Acrobat Document
 127 KB



WEB 7312012 AOC
 Staffing.pdf
 Adobe Acrobat Document
 371 KB



WEB 8312012 AOC
 Staffing (2).pdf
 Adobe Acrobat Document
 371 KB



WEB 9302012 AOC
 Staffing (2).pdf
 Adobe Acrobat Document
 371 KB

This directive is forwarded to the Judicial Council with options for consideration:



File Attachment

Other:



File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	October 5, 2012
RESOURCES REQUIRED FOR IMPLEMENTATION	Human Resources Services Office: Tracking of staffing metrics and monthly report production (2 hours each month for one staff member). Office of Communications: Posting staffing metrics online (2 hours for initial set up).

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)	
<input checked="" type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	Staffing metrics will be produced and posted by Human Resources staff no later than the 7th day of each month. <input type="text" value="File Attachment"/>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input type="text"/> <input type="text" value="File Attachment"/>
<input type="checkbox"/> SAVINGS	<input type="text"/> <input type="text" value="File Attachment"/>
<input type="checkbox"/> COST	<input type="text"/> <input type="text" value="File Attachment"/>
<input checked="" type="checkbox"/> EFFICIENCIES	Staffing metrics for all employment categories are readily available and updated on a regular basis, facilitating effective and efficient oversight and management of personnel resources as well as transparency and accountability. <input type="text" value="File Attachment"/>
<input type="checkbox"/> SERVICE LEVEL IMPACT	<input type="text"/> <input type="text" value="File Attachment"/>
<input type="checkbox"/> OTHER	<input type="text"/> <input type="text" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>

Administrative Office of the Courts
Staffing Reductions and Reporting

SUMMARY

1. Staffing Reductions

Consistent with Judicial Council direction provided at its August 2012 business meeting, the AOC has made significant staffing reductions during the past 15 months. Table 1 below shows how these reductions have been achieved:

Table 1

AOC Reductions 7/1/2011 - 9/30/2012

Action	Workforce Reductions		
	FY 11-12	FY12-13	Total
VSIP I *	-28.50	0.0	
VSIP II *	-29.05	0.0	
Lay Off *	-35.63	-2.0	
Retirement*	-24.00	-5.5	
Other Separations*	-42.59	-10.0	
Agency Temporary Worker Orders (<i>net</i>)	-80	-3	
Contractors (<i>net</i>)	-55	-4	
Total	-294.77	-24.5	-319.27

* Includes regular (full time equivalent), retired annuitants, and 909 temporary employees.

NOTE: Numbers may differ slightly from data provided on 7/1/2011 and 7/17/2012 due to retroactive transactions and/or corrections.

The reductions identified above were facilitated, in part, by organizational restructuring that occurred in the 2011–2012 fiscal year. This included the consolidation of three regional offices under a single regional administrative director; the consolidation of the Human Resources Division and the Trial Court Administrative Services Division as the Administrative Services Division; and the consolidation of the California Court Case Management System Project Management Office within the Information Services Division.

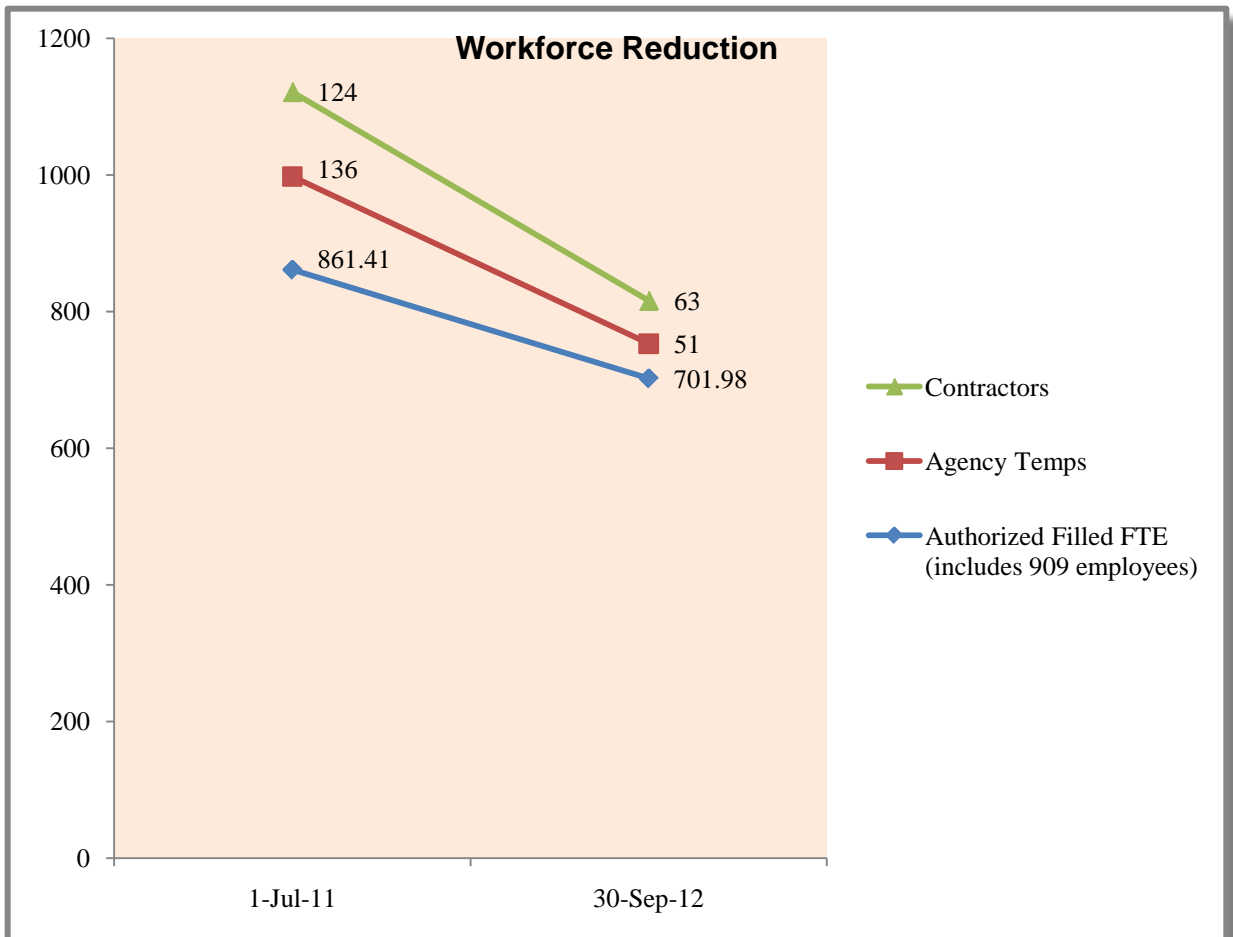
Tables 2 and 3 below show workforce totals and reductions for the AOC from July 1, 2011 through September 30, 2012.

Table 2

Month	Authorized Filled FTE <i>(includes 909 employees)</i>	Agency Temps	Contractors	TOTALS
1-Jul-11	861.41	136	124	1121.41
30-Sep-12	701.98	51	63	815.98
				-305.43

Reduction % -18.51% -62.50% -49.19% -27.24%

Table 3



2. Information on Staffing Levels: Tracking and Reporting

In May 2012, the AOC initiated a master roster position control process for tracking employee metrics. For the first time, this roster captures staffing numbers, by offices, for all regular employees and temporary staff by any definition, including contractors effectively acting as employees. This master roster ensures that AOC staffing levels are more transparent, understandable, and readily available. The roster also facilitates more effective oversight with regard to hiring practices.

From October 2012, AOC staff metrics will be posted on the AOC page of the California Courts website on or around the seventh day of each month. Metrics for the first three months of the 2012–2013 fiscal year (July, August, and September) are posted online at [AOC web page](#). Copies of these reports are attached.

At its August 2012 business meeting, the Judicial Council directed the Administrative Director that the total staff size of the AOC “must not exceed the total number of authorized positions,” the current number for which is 815.10. As of the submission of this report on October 5, 2012, the total AOC workforce is reported as 815.18. However, it should be noted that in order to remain consistent with the description of “positions” as used by the Strategic Evaluation Committee, current metrics combine the “FTE” count for regular employees, with a “headcount” for 909 employees, agency temps, and contractors. This does not take into account that some agency temps or contractors are working a reduced schedule. Therefore, the AOC’s current workforce is actually *below* the total number of authorized positions.

To address this issue, as part of the next phase in the implementation process of the master roster for position control, the Human Resources Services Office will begin tracking agency temps in the full time equivalent (FTE) format. Using the FTE methodology will provide a truer, more transparent indication of the AOC workforce.

AOC HR METRICS BY DIVISION

Data as of July 31, 2012

STAFFING	ASD	CFCC	CPAS	EDU	EXEC	FIN	IS	OGA	OCCM	OGC	TCLO	AOC
Authorized Position (FTE)	141.00	84.00	67.70	81.50	32.63	100.00	147.90	13.00	126.00	74.00	12.00	879.73
Filled Authorized Position (FTE)	115.00	65.60	47.75	71.15	22.95	83.00	106.78	10.85	100.50	62.40	5.00	690.98
Vacancy (FTE)	26.00	18.40	19.95	10.35	9.68	17.00	41.13	2.15	25.50	11.60	7.00	188.76
Vacancy Rate (FTE)	18.4%	21.9%	29.5%	12.7%	29.7%	17.0%	27.8%	16.5%	20.2%	15.7%	58.3%	21.5%
AOC Temporary Employee (909)	1	1	3	11	3	1	0	0	1	1	0	22.00
*Employment Agency Temporary Worker	1	2.5	3	1	1.5	7	5	0	32	2	0	55.00
Contractors	1	0	0	0	0	0	56	0	12	0	0	69.00
TOTAL WORKFORCE <i>(based on FTE, 909s, Agency Temps & Contractors)</i>	118.00	69.10	53.75	83.15	27.45	91.00	167.78	10.85	145.50	65.40	5.00	836.98

*Updated as of 7/31/12: EXEC & CFCC are sharing a temp

Definitions:

Authorized Position (FTE) Authorized positions include all regular ongoing positions approved in the Budget Act for that year. The number is based on the position's approved full time equivalency.

Filled Authorized Position (FTE) Filled authorized positions are the number of authorized positions filled based on the employee's full time equivalency.

Vacancy (FTE) The number of vacancies is the number of authorized positions minus the number of filled authorized positions.

Vacancy Rate (FTE) Vacancy Rate is calculated by dividing the number of authorized positions by the number of vacant authorized positions. This number excludes AOC temporary employees ("909" funded employees). See definition of AOC temporary employees below.

AOC Temporary Employees (909) The "909 category is the State Controller code the AOC uses to reference a temporary position or a temporary employee.
 909 Position - it is a position that may not be funded through the Budget Act and it is categorized by the Office of the State Controller as a temporary position used in the absence of an authorized position. 909 positions may be occupied by regular full-time employees due to the unavailability of an authorized vacant position. 909 Employee - An employee whose salary is not funded through the Budget Act. 909 employees may receive benefits if employed at least half-time and the term of employment is for more than six months. Types of "909" Temporary Employees include: Retired Annuitants: A retired annuitant is a retiree who is hired by his or her former employer or by another employer that participates in the same retirement system as the former employer. This includes a former participant in a state retirement system who has previously retired and who is currently receiving retirement benefits. Temporary: Employees employed by the AOC on a temporary basis - they do not receive full benefits (but do receive CalPERS retirement service credit).

Employment Agency Temporary Worker These are workers from an employment agency. They are employees of the employment agency, not the AOC, but provide short-term support for AOC workload.

AOC HR METRICS BY DIVISION

Data as of July 31, 2012

- Contractor** Individuals augmenting the work of the AOC and providing services for a limited period of time or on a specific project, where a particular skill set is required that is either (1) not within an existing AOC classification and/or job description or (2) where recruitment issues require the use of a contractor.
- Full Time Equivalency (FTE)** Full Time Equivalency is the number of total maximum compensable hours designated in a year divided by actual hours worked in a year. For example, the work year for the AOC is defined as 2,080 hours; one employee occupying a paid full time job all year would consume one FTE. One employee working for 1,040 hours each would consume .5 FTE.
- Time Base**
 Full time: Employee is scheduled to work 40 hours per week. Receives full benefits.
 Part time: Employee is scheduled to work less than 40 hours per week. Employees that work more than 20 hours per week receive full benefits.
 Intermittent: Employees have no established work schedule and work on an as-needed basis that varies from one pay period to the next. Eligibility for certain benefits may be limited for these employees.
- Regular Employee** Commonly referred to as “permanent employees” – They receive full benefits.
- Limited Term** Limited Term Position – It is a position that is funded through the Budget Act with a specific end date. The position is counted as an authorized position. Employee in limited term positions may be regular or temporary.

Acronym	Division Name	Notes
ASD	Administrative Services Division	<i>combined Trial Court Administrative Services and Human Resources Divisions</i>
CFCC	Center for Families, Children & the Courts	
CPAS	Court Programs and Services Division	
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OGC	Office of the General Counsel	
TCLO	Trial Court Liaison Office	<i>combined Regional Offices</i>

AOC HR METRICS BY DIVISION

Data as of August 31, 2012

STAFFING	ASD	CFCC	CPAS	EDU	EXEC	FIN	IS	OGA	OCCM	OGC	TCLO	AOC
Authorized Position (FTE)	131.00	72.00	60.70	74.50	28.00	95.00	134.90	13.00	125.00	70.00	9.00	813.10
Filled Authorized Position (FTE)	115.00	65.60	46.75	70.15	21.95	83.00	105.78	10.85	99.50	61.40	5.00	684.98
Vacancy (FTE)	16.00	6.40	13.95	4.35	6.05	12.00	29.13	2.15	25.50	8.60	4.00	128.13
Vacancy Rate (FTE)	12.2%	8.9%	23.0%	5.8%	21.6%	12.6%	21.6%	16.5%	20.4%	12.3%	44.4%	15.8%
AOC Temporary Employee (909)	1	1	3	11	2	1	0	0	1	1	0	21.00
*Employment Agency Temporary Worker	1	2.5	3	1	1.5	7	5	0	31	2	0	54.00
Contractors	1	0	0	0	0	0	55	0	9	0	0	65.00
TOTAL WORKFORCE <i>(based on FTE, 909s, Agency Temps & Contractors)</i>	118.00	69.10	52.75	82.15	25.45	91.00	165.78	10.85	140.50	64.40	5.00	824.98

*Updated as of 8/31/12: EXEC & CFCC are sharing a temp

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AOC HR METRICS BY DIVISION

Data as of August 31, 2012

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Filled Authorized Position (FTE)	114.00	65.60	45.75	70.15	21.95	83.00	104.78	10.85	99.50	61.40	5.00	681.98
Vacancy (FTE)	17.00	6.40	14.95	4.35	6.05	12.00	32.13	2.15	25.50	8.60	4.00	133.13
Vacancy Rate (FTE)	13.0%	8.9%	24.6%	5.8%	21.6%	12.6%	23.5%	16.5%	20.4%	12.3%	44.4%	16.3%
AOC Temporary Employee (909)	1	1	2	11	2	1	0	0	1	1	0	20.00
*Employment Agency Temporary Worker	1	2.5	3	1	0.5	6	5	0	30	2	0	51.00
Contractors	1	0	0	0	0	0	53	0	9	0	0	63.00
TOTAL WORKFORCE (based on FTE, 909s, Agency Temps & Contractors)	117.00	69.10	50.75	82.15	24.45	90.00	162.78	10.85	139.50	64.40	5.00	815.98

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Data as of September 30, 2012**

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ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING

DATE	10/5/2012
PREPARED BY	Tina Carroll
OFFICE NAME	<u>Executive Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	46
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	Vacant authorized positions should be eliminated if they have remained unfilled for six months.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented: <div style="border: 1px solid gray; height: 20px; margin-top: 5px;"></div> <div style="border: 1px solid gray; padding: 5px; margin-top: 10px;">  <p>Vacancies 6mos.pdf Adobe Acrobat Document 291 KB</p> </div> <div style="border: 1px solid gray; padding: 5px; margin-top: 5px; width: fit-content;">  File Attachment </div> <div style="border: 1px solid gray; padding: 5px; margin-top: 5px; width: fit-content;">  File Attachment </div> <div style="border: 1px solid gray; padding: 5px; margin-top: 5px; width: fit-content;">  File Attachment </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration: <div style="border: 1px solid gray; height: 20px; margin-top: 5px;"></div> <div style="border: 1px solid gray; padding: 5px; margin-top: 10px; width: fit-content;">  File Attachment </div>	
<input type="checkbox"/> Other: <div style="border: 1px solid gray; height: 20px; margin-top: 5px;"></div>	

 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE

October 26, 2012

RESOURCES REQUIRED FOR IMPLEMENTATION

Human Resources Services Office: Report production (1 hour each month for one staff member).

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

PROCEDURES/ POLICIES UPDATED OR DEVELOPED

The Administrative Director of the Courts will report to the Judicial Council on a quarterly basis and will act separately, as necessary, to address issues related to any specific vacancies.

 File Attachment

TRAINING UPDATED OR DEVELOPED

 File Attachment

SAVINGS

 File Attachment

COST

 File Attachment

EFFICIENCIES

 File Attachment

SERVICE LEVEL IMPACT

 File Attachment

OTHER

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date: 10/5/2012

EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>

AOC VACANT POSITIONS for 6 MONTHS or MORE

as of 8/29/2012

(sorted by Months Vacant)

Division	Unit	Position		Standard		Months	Location
		Number	Class Title	Hours	Reports To	Vacant	
EXEC	Emergency Response and Security Unit	511	Manager	40	Franklin,Malcolm	21.3	San Francisco
EXEC	Executive Office	512	Exec. Secy. to Ad. Dir.	40	Patel,Jyotiben D.	11.3	San Francisco
EXEC	Emergency Response and Security Unit	2593	Security Coordinator	40	<i>Vacant</i>	9.9	San Francisco
OGC	Office of the General Counsel	1446	Attorney	40	Hansen,Sue C.	25.3	San Francisco
OGC	Trial Court Facilities Unit - Office of General Counsel	1973	Attorney	40	Miessner,Leslie Gwyneth	24.2	San Francisco
OGC	Office of the General Counsel	2132	Attorney	40	Ceniceros,Rebecca Michelle	21.9	San Francisco
IS	Network Infrastructure and Security Architecture Unit	2662	Sr. Technical Analyst	40	Ortega,Raul A	59.0	San Francisco
IS	Phoenix Unit	1625	Information Systems Manager	40	Earl,Diana L.	59.0	San Francisco
IS	Web Development Unit	1629	Business Systems Analyst	40	Yuan,Mark S.	58.4	San Francisco
IS	Phoenix Development Interface Unit	2322	Sr. Application Dev't Analyst	40	Light,Daphne D	44.4	San Francisco
IS	Web Development Unit	1309	Supervising IS Analyst - B	40	Yuan,Mark S.	39.4	San Francisco
IS	Data Integration CCMS Unit	2604	Senior Manager	40	Dusman,Mark W.	31.0	San Francisco
IS	Administrative System Development Unit	1305	Sr. Business Systems Analyst	40	Wu,Alice S.	28.0	San Francisco
IS	CCMS Trial Court Services Unit	2229	Senior Business App. Analyst	40	<i>Vacant</i>	26.3	Burbank
IS	Technical Support Office of Court Const and Mgmt Unit	2114	Sr. Technical Analyst	40	Albiento,Florentino F.	25.6	San Francisco
IS	Phoenix Infrastructure Branchwide Unit	2326	Sr. Application Dev't Analyst	40	<i>Vacant</i>	25.0	San Francisco
IS	Desktop Support Unit	743	Sr. Systems Admin.	40	DeMartini,Jacqueline A.	24.5	San Francisco
IS	CCMS Program Management Office	2721	Senior Business App. Analyst	40	Collins,Keri	17.0	Burbank
IS	Justice Partner Outreach Unit	631	Business Systems Analyst	40	Uecker,Richelle G	14.0	San Francisco
IS	CCMS Product Assurance Unit	2553	Senior Business App. Analyst	40	<i>Vacant</i>	12.7	Burbank
OGA	Office of Governmental Affairs	620	Sr. Govt. Affairs Analyst	40	Hershkowitz,Donna Sue	8.0	Sacramento
ASD	Labor and Employee Relations Unit	1947	Sr. Human Resources Analyst	40	Guevara,Michael	40.2	San Francisco
ASD	Labor and Employee Relations Unit	1197	Manager	40	Guevara,Michael	26.6	San Francisco
ASD	Trial Court Administrative Services Division	2476	Accountant	40	Matlock,Judith	24.6	Sacramento
ASD	Trial Court Central Procurement Support Services Unit	1896	Contract Specialist	40	Coombs,Paula R.	23.9	Sacramento
ASD	Trial Court Administrative Services Division	2204	Accountant	40	Matlock,Judith	23.9	Sacramento
ASD	Trial Court Administrative Services Division	2195	Senior Accountant	40	Price,Alan	23.6	Sacramento
ASD	Trial Court Administrative Services Division	1898	Accountant	40	Price,Alan	22.9	Sacramento
ASD	Trial Court Administrative Services Division	2475	Senior Accountant	40	Matlock,Judith	19.9	Sacramento
ASD	Compensation and Benefits Unit	1798	Staff Analyst II	40	Cox-Clouser,Linda M	14.0	San Francisco
ASD	Workers' Compensation Administration and IDM Unit	1794	Human Res. Analyst	40	Guevara,Michael	14.0	San Francisco
ASD	Pay and Benefits Unit	1784	Pay and Benefits Specialist II	40	Ramos,Evelyn A.	14.0	San Francisco
ASD	Labor and Employee Relations Unit	1811	Staff Analyst I	40	Guevara,Michael	9.0	San Francisco
ASD	Compensation and Benefits Unit	1792	Sr. Human Resources Analyst	40	Cox-Clouser,Linda M	8.9	San Francisco
ASD	Trial Court Administrative Services Division	2771	Division Director	40	<i>Vacant</i>	6.5	Sacramento

AOC VACANT POSITIONS for 6 MONTHS or MORE

as of 8/29/2012

(sorted by Months Vacant)

Division	Unit	Position		Standard		Months	Location
		Number	Class Title	Hours	Reports To	Vacant	
FINANCE	Accounting Unit	776	Accountant	40	Sanchez,H. Eduardo	49.0	San Francisco
FINANCE	Accounting Unit	778	Accounting Technician	40	Pham,Yvonne	48.5	San Francisco
FINANCE	Business Services Unit	2859	Sr Contract Specialist	40	Walker,Grant S.	38.0	San Francisco
FINANCE	Accounting Unit	863	Senior Accountant	40	Haggerty,Patricia	20.0	San Francisco
FINANCE	Trial Court Facilities - Business Services Unit	2059	Senior Contract Specialist	40	Walker,Grant S.	10.3	San Francisco
FINANCE	Business Services Unit	2135	Senior Contract Specialist	40	Saddler,Stephen M.	9.0	San Francisco
FINANCE	Trial Court Facilities - Budget Administration Unit	1963	Sr Budget Analyst	40	Friday,Irene Denise	8.9	Sacramento
FINANCE	Audit Services Unit	2136	Internal Auditor I	40	Pulido,George E.	8.7	San Francisco
FINANCE	Accounting Unit	2295	Manager	40	Haggerty,Patricia	8.0	San Francisco
FINANCE	Audit Services Unit	1441	Senior Internal Auditor	40	Pulido,George E.	8.0	San Francisco
CFCC	Mental Health Services Fund Unit	2827	Sr. Research Analyst	40	Byrne,Francine E.	42.0	San Francisco
CFCC	Juvenile Mental Health Services Fund Unit	2866	Staff Analyst II	40	Byrne,Francine E.	16.4	San Francisco
EDUC	Trial Court Facilities Education Unit	2067	Sr AVVideo System Tech Analys	40	Willard,Jennifer Hope	44.6	San Francisco
EDUC	Administrative Services Unit	659	Sr. Admin. Coordinator	40	Glass,David E.	8.9	San Francisco
OCCM	Risk Management Unit	2319	Health and Safety Analyst	40	Mullen,James E	86.1	San Francisco
OCCM	Design and Construction Team	2835	Senior Construction Inspector	40	Stephenson,James O.	38.0	San Francisco
OCCM	Design and Construction Team	2836	Senior Construction Inspector	40	Stephenson,James O.	38.0	San Francisco
OCCM	Design and Construction Team	2841	Design & Const Project Mgr III	40	Uvalle,Robert Michael	38.0	San Francisco
OCCM	Portfolio Administration Unit	2096	Manager	40	Hirschfeld,Burt S.	37.1	San Francisco
OCCM	Real Estate Unit	1956	Senior Real Estate Analyst	40	Calvert-Banks,Eunice M	26.6	San Francisco
OCCM	Portfolio Administration Unit	2046	Business Applications Analyst	40	Hirschfeld,Burt S.	23.0	San Francisco
OCCM	Facilities Management Unit	2711	Facilities Management Admin.	40	<i>Vacant</i>	20.9	San Francisco
OCCM	Facilities Management Unit	1983	Mech'l Electr'l Plumbing Engr.	40	Gilleran,Patrick K	20.1	San Francisco
OCCM	Planning and Policy Team	1631	Admin. Coordinator I	40	Quinn,Kelly	18.1	Burbank
OCCM	Real Estate Unit	2728	Admin. Coordinator I	40	Calvert-Banks,Eunice M	17.3	San Francisco
OCCM	Facilities Management Unit	2715	Facilities Management Admin.	40	Gilleran,Patrick K	17.3	San Francisco
OCCM	Facilities Management Unit	2621	Facilities Management Admin.	40	Turner,Nick D	14.2	San Francisco
OCCM	Design and Construction Team	2861	Admin. Coordinator I	40	Uvalle,Robert Michael	13.6	San Francisco
OCCM	Facilities Management Unit	2753	Facilities Management Admin.	40	Kremko,James A	11.4	San Francisco
OCCM	Portfolio Administration Unit	2493	Portfolio Admin Analyst	40	Hirschfeld,Burt S.	11.3	San Francisco
OCCM	Real Estate Unit	1955	Senior Real Estate Analyst	40	Calvert-Banks,Eunice M	11.2	San Francisco
OCCM	Design and Construction Team	2152	Design & Const Project Mgr III	40	Uvalle,Robert Michael	11.0	San Francisco
OCCM	Portfolio Administration Unit	1968	Admin. Coordinator II	40	Hirschfeld,Burt S.	9.6	San Francisco
OCCM	Facilities Management Unit	2624	Facilities Management Admin.	40	Brewer,Mary-Beth T	8.9	San Francisco
OCCM	Facilities Management Unit	2716	Facilities Management Admin.	40	Gilleran,Patrick K	8.9	San Francisco

AOC VACANT POSITIONS for 6 MONTHS or MORE

as of 8/29/2012


(sorted by Months Vacant)

Division	Unit	Position		Standard		Months	
		Number	Class Title	Hours	Reports To	Vacant	Location
OCCM	Facilities Management Unit	1970	Facilities Management Admin.	40	Turner,Annette	6.2	San Francisco
TCLO	Southern California Regional Division	2310	Admin. Coordinator I	40	<i>Vacant</i>	11.7	Burbank
TCLO	Northern California Regional Division	1778	Regional Admin. Director	40	Soderlund,Curt	6.5	Sacramento
CPAS	Editing and Graphics Group	764	Supervising Editor	40	<i>Vacant</i>	28.9	San Francisco
CPAS	Court Programs and Service Administration Unit	1894	Administrative Secretary	20	Finke,Chad David	23.9	San Francisco
CPAS	Editing and Graphics Group	1908	Editor II	40	<i>Vacant</i>	23.4	San Francisco
CPAS	Court Interpreter's Program Unit	1939	Linguistics Analyst	40	Ring,Jacqueline M	23.0	San Francisco
CPAS	Court Interpreter's Program Unit	1935	Sr. Court Services Analyst	40	Ring,Jacqueline M	15.1	San Francisco
CPAS	Trial Court Leadership Unit	1328	Court Services Analyst	40	Smith,Marlene H.	14.8	San Francisco
CPAS	Editing and Graphics Group	2243	Senior Editor	40	<i>Vacant</i>	12.0	San Francisco
CPAS	Editing and Graphics Group	1318	Editor II	40	Bolotte,Dianne M.	9.0	San Francisco
CPAS	Office of Court Research Unit	2558	Sr. Research Analyst	40	MacLeod,Dag P.	7.9	San Francisco

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ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/4/2012
PREPARED BY	Maureen Dumas
OFFICE NAME	<u>Executive Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	73
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	The Editing and Graphics Group, with half of its eight positions currently vacant, should be considered for elimination.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>On August 31, 2012, the Judicial Council approved a new organizational structure for the Administrative Office of the Courts (AOC) proposed by the interim Administrative Director of the Courts and incoming Administrative Director of the Courts. The new organizational structure reduced the AOC Executive Team to four positions (Administrative Director, Chief of Staff, Chief Operating Officer, and Chief Administrative Officer) and realigned and renamed existing divisions into offices housed under one of three newly created divisions (Judicial Council and Court Leadership Services Division, Judicial and Court Operations Services Division, and Judicial and Court Administrative Services Division) (Attachment A).</p> <p>In addition to the realignment of divisions into new offices, the Editing and Graphics Group (EGG) from the Court Operations Special Services Office (formerly Court Programs and Services Division) was moved to the new Judicial Council Support Services Office in the Judicial Council and Trial Court Leadership Services Division under the Chief of Staff effective October 1, 2012. This represents a modification from the SEC recommendation which recommended elimination of EGG.</p> <p>EGG was previously responsible for editorial and design services for all AOC materials and created correspondence-related guides and training. Over the last two years, however, the EGG unit has experienced staffing reductions and in turn has limited its services to focus solely on editing and design of Judicial Council reports, forms, meeting minutes, high-level correspondence, and publications. Given that the new focus for EGG is to support only Judicial Council documents and publications, EGG was moved into the new Judicial Council Support Services where the unit would work hand-in-hand with staff responsible for support to the Judicial Council.</p>	
<div style="border: 1px solid black; padding: 5px;">  <p>73_JCCLSD_org_final.pdf Adobe Acrobat Document 9.98 KB</p> </div>	

This directive is forwarded to the Judicial Council with options for consideration:

 File Attachment

Other:

 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	10/1/12
RESOURCES REQUIRED FOR IMPLEMENTATION	

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

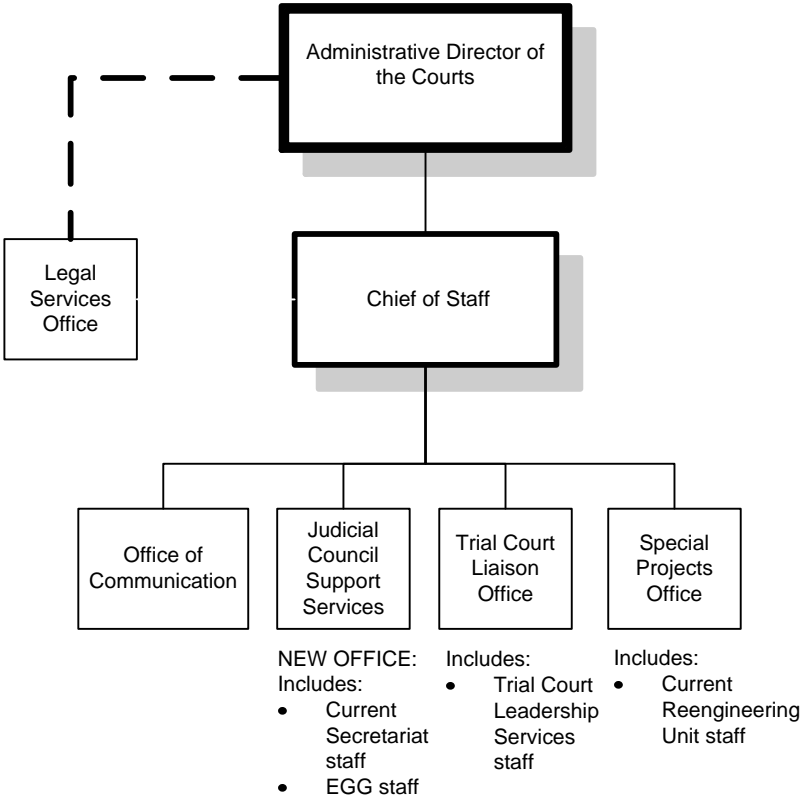
<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input type="text"/>  File Attachment
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input type="text"/>  File Attachment
<input type="checkbox"/> SAVINGS	<input type="text"/>  File Attachment
<input type="checkbox"/> COST	<input type="text"/>  File Attachment

EFFICIENCIES

Moving Editing and Graphics Group into the Judicial Council Support Services Office from the former Court Programs and Services Division creates a centralized team of staff responsible for all aspects of Judicial Council support into one office and under one division with leadership from the Executive Office through the Chief of Staff. This will result in greater efficiencies for the organization as limited EGG resources will be solely focused on the editing of Judicial Council reports, publications, and will no longer work with competing priorities of other AOC workload requests in light of Judicial Council workload. As a result, the responsibility for editing other AOC correspondence and reports has been decentralized and returned to the respective offices and the organization will continue to offer

	<input type="text" value="training courses to assist AOC staff responsible for these activities."/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> SERVICE LEVEL IMPACT	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> OTHER	<input type="text"/> <input type="button" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>

Judicial Council and Court
Leadership Services
Division



ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/4/2012
PREPARED BY	Maureen Dumas
OFFICE NAME	<u>Executive Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	77
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<p><input checked="" type="checkbox"/> This directive has been completed and implemented:</p> <p>On August 31, 2012, the Judicial Council approved a new organizational structure for the Administrative Office of the Courts (AOC) proposed by the interim Administrative Director of the Courts and incoming Administrative Director of the Courts. The new organizational structure reduced the AOC Executive Team to four positions (Administrative Director, Chief of Staff, Chief Operating Officer, and Chief Administrative Officer) and realigned and renamed existing divisions into offices housed under one of three newly created divisions (Judicial Council and Court Leadership Services Division, Judicial and Court Operations Services Division, and Judicial and Court Administrative Services Division).</p> <p>In addition to the realignment of divisions into new offices, the Trial Court Leadership Services (TCLS) unit was moved from the former Court Programs and Services Division to Judicial Council and Trial Court Leadership Services Division under the Chief of Staff effective October 1, 2012 (Attachment A).</p> <p>As background, TCLS is primarily responsible for the support of the Trial Court Presiding Judges Advisory Committee, the Court Executives Advisory Committee, the Council of Court Executives, and the numerous working groups of these committees. This movement of TCLS to the Judicial Council and Court Leadership Services Division is consistent with SEC recommendation 7-18 which recommended moving TCLS under 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>	



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This directive is forwarded to the Judicial Council with options for consideration:

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Other:

File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	<input type="text" value="10/1/12"/>
RESOURCES REQUIRED FOR IMPLEMENTATION	<input type="text"/>

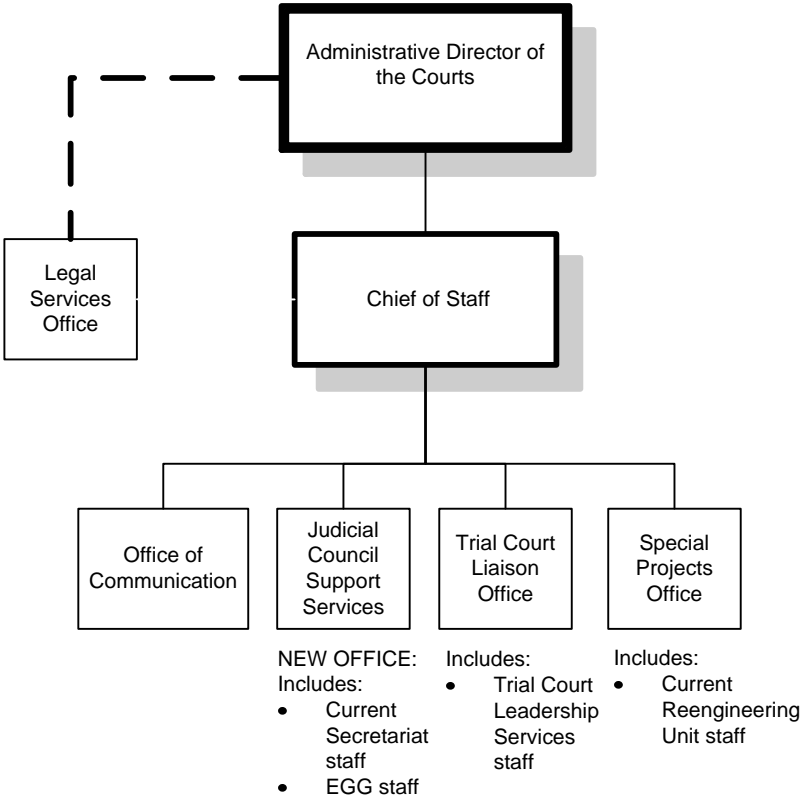
ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input type="text"/> File Attachment
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input type="text"/> File Attachment
<input type="checkbox"/> SAVINGS	<input type="text"/> File Attachment
<input type="checkbox"/> COST	<input type="text"/> File Attachment

Moving Trial Court Leadership Services (TCLS) from the former Court Program and Services Division to the Judicial Council and Court Leadership Services Division creates efficiencies for the organization as


<input checked="" type="checkbox"/> EFFICIENCIES	<p>the TCLS will now be led by the Chief of Staff who is actively involved in policy decisions and branch-wide issues and can utilize this role to ensure that Presiding Judges and Court Executive Officers are fully informed and aware of current issues affecting the branch and provides a direct communication link to the Executive Office.</p> <p>Additionally, efficiencies will be realized as the TCLS moves to a division that also houses the Judicial Council Support Services and the Trial Court Liaison Office where these offices can increase collaboration and teamwork in providing services and support to the Judicial Council, Presiding Judges, and Court Executive Officers.</p>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>Movement of Trial Court Leadership Services (TCLS) under the leadership of the Chief of Staff allows increased service levels to the courts by creating a direct connection and communication to the AOC Executive Office through the Chief of Staff to forward questions and requests for information on issues important to Presiding Judges and Court Executive Officers.</p> <p>Additionally, the movement of TCLS increases communication and collaboration between the offices that provide service and support to judicial officers and Court Executive Officers resulting in better coordination and timing for information presented to Presiding Judge and Court Executive Officer audiences by the AOC.</p>
<input type="checkbox"/> OTHER	
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>

Judicial Council and Court
Leadership Services
Division



ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	2/7/2013
PREPARED BY	Maureen Dumas
OFFICE NAME	<u>Special Projects Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	109
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	<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 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>
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>Effective October 1, 2012, the Administrative Office of the Courts (AOC) moved the staff responsible for Judicial Council support (former Secretariats Office) from the Legal Services Office into a new unit (Judicial Council Support Services) under the Judicial Council and Court Leadership Services Division in accordance with the proposed organizational structure approved by the Judicial Council on August 31, 2012.</p> <p>The Judicial Council Support Services Unit is now led by the Chief of Staff and is part of a division that is focused on the support of all activities of the Judicial Council as well as the support of branch leadership. It should be noted that this directive includes reference to AOC resources devoted to committees and task forces which is also referenced in Directive 114. As Directive 114 indicates, a determination as to the appropriate level of resources necessary for supporting council committees and task forces will be impacted by decisions made by the council as it relates to committee structure and annual agendas and the AOC classification and compensation study.</p>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	
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<input type="checkbox"/> File Attachment	
<input type="checkbox"/> Other:	
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TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	<input type="text"/>
RESOURCES REQUIRED FOR IMPLEMENTATION	<input type="text"/>

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input type="text"/> <input type="checkbox"/> File Attachment
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input type="text"/> <input type="checkbox"/> File Attachment
<input type="checkbox"/> SAVINGS	<input type="text"/> <input type="checkbox"/> File Attachment
<input type="checkbox"/> COST	<input type="text"/> <input type="checkbox"/> File Attachment
<input type="checkbox"/> EFFICIENCIES	<input type="text"/> <input type="checkbox"/> File Attachment
<input type="checkbox"/> SERVICE LEVEL IMPACT	<input type="text"/> <input type="checkbox"/> File Attachment
<input type="checkbox"/> OTHER	<input type="text"/>

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ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date: 2/7/2013

EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW

E&P REVIEW

Executive and Planning Review Date: 2/14/2013

ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	8/22/2014
PREPARED BY	Susan McMullan
OFFICE NAME	<u>Legal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	6
JUDICIAL COUNCIL DIRECTIVE	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.
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 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.
JC DIRECTIVE TIMELINE	RUPRO to propose a timeline to return to the council to present its recommendations.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the <i>Status Report</i> provided to the Judicial Council)	
<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>	

STATUS DETAIL
(check applicable boxes and provide detail regarding status)

This directive has been completed, implemented, or closed:

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.

 File Attachment

This directive is pending:

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:

ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	5/28/2014
PREPARED BY	Susan McMullan
OFFICE NAME	<u>Legal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	79
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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.
JC DIRECTIVE TIMELINE	Final reporting on this directive will be submitted at the June 2014 council meeting.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the <i>Status Report</i> provided to the Judicial Council)	
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.	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:	
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.	
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This directive is pending:

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/5/2012
PREPARED BY	Olivia Lawrence
OFFICE NAME	<u>Executive Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	99
JUDICIAL COUNCIL DIRECTIVE	E&P recommends that the Judicial Council support SEC Recommendation 7-42 with no further action, as the issues have been resolved.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>The Executive Office recognizes and understands the recommendation of the Judicial Council. Since their interim appointments, the Interim Administrative Director of the Courts and the Interim Chief Deputy Director were fully engaged with the Human Resources (HR) Office and the Office of the General Counsel (OGC). Many HR functions have been assessed over the course of several months for the purpose of ensuring that the respective roles of HR and OGC were properly defined. Processes for employee discipline are being modified and are now being fully documented. This will ensure the appropriate parts of the agency are engaged at the appropriate time.</p> <p>A joint training effort involving OGC and the Office of Education/CJER was launched with the goal of providing a comprehensive overview of the employee discipline process to all agency managers and supervisors. This will further ensure that any disciplinary action will be properly conducted from end-to-end.</p> <p>As processes were being modified and training was being developed, the Interim Administrative Director of the Courts and the Interim Chief Deputy Director remained fully engaged in the activities of both HR and OGC. As a result, communication between the two offices has been significantly enhanced, leading to more distinct roles and responsibilities for each.</p>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	
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<input type="checkbox"/> File Attachment	

Other:

 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

**IMPLEMENTATION
DATE OR
PROJECTED
IMPLEMENTATION
DATE**

**RESOURCES
REQUIRED FOR
IMPLEMENTATION**

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

**PROCEDURES/
POLICIES UPDATED
OR DEVELOPED**

Internal processes were modified to ensure a clear distinction between the role of OGC and HR, especially for processes involving employee discipline. These new processes were implemented immediately.

 File Attachment

**TRAINING
UPDATED OR
DEVELOPED**

An agency-wide training for managers and supervisors regarding the employee discipline process has been developed jointly by OGC and HR.

 File Attachment

SAVINGS

 File Attachment

COST

 File Attachment

EFFICIENCIES

 File Attachment

**SERVICE LEVEL
IMPACT**

 File Attachment

OTHER

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/5/2012
PREPARED BY	Olivia Lawrence
OFFICE NAME	<u>Executive Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	121
JUDICIAL COUNCIL DIRECTIVE	E&P recommends that the Judicial Council support SEC Recommendation 7-78 with no further action, as the issues have been resolved. 7-78: 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.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>The Executive Office recognizes and understands the recommendation of the Judicial Council. Since their interim appointments, the Interim Administrative Director of the Courts and the Interim Chief Deputy Director were fully engaged with the Human Resources (HR) Office and the Office of the General Counsel (OGC). Many HR functions have been assessed over the course of several months for the purpose of ensuring that the respective roles of HR and OGC were properly defined. Processes for employee discipline are being modified and are now being fully documented. This will ensure the appropriate parts of the agency are engaged at the appropriate time.</p> <p>A joint training effort involving OGC and the Office of Education/CJER was launched with the goal of providing a comprehensive overview of the employee discipline process to all agency managers and supervisors. This will further ensure that any disciplinary action will be properly conducted from end-to-end.</p> <p>As processes were being modified and training was being developed, the Interim Administrative Director of the Courts and the Interim Chief Deputy Director remained fully engaged in the activities of both HR and OGC. As a result, communication between the two offices has been significantly enhanced, leading to more distinct roles and responsibilities for each.</p>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	
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<input type="checkbox"/> File Attachment
<input type="checkbox"/> Other:
<input type="text"/>
<input type="checkbox"/> File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	<input type="text"/>
RESOURCES REQUIRED FOR IMPLEMENTATION	<input type="text"/>

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input checked="" type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<p>Internal processes were modified to ensure a clear distinction between the role of OGC and HR, especially for processes involving employee discipline. These new processes were implemented immediately.</p> <input type="checkbox"/> File Attachment
<input checked="" type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<p>An agency-wide training for managers and supervisors regarding the employee discipline process has been developed jointly by OGC and HR.</p> <input type="checkbox"/> File Attachment
<input type="checkbox"/> SAVINGS	<input type="text"/> <input type="checkbox"/> File Attachment
<input type="checkbox"/> COST	<input type="text"/> <input type="checkbox"/> File Attachment
<input type="checkbox"/> EFFICIENCIES	<input type="text"/> <input type="checkbox"/> File Attachment
<input type="checkbox"/> SERVICE LEVEL IMPACT	<input type="text"/> <input type="checkbox"/> File Attachment
<input type="checkbox"/> OTHER	<input type="text"/>

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW




Administrative Director of the Courts Review Date:


EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW

E&P REVIEW

Executive and Planning Review Date:

ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING

DATE	10/5/2012
PREPARED BY	Olivia Lawrence
OFFICE NAME	<u>Trial Court Administrative Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	131
JUDICIAL COUNCIL DIRECTIVE	7-48. E&P recommends that the Judicial Council direct the ADOC that, subject to available resources, trial court use of the Phoenix HR/Payroll functionality should remain optional to individual trial courts.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented: Trial court use of the Phoenix HR/Payroll functionality remains optional to individual courts, subject to available resources. See attachment for further details.	
<div style="border: 1px solid gray; padding: 5px; width: fit-content;">  <p>Item #131 Attachment.pdf Adobe Acrobat Document 33.7 KB</p> </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration: <div style="border: 1px solid gray; height: 20px; width: 100%; margin-top: 5px;"></div>	
<div style="border: 1px solid gray; padding: 5px; width: fit-content;">  File Attachment </div>	
<input type="checkbox"/> Other: <div style="border: 1px solid gray; height: 20px; width: 100%; margin-top: 5px;"></div>	
<div style="border: 1px solid gray; padding: 5px; width: fit-content;">  File Attachment </div>	
TIMELINE AND RESOURCES FOR IMPLEMENTATION	
IMPLEMENTATION	

DATE OR PROJECTED IMPLEMENTATION DATE	<input type="text"/>
RESOURCES REQUIRED FOR IMPLEMENTATION	<input type="text"/>
ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)	
<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input type="text"/> <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> SAVINGS	Savings from Phoenix System implementation applies to the courts and would be computed on a case by case basis and may depend on such factors as the size of the court. <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> COST	Phoenix System deployment costs have historically been borne by the AOC. See attachment for further information.  Item #131 Attachment Cost.docx Microsoft Office Word Document 471 KB
<input type="checkbox"/> EFFICIENCIES	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> SERVICE LEVEL IMPACT	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> OTHER	<input type="text"/> <input type="button" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	

E&P REVIEW

Executive and Planning Review Date:

Status of Phoenix Payroll System Deployment Activity

October 2012

The following is information regarding the status of payroll deployment activity and an identification of the courts that have expressed an interest in having their payroll functions performed by the Phoenix System and the Judicial and Court Administrative Services Division.

Trial court use of the Phoenix Human Resources functionality remains optional to individual courts. However, deployment activities for payroll were suspended after the Phoenix Program suffered severe budget reductions (53%), equal to approximately \$23 M over the course of recent years.

Listed below are courts having expressed some level of interest in being included in future payroll deployments. The lack of funding has prohibited the possibility of an affirmative response from the AOC.

San Diego	Fresno	Monterey
Kern	Merced	Yuba
Alpine	Alameda	Orange
Trinity	San Joaquin	

These expressions of interest were unsolicited by the AOC, and several of the courts have been extremely vocal at either the Trial Court Budget Working Group meetings and/or the Court Executive Advisory Committee (CEAC) meetings. Although the Phoenix Financial System has been deployed to all 58 courts, the Phoenix payroll system has only been deployed to the 7 courts noted below:

Sacramento	Stanislaus	Lake
Siskiyou	Santa Cruz	Riverside
San Bernardino		

The Phoenix Program was approved in a Department of Finance budget change proposal for the 2008–2009 fiscal year. Prior to the budget reductions, the overall program envisioned deploying all of this functionality to the trial courts over a 5-year period with an authorized budget of \$43 M over this time span. The downturn of the economy resulted in almost immediate budget reductions, eventually culminating into a reduction of nearly \$23 M as noted above. These budget reductions have suspended the program’s ability to provide an “enterprise resource program” as originally envisioned for the benefit of the courts.

The AOC’s goal is to provide a uniform process of financial management and human resources services to all of the trial courts in California. It is significant to note that if the fully integrated solution comes to fruition, the current and constant need to do a multitude of manual surveys

with the trial courts would be virtually eliminated. The information would largely be captured in the Phoenix System and would enhance the courts' ability to manage and direct their resources.

Of further interest is that the executive branch *payroll* project, called the 21st Century Project, being implemented by the State Controller's Office is on the same SAP platform as the Phoenix System. It may make good business sense to explore bringing the Supreme Court, Appellate Courts, Habeas Corpus Resource Center, and the Administrative Office of the Courts onto the Phoenix System to furnish the judicial branch its own integrated system, rather than have it be a small player in the executive branch system that has yet to be proven.

Below is a representation of the current payroll scope of services and benefits of the Phoenix HR System, as well as additional requested "human capital management" functionality that courts have expressed a desire to obtain. They have also expressed an interest in acquiring additional financial functionality such as asset accounting, inventory management, and travel management.

Current Phoenix HR/Payroll Scope of Services

- Organizational Management
 - Used to maintain organizational hierarchy
 - Includes Org Units, Positions, Job Classes, Compensation Structure
 - Basis of reporting relationships and workflow
- Personnel Administration
 - Used to maintain employee master data
 - All details required to support Personnel and Payroll Administration
- Time Management
 - Used to record, evaluation, transfer time records
 - Used to manage leave accruals
- Benefits Administration
 - Used to maintain employee/dependent health and welfare plans and associated costs
- Employee Self-Service
 - Allows employees access to maintain time records and limited master data
 - View Pay Statements
 - Update Timesheet
 - Update Bank Details
 - Update Dependents/last paycheck and beneficiary declaration
 - On-line Benefit Enrollment
- Manager Self-Service
 - Approve timesheet and absence request through automated workflow
 - View attendance records, leave balances, organizational data for employees
 - View other HR/Organizational reports for subordinates
- Payroll
 - Used to process payroll from gross to net and post to General Ledger (GL)

- Prepare and process retirement system contributions
- Complete payroll benefit reconciliations
- Prepare and process payroll vendor payments

Benefits

- Fully Integrated HCM/Finance System
 - Automatic real-time postings to Phoenix GL
 - Ability to easily code time worked to Projects for accounting
 - Automated interfaces to benefit providers
 - All judicial branch Data in one system
 - Reduced cost/effort to support similar/redundant solutions
 - Leverage existing best-practice processes
 - Flexible real-time reporting and analysis
- Mature Support Model
 - Super-user strategy
 - Communication strategy
 - Change control
- Proven Deployment Strategy
- Attention to Local and Branch requirements (especially as compared to external third parties, other state projects, or county legacy systems)

Other Requested Phoenix HR/Payroll Services

- Budget preparation including Personnel Cost Planning
- Talent Management
 - Performance Management
 - Learning Management Solution (Training Enrollment and Requirements Tracking)
- Miscellaneous improvements to Self-Service functionality

Deployment Requests

- Eleven (11) courts have expressed unsolicited interest
- Costs based on 2008 deployment contract:
 - Large.....\$882,106
 - Medium.....\$384,919
 - Semi-Small..\$111,424
 - Small.....\$141,137
- Recent draft proposals* for deployment requests:
 - Fresno.....\$828,000
 - Alpine.....\$ 80,000


Court	Size Category (FTE)
Alameda	Large
Yuba	Semi-small
Alpine	Small
Merced	Semi-small
San Diego	Large
Monterey	Medium
Fresno	Medium
Kern	Medium
Orange	Large
Trinity	Small
San Joaquin	Medium

*Draft proposals represent informal discussion of specific court deployment and departure from normal deployment strategy at Courts' request during no-deployment period. For example, a solution outside of Phoenix was implemented for Alpine. Note: The AOC has historically borne all deployment costs; several courts have raised the possibility of sharing the deployment cost.



ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	2/7/2013
PREPARED BY	Olivia Lawrence
OFFICE NAME	<u>Trial Court Administrative Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	132
JUDICIAL COUNCIL DIRECTIVE	E&P recommends that the Judicial Council determine whether to continue with the chargeback 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.
SEC RECOMMENDATION	As policy matters, it is recommended that the Judicial Council determine whether to continue with the chargeback 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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>At its January 17, 2013 meeting, the Judicial Council approved the allocation of \$6.769 million in one-time funding from the State Trial Court Improvement and Modernization Fund (IMF) for direct costs related to the financial component of Phoenix Financial and Human Resources Services, suspending the chargeback model for fiscal year 2012-2013. Please see recommendation 2 on Page 4 of the attached Judicial Council report from the Trial Court Budget Working Group.</p>	
<div style="border: 1px solid black; padding: 5px;">  <p>JC-20130117-itemH.pdf Adobe Acrobat Document 163 KB</p> </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	
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<input type="checkbox"/> File Attachment	
<input type="checkbox"/> Other:	
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<input type="button" value="File Attachment"/>	
TIMELINE AND RESOURCES FOR IMPLEMENTATION	
IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	The suspension of the chargeback model was immediate; the allocation of IMF monies to the Phoenix Program is in process.
RESOURCES REQUIRED FOR IMPLEMENTATION	N/A
ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)	
<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	N/A <input type="button" value="File Attachment"/>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	N/A <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> SAVINGS	This one-time exception to the statewide administrative services policy provides a measure of financial relief to the trial courts in the amount of \$6.679 million in fiscal year 2012-2013. <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> COST	Expenditure authority for Program 30 appropriation was augmented by \$6.679 million for fiscal year 2012-2013. <input type="button" value="File Attachment"/>
<input type="checkbox"/> EFFICIENCIES	N/A <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	There is no impact to the services provided to the courts by the Phoenix Program. <input type="button" value="File Attachment"/>
<input type="checkbox"/> OTHER	N/A <input type="button" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: 2/7/2013

EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="2/14/2013"/>

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: January 17, 2013

Title	Agenda Item Type
Trial Court Allocation: Phoenix Financial Services Costs and New \$30 Court Reporter Fee Revenue	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	January 17, 2013
Recommended by	Date of Report
Trial Court Budget Working Group and Administrative Office of the Courts (AOC)	January 10, 2013
	Contact
	Steven Chang, 415-865-7195 steven.chang@jud.ca.gov
Hon. Laurie M. Earl, Co-Chair, Trial Court Budget Working Group	Colin Simpson, 415-865-4566 colin.simpson@jud.ca.gov
Zlatko Theodorovic, Director, AOC Fiscal Services Office, and Co-Chair, Trial Court Budget Working Group	

Executive Summary

The Trial Court Budget Working Group and the Administrative Office of the Courts submit recommendations for distribution of the new \$30 court reporter fee revenue to the courts and for allocation of monies from the State Trial Court Improvement and Modernization Fund to pay for the trial courts' direct costs related to Phoenix financial services.

Recommendation

The Trial Court Budget Working Group (TCBWG) and the Administrative Office of the Courts (AOC) recommend that, effective January 17, 2013, the Judicial Council:

- 1a. Allocate revenue from the new \$30 fee for court reporting services in civil proceedings lasting under one hour to each trial court in the amount that each court remits to the Trial Court Trust Fund;
- 1b. Direct the AOC to request from the Department of Finance and the Legislature an additional \$4 million in Trial Court Trust Fund Program 45.10 (Support for Operation of the Trial Courts) expenditure authority for the purpose of distributing the new court reporter fee revenue to courts;
- 1c. Direct the AOC to distribute this allocation to courts even if the Department of Finance and/or the Legislature do not approve an additional \$4 million in expenditure authority; and
2. Allocate \$6.769 million in one-time funding from the State Trial Court Improvement and Modernization Fund for direct costs related to the financial component of Phoenix Financial and Human Resources Services that had been paid for by courts in previous years according to council policy.

Previous Council Action

The council considered the recommendation for allocating the new court reporter fee revenue at its October 26, 2012 business meeting, but postponed any action due to possible concerns of the Department of Finance (DOF).

At its April 21, 2006 business meeting, the Judicial Council approved a TCBWG recommendation establishing council policy on which expenses for statewide administrative infrastructure services would be state-funded and which would be funded by the trial courts. Among the costs the council directed to be reimbursed by the courts were court-specific services related to the Court Accounting and Reporting System (CARS) and Court Human Resources Information System (CHRIS), which are now known as the Phoenix Financial and Human Resources Services program.

On the recommendation of the TCBWG at the council's August 31, 2012 business meeting, the council deferred the one-time allocation of \$6.769 million from the Trial Court Trust Fund (TCTF) Program 30 appropriation for the AOC staffing costs charged to trial courts for the financial component of the Phoenix Financial and Human Resources Services program until the council's October 2012 meeting, but approved the allocation of \$1.424 million from the TCTF

Program 30 appropriation for the AOC staffing costs charged to trial courts for the human resources component of the Phoenix program.

At its October 26, 2012 business meeting, the council allocated \$6.758 million from the State Trial Court Improvement and Modernization Fund (STCIMF) for costs of the Phoenix Financial and Human Resources Services program that are not costs funded by the trial courts. The council deferred action on the TCBWG recommendation to allocate, on a one-time basis, \$6.769 million for trial courts' direct costs related to Phoenix financial services from the STCIMF instead of the TCTF. The council deferred action due to potential concerns of the DOF.

Rationale for Recommendation

Recommendation 1a: Trial Court Trust Fund allocation of revenue from new civil court reporting services fee

As a result of the enactment of Senate Bill 1021, effective June 27, 2012, Government Code¹ section 68086(a)(1)(A) requires a new \$30 fee for court reporting services in civil proceedings lasting under one hour. Section 68085.1 requires trial courts to remit any monies collected pursuant to section 68086 to the Trial Court Trust Fund (TCTF). While section 68086(b) is silent on how the monies should be allocated among courts, it requires that the fees collected "shall be used only to pay the cost for services of an official court reporter in civil proceedings." In order to offset the costs incurred by the courts that are providing court reporter services in civil proceedings lasting under one hour, the TCBWG is recommending that the council allocate to courts any revenue from the new \$30 fee for court reporting services in civil proceedings lasting under one hour in the amount that each court has collected. If a court were to receive a share of the statewide \$30 fee revenue in an amount that exceeded its actual costs, the court could not use the "excess" monies for any other purpose, including reduction offset. The allocation of the revenues back to courts in the amount that they have collected ensures that statewide the maximum amount of the restricted revenues will be used to offset courts' court reporter costs.

Recommendation 1b: Requesting \$4 million in additional expenditure authority

The Budget Act of 2012 does not include additional TCTF Program 45.10 expenditure authority for distribution of this new revenue to trial courts. Courts have remitted about \$1.16 million for the first four months of the fiscal year (see Attachment A). Assuming the statewide average monthly remittances for the remaining eight months will be the average of the August, September, and October monthly remittances, the total annual amount of revenue in 2012–2013 will be about \$3.8 million. If more courts start charging the fee or if collections in the remaining eight months are on average higher than the first four months, the total revenue collected will likely exceed \$3.8 million. Given the possibility of total annual revenue in 2012–2013 exceeding \$3.8 million, it would be prudent to request \$4 million in additional expenditure authority.

¹ All future code references are to the Government Code unless specified otherwise.

Provision 4 language in the Budget Act of 2012, provided below, authorizes the council to request additional TCTF Program 45.10 expenditure authority due to additional revenues:

Upon order of the Director of Finance, the amount available for expenditure in this item may be augmented by the amount of any additional resources available in the Trial Court Trust Fund, which is in addition to the amount appropriated in this item. Any augmentation must be approved in joint determination with the Chairperson of the Joint Legislative Budget Committee and shall be authorized not sooner than 30 days after notification in writing to the chairpersons of the committees in each house of the Legislature that consider appropriations, the chairpersons of the committees and appropriate subcommittees that consider the State Budget, and the chairperson of the joint committee, or not sooner than whatever lesser time the chairperson of the joint committee, or his or her designee, may determine. When a request to augment this item is submitted to the Director of Finance, a copy of that request shall be delivered to the chairpersons of the committees and appropriate subcommittees that consider the State Budget. Delivery of a copy of that request shall not be deemed to be notification in writing for purposes of this provision.

Recommendation 1c: Distribution of allocation of revenue from new civil court reporting services fee

Currently, there is estimated to be \$25.1 million in available TCTF Program 45.10 expenditure authority, which can be used to distribute the new \$30 court reporter fee revenue to courts (see row 51 of Attachment B). The TCBWG recommends allocating this revenue regardless of approval of additional appropriation authority since direct costs have been and continue to be incurred by the courts that provide court reporting services in civil proceedings lasting under one hour. If the Department of Finance and/or the Legislature do not approve an additional \$4 million in Trial Court Trust Fund Program 45.10 (Support for Operation of the Trial Courts) expenditure authority, there would be an estimated \$21.1 million in expenditure authority available to allocate funding for other purposes, including reduction offsets (see row 55 of Attachment B). The TCBWG is deferring to a subsequent council meeting any recommendations on whether the council should allocate any further reduction offsets to trial courts, due, at least in part, to the TCBWG wanting to consider any recommendations on trial court funding allocation methodologies that might be issued by the Trial Court Funding Workgroup.

Recommendation 2: State Trial Court Improvement and Modernization Fund (STCIMF) allocation for Phoenix financial services costs

This recommendation is for a one-time exception to statewide administrative services policy in order to provide a measure of financial relief to the courts from the \$385 million of additional reductions allocated in FY 2012–2013. This adjustment will have no impact on the services

provided to the trial courts by the AOC Trial Court Administrative Services Office. If the council allocates funding from the STCIMF for these Phoenix financial services direct costs, courts would not be charged what they had been in FY 2011–2012 and prior years through distribution reductions in their TCTF allocation (see Attachment D).

Based on current revenue estimates and currently approved allocations, there are sufficient monies to fund this allocation (see Column E of Attachment C). Excluding the recommended allocation, AOC is projecting an ending unrestricted fund balance of \$38.3 million. In terms of expenditure authority, the Budget Act of 2012 authorizes the AOC to increase the current Program 30 appropriation amount of \$9 million to an amount up to \$18.673 million. To accommodate an additional \$6.769 million, the AOC would need to augment the current expenditure authority by \$5.815 million to \$14.822 million (see Column E of Attachment C).

Alternatives Considered and Policy Implications

The TCBWG considered an alternative of distributing the new court reporter fee revenue pro-rata based on share of the TCTF allocation, but that would not ensure that statewide the maximum amount of the restricted revenues will be used to offset courts' court reporter costs. If a court were to receive a share of the statewide \$30 fee revenue in an amount that exceeded its actual costs, the court could not use the "excess" monies for any other purpose, including reduction offset. Regarding the funding of the AOC staffing costs for Phoenix financial services, the only other alternative the TCBWG considered was the status quo, where courts continue to pay for direct costs related to Phoenix financial services from their TCTF allocation.

Attachments

1. Attachment A: 2012–2013 Remittance of \$30 Court Reporter Fee to Trial Court Trust Fund
2. Attachment B: 2012–2013 Trial Court Trust Fund Program 45.10: Appropriation vs. Actual/Estimate Allocation
3. Attachment C: 2011–2012 Phoenix Financial Services Charges to Trial Courts
4. Attachment D: State Trial Court Improvement and Modernization Fund—Summary Fund Condition Statement

**FY 2012-2013 Remittance of \$30 Court Reporter Fee
Revenue to Trial Court Trust Fund**

Court	Jul	Aug	Sep	Oct	Total
Alameda	-	-	1,999	12,813	14,813
Alpine	-	-	-	-	-
Amador	-	-	-	-	-
Butte	-	120	60	135	315
Calaveras	-	30	240	60	330
Colusa	-	-	-	-	-
Contra Costa	13,593	19,338	17,508	18,666	69,105
Del Norte	-	-	-	-	-
El Dorado	40	-	-	-	40
Fresno	840	120	60	90	1,110
Glenn	-	-	-	-	-
Humboldt	-	-	-	-	-
Imperial	537	659	1,200	1,050	3,446
Inyo	-	-	-	-	-
Kern	-	-	-	124	124
Kings	1,620	3,900	2,340	2,730	10,590
Lake	-	179	1,199	658	2,036
Lassen	-	-	-	-	-
Los Angeles	90	30	30	538	688
Madera	30	150	240	180	600
Marin	-	150	240	150	540
Mariposa	30	120	90	210	450
Mendocino	120	120	30	-	270
Merced	-	-	60	60	120
Modoc	-	-	-	-	-
Mono	-	-	-	-	-
Monterey	-	150	90	60	300
Napa	-	-	-	-	-
Nevada	-	-	-	30	30
Orange	22,979	89,554	67,269	84,596	264,399
Placer	-	-	60	54	114
Plumas	60	150	90	90	390
Riverside	43,703	64,144	54,240	64,716	226,803
Sacramento	989	1,497	1,526	1,708	5,719
San Benito	-	-	-	-	-
San Bernardino	32,253	52,747	50,187	58,132	193,320
San Diego	-	-	-	-	-
San Francisco	3,180	13,860	11,640	15,870	44,550
San Joaquin	-	-	-	-	-
San Luis Obispo	2,756	2,108	810	419	6,093
San Mateo	-	30	-	11,858	11,888
Santa Barbara	-	-	-	-	-
Santa Clara	27,853	45,315	37,155	43,320	153,643
Santa Cruz	-	-	-	-	-
Shasta	-	-	-	-	-
Sierra	-	-	-	-	-
Siskiyou	-	-	-	-	-
Solano	-	9,124	8,830	9,587	27,541
Sonoma	2,128	11,122	9,623	11,955	34,829
Stanislaus	960	3,480	3,460	3,060	10,960
Sutter	-	-	-	-	-
Tehama	-	748	30	30	808
Trinity	-	-	-	-	-
Tulare	3,381	10,265	7,418	10,402	31,465
Tuolumne	30	-	-	-	30
Ventura	2,876	14,080	10,755	12,638	40,348
Yolo	-	-	-	-	-
Yuba	-	-	-	-	-
Total	160,048	343,290	288,478	365,989	1,157,805

Trial Court Trust Fund Program 45.10: Appropriation vs. Estimated/Approved Allocations

#	Description	Type	Estimated and Approved 2012-13 Allocations
1	I. Prior-Year Ending Baseline Allocation	Base	1,684,326,038
3	II. Adjustments		
4	Reduction for FY 2011-12 Appointed Converted SJO Positions	Base	-1,545,824
5	New Screening Station Funding	Base	114,509
6	Total, Adjustments		-1,431,315
8	III. FY 2012-2013 Allocations		
9	\$385 Million Court Operations Reduction	Non-Base	-385,000,000
11	\$240 Million Adjustment for Funding to be Distributed from ICNA	Non-Base	-240,000,000
12	2.0% Holdback	Non-Base	-27,813,940
13	1.5% & 0.5% Emergency Funding & Unspent Funding Allocated Back to Courts	Non-Base	27,813,940
14	San Luis Obispo CMS Replacement	Non-Base	3,360,000
15	Prior Year Judicial Council-Approved Allocations for screening stations and facilities operations and security	Non-Base	192,136
16	Criminal Justice Realignment Funding	Base	9,223,000
17	Non-Sheriff's Base Security Funding	Base	3,615,864
18	Prior Year Judicial Council-Approved Allocations for screening stations	Base	505,426
19	Total, FY 2012-2013 Allocations		-608,103,574
21	IV. Estimated Reimbursements		
22	Court-Appointed Dependency Counsel (includes DRAFT Program)	Non-Base	103,725,000
23	Jury	Non-Base	16,000,000
24	PC Replacement	Non-Base	7,400,000
25	Replacement Screening Stations	Non-Base	1,286,000
26	Self-Help Center ¹	Non-Base	2,500,000
27	Elder Abuse	Non-Base	332,000
28	Total, Reimbursements		131,243,000
30	V. Estimated Revenue Distributions¹		
31	Civil Assessment	Non-Base	96,996,491
32	Fees Returned to Courts	Non-Base	18,036,810
33	Replacement of 2% automation allocation from TCIF	Non-Base	10,907,494
34	Children's Waiting Room	Non-Base	4,012,388
35	Automated Recordkeeping and Micrographics	Non-Base	3,149,166
36	Telephonic Appearances Revenue Sharing	Non-Base	943,840
37	Total, Revenue Distributions		134,046,190

Trial Court Trust Fund Program 45.10: Appropriation vs. Estimated/Approved Allocations

#	Description	Type	Estimated and Approved 2012-13 Allocations
39	VI. Miscellaneous Charges		
40	Judicial Branch Worker's Compensation Fund Premiums	Non-Base	-16,516,037
41	Statewide Administrative Infrastructure Charges	Non-Base	-5,698,887
42	Total, Miscellaneous Charges		-22,214,924
44	Total, Base Program 45.10 Allocations		1,696,239,013
45	Total, Non-Base Program 45.10 Allocations		-378,373,598
47	Total, Estimated FY 2012-13 Program 45.10 Trial Court Allocations		1,317,865,415
49	Program 45.10 Appropriation (per AB 1477)		1,343,000,963
51	Estimated Remaining Program 45.10 Appropriation		25,135,548
53	Estimated Court Reporter Fee Allocation	Non-Base	3,800,000
55	Estimated Remaining Program 45.10 Appropriation		21,335,548

1. With the exception of the 2% replacement allocation and the telephonic appearance fee revenue sharing allocation, both of which are fixed by statute, the revenue level, by court and statewide, depends on actual fee and assessment remittances to the Trial Court Trust Fund.

**State Trial Court Improvement and Modernization Fund --
Summary Fund Condition Statement¹**

		Actual ²		Estimate		
		FY 2010-11	FY 2011-12	FY 2012-13	New Allocation	FY 2012-13 Adjusted
		A	B	C	D	E
1	Beginning Balance	51,607,538	41,298,062	48,128,575		48,128,575
2	Prior-Year Adjustments	8,248,413	4,622,852	6,129,159		6,129,159
3	Adjusted Beginning Balance	59,855,951	45,920,914	54,257,734		54,257,734
5	Revenue	63,977,881	55,152,046	52,627,726		52,627,726
6	Transfers - Ongoing ³	34,378,140	26,842,630	5,312,000		5,312,000
7	Subtotal, Revenue/Ongoing Transfers	98,356,021	81,994,676	57,939,726		57,939,726
8	Transfers - One-time ⁴	(31,600,000)	(20,000,000)	(7,223,000)		(7,223,000)
10	Total Resources	126,611,972	107,915,590	104,974,459		104,974,459
12	Expenditures/Encumbrances/Allocations					
13	Program 30 (support provided by AOC staff)	5,817,863	7,207,342	8,053,000	6,769,000	14,822,000
14	Program 45 (distribution to courts and vendors)	78,634,277	52,133,635	57,101,000		57,101,000
15	Charge for services provided by the SCO	861,770	446,039	163,000		163,000
16	Total Expenditures/Encumbrances/Allocations	85,313,910	59,787,016	65,317,000		72,086,000
18	Fund Balance	41,298,062	48,128,575	39,657,459		32,888,459
19	Net Revenue/Ongoing Transfers Over or (Under) Expenditure	13,042,111	22,207,660	(7,377,274)		(14,146,274)
21	<i>Restricted Fund Balance</i>					
22	Jury Instructions Royalties	1,068,731	1,478,216	1,386,405		1,386,405
23	Total Restricted Fund Balance	1,068,731	1,478,216	1,386,405		1,386,405
25	Total Unrestricted Fund Balance (row 18 -23)	40,229,331	46,650,359	38,271,054		31,502,054
27	Appropriation Authority					
28	Program 30 (support provided by AOC staff ⁵)	9,601,000	9,601,000	9,007,000	5,815,000	14,822,000
29	Program 30 Appropriation Balance	3,783,137	2,393,658	954,000		-
30	Program 45 (distribution to courts and vendors) ⁶	N/A	N/A	71,309,000		71,309,000
31	Program 45 Appropriation Balance	N/A	N/A	14,208,000	5,815,000	14,208,000



Notes

- 1 SB 1021, effective in FY 2012-2013, merged the Judicial Administration Efficiency and Modernization Fund and the Trial Court Improvement Fund into the State Trial Court Improvement and Modernization Fund.
- 2 Combines the FY 2010-2011 and FY 2011-2012 fund condition statements of the Judicial Administration Efficiency and Modernization Fund and the Trial Court Improvement Fund.
- 3 Included in this line are transfers from the General Fund, to the Trial Court Trust Fund per GC 77209(j) (previously GC 77209(k)), from the Trial Court Trust Fund (TCTF) previously required per GC 77209(b), and assumes that \$20 million of the transfer to the TCTF in FY 2012-2013 will continue in future fiscal years.
- 4 Included in this line are the \$31.6 million and \$20 million transfers from the Modernization Fund to the TCTF in FY 2010-2011 and FY 2011-2012 as well as FY 2012-2013 transfers to the TCTF related to AOC staff cost savings, the Deloitte CCMS Delay Cost reimbursement, and fund balance.
- 5 The 2012 Budget Act allows this item's appropriation to be increased up to \$18.673 million.
- 6 Prior to FY 2012-2013, the former Trial Court Improvement Fund was continuously appropriated and did not have an expenditure limit. The Judicial Administration Efficiency and Modernization Fund had an appropriation of \$38.709 million in FY 2010-2011 and \$18.709 million in FY 2011-2012.

**2011-2012 Phoenix Financial
Services Charges to Trial Courts**

Court	Amount
Alameda	381,129
Alpine	3,797
Amador	18,473
Butte	68,305
Calaveras	15,079
Colusa	8,306
Contra Costa	208,602
Del Norte	16,375
El Dorado	46,894
Fresno	258,771
Glenn	12,341
Humboldt	46,396
Imperial	59,035
Inyo	10,917
Kern	239,691
Kings	43,239
Lake	21,264
Lassen	12,958
Los Angeles	-
Madera	44,260
Marin	86,669
Mariposa	7,594
Mendocino	41,483
Merced	58,024
Modoc	5,696
Mono	9,137
Monterey	110,970
Napa	46,467
Nevada	36,215
Orange	710,790
Placer	71,789
Plumas	9,374
Riverside	388,511
Sacramento	342,002
San Benito	14,951
San Bernardino	396,411
San Diego	708,995
San Francisco	244,616
San Joaquin	153,426
San Luis Obispo	79,905
San Mateo	196,974
Santa Barbara	144,066
Santa Clara	361,206
Santa Cruz	79,065
Shasta	83,299
Sierra	4,438
Siskiyou	27,529
Solano	124,592
Sonoma	110,519
Stanislaus	113,129
Sutter	30,614
Tehama	23,888
Trinity	8,472
Tulare	124,829
Tuolumne	23,020
Ventura	194,055
Yolo	54,298
Yuba	26,342
Total	6,769,192

ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING

DATE	10/1/2012
PREPARED BY	Olivia Lawrence
OFFICE NAME	<u>Trial Court Administrative Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	134
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	TCAS should continue to provide clear service-level agreements with respect to services provided to the courts.
RESPONSE (check applicable boxes)	
<p><input checked="" type="checkbox"/> This directive has been completed and implemented:</p> <p>TCAS continues to provide clear service-level agreements (SLAs) with respect to services provided to the courts. An SLA is an agreement reached between the AOC and a court regarding the provision of certain services provided to the court related to the implementation and maintenance of the Phoenix System. These agreements, entered into by the Phoenix Program Director and a court's CEO, originated in 2007 and continue to outline the responsibilities of both parties. (The Phoenix HR and FI SLAs, and the corresponding agreements, are attached for review.)</p> <div style="border: 1px solid gray; padding: 5px; margin-bottom: 10px;">  <p>SLA FI Agreement July 2007.pdf Adobe Acrobat Document 18.5 KB</p> </div> <div style="border: 1px solid gray; padding: 5px;">  <p>October 2008 FI SLA.pdf Adobe Acrobat Document 92.3 KB</p> </div>	



SLA HR Agreement
January 2008.pdf
Adobe Acrobat Document
24.8 KB



Phoenix Final HR SLAs
April 2010.pdf
Adobe Acrobat Document
66.0 KB

This directive is forwarded to the Judicial Council with options for consideration:

File Attachment

Other:


File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	Implemented in 2007
RESOURCES REQUIRED FOR IMPLEMENTATION	N/A

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input checked="" type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<p>There have been no requested modifications since its full implementation.</p> <p> File Attachment</p>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<p> File Attachment</p>
<input type="checkbox"/> SAVINGS	<p> File Attachment</p>

<input type="checkbox"/> COST	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>
<input checked="" type="checkbox"/> EFFICIENCIES	<div style="border: 1px solid black; padding: 2px;">Expectations have always been met as outlined in the SLAs.</div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<div style="border: 1px solid black; padding: 2px;">See above.</div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>
<input type="checkbox"/> OTHER	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">  File Attachment </div>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input style="width: 100px;" type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input style="width: 100px;" type="text" value="10/19/2012"/>

**SERVICE LEVEL AGREEMENT BETWEEN
THE JUDICIAL COUNCIL OF CALIFORNIA,
ADMINISTRATIVE OFFICE OF THE COURTS AND
THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF «COURT»
FOR THE PROVISION OF
PHOENIX FINANCIAL SERVICES**

I. PURPOSE

This service level agreement (“Agreement”) including its attached schedule outlines the understanding between the Judicial Council of California, Administrative Office of the Courts (AOC) and the Superior Court of California, County of «Court» (Court) related to the provision of certain services to the Court relating to the Phoenix Financial system to be implemented for the Court.

This agreement shall be effective as of July 1, 2007 (“Effective Date”).

II. PARTIES

The signatories to this agreement are Ms. Jody Patel, Regional Administrative Director, as the authorized signatory for the AOC and «CEO», the Court Executive Officer of the Superior Court of California, County of «Court», as the authorized signatory for the Court.

III. BACKGROUND

Since the implementation of the Trial Court Funding Act of 1997 (Assembly Bill 233; Stats. 1997, ch. 850), which transferred funding responsibility for the Superior Courts from the individual counties to the State of California, the branch has focused on coordinating and integrating its administrative functions and improving the technology that supports court operations. Based on those goals the technology infrastructure project “Phoenix Financials” is currently being deployed statewide to all courts to provide centralized financial management that allows for more uniform, consistent, and cost-effective administration of trial court operations.

IV. SERVICES DESCRIPTION

Phoenix Financials is a centralized financial management system that currently provides the following areas of services (“Services”) to courts once they have been implemented on Phoenix Financials:

1. General Services
2. Accounts Payable Services
3. General Ledger, Analysis and Reporting Services
4. Trust and Treasury Services

5. Procurement Services.

The AOC shall provide the Court the services listed above at the service levels identified in the attached standardized *Service Level Agreement Schedule* (SLA Schedule) document.

«SLA_Comments»

V. RESPONSIBILITIES

The AOC shall provide the services at the levels specified to the Court as defined in the SLA Schedule. The Court shall allocate the resources and perform the responsibilities set forth in the SLA Schedule. Responsibilities outlined in the SLA Schedule, for both the Court and the AOC, are limited only to modules and/or functionality that the Court has implemented.

VI. NOTICES

Any formal notice or communication required to be sent to a party pursuant to this agreement shall be sent in writing by First-Class U.S. Mail or commercial express mail to the street address of the Authorized Signatory of the party, which notice shall be effective upon date of receipt. Routine exchange of information regarding the Services may be conducted by email or fax.

The Court Authorized Signatory is

«CEO»
Court Executive Officer
Superior Court of California, County of «Court»
«Address»
«City», CA «Zip_Code»
Voice «Phone»
Fax «Fax»
Email «Email»

The AOC Authorized Signatory is

Ms. Jody Patel
Regional Administrative Director
Administrative Office of the Courts
2880 Gateway Oaks Drive, Suite 300
Sacramento, CA 95833-3509
Voice (916) 263-1333
Fax (916) 263-1966
Email jody.patel@jud.ca.gov

VII. EFFECTIVE DATE

July 1, 2007.

The services to the Court will continue to automatically renew on its anniversary date until the parties agree to any modification or changes to this agreement.

VIII. QUALITY ASSURANCE

If the AOC fails to perform any of the service levels under this Agreement based upon a commercially reasonable standard of care, the AOC shall within 30 days of receipt of notice from the Court to develop and implement a Corrective Action Plan and report such plan to the Court. If the Corrective Action Plan fails to materially resolve the problem within a reasonable time (not less than 60 days) after implementation, the Court may escalate resolution of the problem by requesting a resolution meeting between the Court CEO and the Project Director over the Phoenix Project. If the issues(s) are not resolved at that meeting, the Court CEO can request a resolution meeting with the Chief Deputy Director, Administrative Office of the Courts. This procedure shall be the Court’s sole and exclusive remedy in connection with any failure of the AOC to meet the service levels contained in this Agreement.

IX. SIGNATURE AUTHORITY

The individuals signing this Service Level Agreement on behalf of the AOC and the Court certify that they are authorized to do so.

I have read the entire agreement and agree to its terms and conditions.

Administrative Office of the Courts

Superior Court of California,

County of «Court»

Authorized Signature

Authorized Signature

by

by

Name: Jody Patel
Title: Regional Administrative Director, AOC

Name: «CEO»
Title: Court Executive Officer, Superior
Court of California, County of «Court»

Date _____

Date _____

Phoenix Financials

Service Level Agreement (October 2008)

<i>Category Definition</i>	<i>Requirements by Court to Meet Timelines*</i>	<i>Shared Services Center Maximum Turnaround Times</i>
<u>General Services</u>		
<ul style="list-style-type: none"> • Respond to calls/questions from the court. 	N/A	Same day
<ul style="list-style-type: none"> • Establish new/change vendor on SAP system. 	Provide complete and signed vendor form, or change of vendor form.	2 Business Days (A Business Day is Monday through Friday, excluding court and banking holidays. The counting of Business Days starts the subsequent Business Day after the court meets its requirements, unless it is stated as "same" Business Day, then counting begins on the same day requirements are met by the court). Any fax received by noon would be processed in the afternoon and any fax received in the afternoon would be processed the next day.
<ul style="list-style-type: none"> • Establish new/change customer on SAP system. 	Provide complete and signed customer form, or change of customer form.	2 Business Days.
<ul style="list-style-type: none"> • Consult with court on accounting issues, guidelines and recommendations, troubleshooting. 	N/A	Same day.
<ul style="list-style-type: none"> • Second level response to issues and/or areas of concern. 	N/A	Any issue not adequately resolved by Phoenix staff will be given to Phoenix Senior Manager for 24 hour expedited resolution. Issues or emergencies may also be elevated to the level of the Assistant Regional Director or Regional Director as necessary.

Phoenix Financials

Service Level Agreement (October 2008)

<i>Category Definition</i>	<i>Requirements by Court to Meet Timelines*</i>	<i>Shared Services Center Maximum Turnaround Times</i>
<p><u>Accounts Payable Services</u></p> <ul style="list-style-type: none"> Phoenix processes AP on behalf of Court: Including direct invoices, travel expense claims, PO payments, jury payments, benefit payments, and ACH payments. Note: Direct invoices for this purpose is the same as trade payable payments, which are short term liabilities made to commercial entities, where there is no purchase order issued, and the terms are driven by custom and common industry usage, usually 30 days. It should be noted that in trade payables the services are usually rendered and the customer is billed after the fact, e.g. electric bill, while with a Purchase Order the PO represents written authorization requesting a vendor to furnish goods to the purchaser). The primary difference between Phoenix processing payments versus courts which are self-initiated and therefore processing their own payments is the data entry of approved payments into the accounting system. There are various other aspects, such as segregation of duties and internal controls that this area touches and concerns. 	<p>Ensure payment documents exist in accordance with existing procedures that correct vendor data has been established, and PO exists with adequate funds.</p>	<p>10 Business Days.</p>

Phoenix Financials

Service Level Agreement (October 2008)

<i>Category Definition</i>	<i>Requirements by Court to Meet Timelines*</i>	<i>Shared Services Center Maximum Turnaround Times</i>
<ul style="list-style-type: none"> Self-Initiated AP Courts that post payment documents and Jury Payments directly. Documents posted for payment, which are currently due, before 2:00 PM will generate a payment to be dispatched the next Business Day (i.e. Monday posting before 2:00 PM, will generate check that is mailed on Tuesday). Postings of payments documents, which are currently due, after 2:00 PM will generate a payment to be dispatched within two subsequent Business Days from the posting date (i.e. Monday posting after 2:00 PM, will generate payment that is dispatched on Wednesday). Please note dispatched refers to sending the payment, not the time accrued in the mail or on the side of the vendor to receipt and post the payment. 	<p>Ensure proper payment documents exist in accordance with existing procedures, and correct vendor data has already been established, and PO exists with adequate funds.</p>	<p>1 Business Day (before 2:00 PM). 2 Business Days (after 2:00 PM). (This should be expanded to include processing and mailing; and also using FedEx when requested by the court). Courts should recognize dispatched means mailed since we cannot control USPS deliveries.</p>
<ul style="list-style-type: none"> Emergency Payments: Payment documents posted after 2:00 PM that need to be expedited for the same or next day dispatch require Court CFO or PJ approval (i.e. Monday posted document at 2:30 PM will generate a check that is dispatched the same day). 	<p>Court CFO or CEO (or designee) request via email Emergency Payment or Rush Trust Disbursement to Phoenix Senior Manager for approval. Emergency payments will be made only for bona fide emergencies and where payment documents exist in accordance with existing procedures, and correct vendor data has been established, and PO exists with adequate funds. For an emergency to be “bona fide” it must be an unplanned event or occurrence that would significantly hinder court operations and/or make the court liable to significant liability if no action was taken. The interpretation of “bona fide” will be left to Court management to decide what an emergency is.</p>	<p>Same or next Business Day, based upon request.</p>

Phoenix Financials

Service Level Agreement (October 2008)

<i>Category Definition</i>	<i>Requirements by Court to Meet Timelines*</i>	<i>Shared Services Center Maximum Turnaround Times</i>
<ul style="list-style-type: none"> ● Process 1099's (1099-MISC Forms). ● Process EDD Independent Contractor Reporting (DE542). 	<p>The Court has the best knowledge as to what an emergency is.</p> <p>Liabe court payment transactions have been properly marked liabe throughout the calendar year, and court vendor data is accurate.</p> <p>Reportable court payment transactions have been properly marked reportable throughout the calendar year, and court vendor data is accurate.</p>	<p>Jan. 31, based on calendar year.</p> <p>Within twenty (20) calendar days of either making payments of \$600 or more OR entering into a contract for \$600 or more with a contractor in any calendar year, whichever is earlier.</p>

Phoenix Financials

Service Level Agreement (October 2008)

<i>Category Definition</i>	<i>Requirements by Court to Meet Timelines*</i>	<i>Shared Services Center Maximum Turnaround Times</i>
<p><u>General Ledger, Analysis and Reporting</u></p> <ul style="list-style-type: none"> • Prepare Bank Reconciliations for Bank of America Operations, Trust, Distribution and UCF bank accounts. • Post AOC Monthly Allocations • Prepares the Comprehensive Annual Financial Report to the State Controller's Office. • Post Journal Entries submitted by court for reclassification or adjusting entries. • Review and upload annual budget on courts behalf. • Process Budget Modifications 	<p>Clear any reconciling items within 30 days of receiving notification of reconciling item.</p> <p>Approve journal entry within 3 days from receiving notification.</p> <p>Certify CAFR workbook and return to PSSC by the established due date each fiscal year.</p> <p>Journal entries must be received within one day of month closing to be posted in that month.</p> <p>Court must review and certify annual budget 15 days after budget has been uploaded</p> <p>Request can be given at any time but all modifications must be received within 30 days prior to the fiscal year end.</p>	<p>Prepare within 7 Business Days after month-end close.</p> <p>Post journal entry within 5 Business Days of bank transaction.</p> <p>Prepare and compile the CAFR reports on behalf of the courts and provide instructions and worksheets for court responsible reports as identified each fiscal year in the CAFR instructions.</p> <p>3 Business Days and within appropriate fiscal month</p> <p>Process annual budget within 20 days after final review from AOC Budget.</p> <p>5 Business Days after review by AOC staff.</p>

Phoenix Financials

Service Level Agreement (October 2008)

<i>Category Definition</i>	<i>Requirements by Court to Meet Timelines*</i>	<i>Shared Services Center Maximum Turnaround Times</i>
<p><u>Trust and Treasury Services</u></p>		
<p><u>Trust Services</u></p>		
<ul style="list-style-type: none"> ● Process Trust disbursements on behalf of the Court from receipt of certified disbursement template to check generation and mailing. 	<p>Provide correctly completed disbursement template and certification form to Phoenix via email or facsimile. Templates and certifications sent via e-mail must be sent by an authorized Disbursement Approver. Note: Disbursement Approver is defined as court personnel that is on the approved Authorized Court Disbursement Signers List and has been given proper authorization to approve such payments.</p>	<p>10 Business Days.</p>
<ul style="list-style-type: none"> ● Self-Initiated Trust disbursements. 	<p>Properly parked and posted payment documents exist in accordance with existing procedures.</p>	<p>1 Business Day (before 2:00 PM). 2 Business Days (after 2:00 PM).</p>
<ul style="list-style-type: none"> ● Trust Disbursements with Interest from receipt of certified disbursement template to check generation and mailing. 	<p>Provide correctly completed disbursement templates and certification forms to Phoenix via email or facsimile. Templates and certifications sent via email must be sent by an authorized Disbursement Approver. A Payee Data Record must also be provided if vendor not previously set up.</p>	<p>10 Business Days.</p>
<ul style="list-style-type: none"> ● Emergency or Rush Trust Disbursements: Disbursement documents posted after 2:00 PM that need to be expedited for the same or next day dispatch require Court CFO or PJ approval (i.e. Monday posted document at 2:30 PM will generate a check that is dispatched the same day). 	<p>Court CFO or CEO (or designee) request via email Emergency or Rush Trust Disbursement to Phoenix Senior Manager for approval. Emergency payments will be made only for bona fide emergencies and where payment documents exist in accordance with existing procedures, and correct vendor data has been established.</p>	<p>Same or next Business Day, based upon request.</p>
<ul style="list-style-type: none"> ● Process interest 1099's (1099-INT Forms). 	<p>Payee Data Records have been provided as requested.</p>	<p>Jan. 31, based on prior calendar year.</p>

Phoenix Financials

Service Level Agreement (October 2008)

<i>Category Definition</i>	<i>Requirements by Court to Meet Timelines*</i>	<i>Shared Services Center Maximum Turnaround Times</i>
<ul style="list-style-type: none"> ● Process court Trust deposits to the court BofA trust account and confirm with bank. ● Clear self-initiated Trust deposits from cash-in-transit account to cash account for centralized bank accounts. 	<p>Provide correctly completed deposit template to Phoenix via email or facsimile.</p> <p>Properly parked and posted deposit documents have been posted to the cash-in-transit account and deposit has been credited to bank account per the daily bank balance reporting.</p>	<p>5 Business Days.</p> <p>3 Business Days.</p>
<i>Treasury Services</i>		
<ul style="list-style-type: none"> ● Process court operating deposits to the court BofA operating account and confirm with the bank. 	<p>Correctly completed deposit template has been provided to Phoenix via email or facsimile.</p>	<p>5 Business Days.</p>
<ul style="list-style-type: none"> ● Posting of monthly interest allocations for Centralized bank accounts (Trust, Operations, Distribution and UCF accounts). 	<p>N/A</p>	<p>The 5th business day after month-end close.</p>
<ul style="list-style-type: none"> ● Processing of electronic funds transfers including Federal wire transfers, book transfers and manual ACH transactions via Bank of America Direct. 	<p>Provides correctly completed electronic funds transfer (EFT) form.</p>	<p>1 Business Day (Next Business Day if delivered before 4:00pm of prior Business Day).</p>
<ul style="list-style-type: none"> ● Posting of electronic funds transfers. 	<p>Provides correctly completed electronic funds transfer (EFT) form also indicating correct value date.</p>	<p>3 Business Days.</p>
<ul style="list-style-type: none"> ● Clear self-initiated deposits from cash-in-transit account to cash account for centralized bank accounts. 	<p>Properly parked and posted deposit documents have been posted to the cash-in-transit account and deposit has been credited to bank account per the daily bank balance reporting.</p>	<p>3 Business Days.</p>
<ul style="list-style-type: none"> ● Process vendor abatements. 	<p>The correctly completed deposit template has been provided to Phoenix via email or facsimile.</p>	<p>5 Business Days.</p>
<ul style="list-style-type: none"> ● Provide Daily Cash Report Note: Contingent on Bank systems & Holiday schedules. 	<p>N/A</p>	<p>1 Business Day (Daily for prior Business Day).</p>

Phoenix Financials

Service Level Agreement (October 2008)

<i>Category Definition</i>	<i>Requirements by Court to Meet Timelines*</i>	<i>Shared Services Center Maximum Turnaround Times</i>
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Phoenix Financials

Service Level Agreement (October 2008)

<i>Category Definition</i>	<i>Requirements by Court to Meet Timelines*</i>	<i>Shared Services Center Maximum Turnaround Times</i>
<p><u>Procurement Services</u></p> <p>At the court's request:</p> <ul style="list-style-type: none"> ● Solicit bids for Courts (as requested). ● Contract assistance, including review, drafting, and negotiating. ● Create purchase orders for Virtual Buyers Courts. ● Resolution of CARS MM technical issues. ● Review and release purchase orders over \$10,000.00. 	<p>Court responsibilities: provide AOC with Scope of Work, suggested bidder list, evaluation criteria and desired project completion date.</p> <p>Court responsibilities: provide AOC with contract and all related documents and vendor contact information.</p> <p>Court responsibilities: provide AOC with copy of complete and authorized purchase requisition.</p> <p>Court responsibilities: provide complete description and information related to technical problem.</p> <p>Court responsibilities: purchase order must be created from an approved purchase requisition and have followed the basic input requirements.</p> <p>*In order to keep all financial records in accordance with California budgetary requirements, GAAP, and other provisions required by Federal grants or other agreements, material financial information not provided by courts administration to accomplish this end will be requested directly from the courts CEO/CFO. Any penalties and fines incurred by the AOC related to incorrect or incomplete financial data may be passed directly to the court responsible.</p>	<p>An estimated timeline for the solicitation will be provided within 3 days.</p> <p>2 Business Days-3 weeks (depending on complexity of and availability of court personnel). Does not include time for OGC review, if required.</p> <p>1-2 Business Days.</p> <p>1 Business Day to respond.</p> <p>1-2 Business Days. This process is dependent on court staffing and therefore does not apply to all courts.</p>

**AGREEMENT BETWEEN
THE JUDICIAL COUNCIL OF CALIFORNIA,
ADMINISTRATIVE OFFICE OF THE COURTS AND
THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF «COURT»
FOR THE PROVISION OF**

PHOENIX HUMAN RESOURCES AND PAYROLL SERVICES

I. PURPOSE

This agreement (“Agreement”) including its schedule and attachments outlines the understanding between the Judicial Council of California, Administrative Office of the Courts (AOC) and the Superior Court of California, County of «Court» (Court) related to the provision of certain services to the Court relating to the Phoenix Human Resources and Payroll system implemented for the Court.

This agreement shall be effective as of «Effective_Date» (“Effective Date”).

II. PARTIES

The signatories to this agreement are Ms. Jody Patel, Regional Administrative Director, as the authorized signatory for the AOC and «CEO», the Court Executive Officer of the Superior Court of California, County of «Court», as the authorized signatory for the Court.

III. BACKGROUND

Since the implementation of the Trial Court Funding Act of 1997 (Assembly Bill 233; Stats. 1997, ch. 850), which transferred funding responsibility for the Superior Courts from the individual counties to the State of California, the branch has focused on coordinating and integrating its administrative functions and improving the technology that supports court operations. Based on those goals the technology infrastructure project “Phoenix Human Resources” is currently being deployed statewide to all courts to provide centralized human resources administration and payroll processing that allows for more uniform, consistent, and cost-effective administration of trial court operations.

IV. SERVICES DESCRIPTION

Phoenix Human Resources is a centralized human resources management system that currently provides the following areas of services (“Services”) to courts once they have been implemented on Phoenix Human Resources:

- Human Resources Data Administration
- Payroll Processing Services
- Payroll Tax Administration

- Training and Events
- ESS (Employee Self Service)
- MSS (Manager Self Service)

The AOC may provide the Court the services listed above at the service levels identified in the attached standardized *Service Level Agreement Schedule* (SLA Schedule) document.

V. RESPONSIBILITIES

The AOC may provide the services at the levels specified to the Court as defined in the SLA Schedule. The Court shall allocate the resources and perform the responsibilities set forth in the SLA. Responsibilities outlined in the SLA Schedule, for both the Court and the AOC, are based only to modules and/or functionality that the Court has implemented.

VI. NOTICES

Any formal notice or communication required to be sent to a party pursuant to this agreement shall be sent in writing by First-Class U.S. Mail or commercial express mail to the street address of the Authorized Signatory of the party, which notice shall be effective upon date of receipt. Routine exchange of information regarding the Services may be conducted by email or fax.

The Court Authorized Signatory is

«CEO»
Court Executive Officer
Superior Court of California, County of «Court»
«Address»
«City», CA «Zip_Code»
Voice «Phone»
Fax «Fax»
Email «Email»

The AOC Authorized Signatory is

Ms. Jody Patel
Regional Administrative Director
Administrative Office of the Courts
2880 Gateway Oaks Drive, Suite 300
Sacramento, CA 95833-3509
Voice (916) 263-1333
Fax (916) 263-1966
Email jody.patel@jud.ca.gov

VII. EFFECTIVE DATE

The Services provided will commence «Effective_Date». The services to the Court will continue to automatically renew on its anniversary date until the parties agree to any modification or changes to this agreement.

VIII. QUALITY ASSURANCE

If the AOC fails to perform any of the service levels under this Agreement based upon a commercially reasonable standard of care, the AOC shall within 30 days of receipt of notice from the Court to develop and implement a Corrective Action Plan and report such plan to the Court. If the Corrective Action Plan fails to materially resolve the problem within a reasonable time (not less than 60 days) after implementation, the Court may escalate resolution of the problem by requesting a resolution meeting between the Court CEO and the Project Director over the Phoenix Project. If the issues(s) are not resolved at that meeting, the Court CEO can request a resolution meeting with the Chief Deputy Director, Administrative Office of the Courts. This procedure shall be the Court’s sole and exclusive remedy in connection with any failure of the AOC to meet the service levels contained in this Agreement.

IX. SIGNATURE AUTHORITY

The individuals signing this MOU on behalf of the AOC and the Court certify that they are authorized to do so.

I have read the entire agreement and agree to its terms and conditions.

Administrative Office of the Courts
Authorized Signature

Superior Court of California, County of «Court»
Authorized Signature

by

by

Name: Jody Patel
Title: Regional Administrative Director,
AOC

Name: «CEO»
Title: Court Executive Officer, Superior
Court of California, County of «Court»

Date _____

Date _____

<u>General Services</u>		
Respond to calls/questions from the court	N/A	Same day
Consult with court on human resources/payroll issues, guidelines and recommendations, troubleshooting.	N/A	Same day
Second level response to issues and/or areas of concern	N/A	Any issue not adequately resolved by Phoenix staff may be given to Phoenix Supervisor of HR Payroll for 16 hour expedited resolution or if financial related Supervisor of FI Payroll. Issues may also be elevated to the level of the Senior Manager over FI and HR Payroll SSC or the Director of TCAS as necessary.
Changes to existing applications	Provide requirements of the changes on the Support Request Form	Issue will be opened within one working date of receipt of form. Monthly reports of open items will be submitted to court contact. Requestor will be updated when issue closed.
Establishment of new applications	Provide requirements on a Support Request Form	Issue will be opened within one working date of receipt of form. Monthly reports of open items will be submitted to court contact. Requestor will be updated when issue closed.
<u>Master Data Administration</u>		
New, changes and delimiting of employee Master Data including: bank details, tax data, personal data, communications, basic pay, planned working time, organizational assignment, addresses, date specifications, recurring payments/deductions, any other relevant data as determined.	Process up to 5 business days prior to payment date	N/A
ASA (Advance Step Adjustment) Processing	Properly update Master Data 5 business days prior to payment date	N/A

Compensation (Advance Step/Level)	Update Master Data 5 business days prior to payment date	N/A
EEOC Reporting	Review and update records by 8/31. Court will submit the final report to the EEOC	Court will be provided with report <u>prior</u> to submittal for review and approval. No later than deadline established by government entity
<u>Employee Action Processing</u>		
Actions not resulting in Off-Cycle request including: direct hire, rehire, transfer, change in pay, leave of absence, return from leave of absence, promotion/demotion, organizational change, reclassification, benefit status, personal data change, 30 yr. retirement cutoff.	Process up to 5 business days prior to payment date	N/A
Termination	As required by labor law; Submit Off-Cycle Request (OCR) form by 11:00am	Same day OCR form is received
Retirement	Up to 2 business days prior to retirement date; Submit Off-Cycle Request form by 11:00am by day check is needed	Same day OCR form is received
FMLA Workbench	10 business days following payment date	N/A
<u>Organizational Administration</u>		
New, changes and delimiting of Master Data changes to organizational objects including; reclassifications, organizational unit, job class, and position.	Submit completed Organizational Action Request (OAR)) form	5 business days from receipt of OAR form
Reorganization of Court organizational structure	Submit completed OAR form and supporting documentation	20 business days from receipt of OAR form

COLA and/or ASA pay structure changes	Submit completed OAR form and supporting documentation	20 business days from receipt of OAR form
<u>Benefits Administration</u>		
Maintain employee elections including: health, insurance and savings.	Process up to 5 business days prior to payment date	N/A
New Hire Enrollment	Process within 30 calendar days of date of hire	N/A
Benefit Invoice Validation	Court will complete a comparison of employee master data to vendor invoice within 15 business days of receiving the billing and prior to payment	N/A
Benefit Reconciliation review and resolution	For courts that complete a monthly reconciliation themselves, the reconciliation should be completed within 15 days after the generation of the last payroll of the month Resolution of reconciliation variances should be initiated within 30 calendar days of completion or receipt of the benefit reconciliation	Complete a monthly reconciliation after the generation of the last payroll of the month and submit to court for resolution within 15 business days
Benefits Plan Maintenance	Provide requirements and/or contribution changes on the Support Request Form	30 business days from receipt of requirements
Establishment of new benefit plan	Provide requirements on a Support Request Form: plan type, eligible employee group(s), employee/employer contribution, wage type request	45 business days from receipt of requirements
<u>Time Administration</u>		
ESS Time Administration	Daily with all time entered no later than 4:00 pm 5 business days prior to payment date	N/A
MSS Time Administration	Daily with all time approved no later than 4:00 pm 5 business days prior to payment date	N/A


Time Transfer	N/A	During the payroll process and nightly
Time Evaluation Processing	Run Time Evaluation and verify payroll results immediately after inputting all corrections	During the payroll process and nightly
Time Correction	Process up to 5 business days prior to payment date	N/A
Time Quota Corrections	Process up to 5 business days prior to payment date	N/A
Leave Payouts	Up to 5 business days prior to payment date; Court will process all instances under 20 employees manually For instances of 20 employees or more, court will prepare upload template to be processed by SSC	Process 20 or more leave payouts upon request from the court All leave payouts will be processed prior to payment date.
<u>Payroll Administration</u>		
Leave Integration including: Workers Compensation and Disability	Process up to 5 business days prior to payment date	N/A
Garnishment	Submit documentation to HR SSC within 1 business day of receipt of garnishment order	Within the required timeframe of the garnishment order
One Time/Recurring Payments/Deductions	Process up to 5 business days prior to payment date	N/A
Payroll Check Stop Payment & Replacement	Submit Stop Payment & Replacement Form to HR SSC same day as requested from the court	FI PY SSC will process immediately from the date of receipt. Bank turnaround may take up to 48 hours
Revolving Fund Checks	Setup Master Data to off-set Court FI Revolving Fund Check. Complete the OCR form and submit to HR SSC same day upon issuances of revolving fund check.	Same day, if received by 11:00 am.

Claims Administration	All claims must be cleared before finalizing payroll. Collections through an A/R needs to be established 5 business days after the finalized payroll period	N/A
Deceased EE Processing	Notify HR SSC within 2 business days; Submit Vendor request information for FI and Submit Off-Cycle Request form by 11:00am the day check is needed	HR SSC shall process the OCR form once the vendor request has been completed in the Phoenix system by the day the check is needed.
Payroll Processing		
Time Pre-Processing Validation	5:00pm 5 business days prior to payment date	N/A
Compensation and Final Pre-Processing Validation	5:00pm 4 business days prior to payment date	N/A
Payroll Processing	N/A	3 business days prior to payment date
Direct Deposit Processing	N/A	3 business days prior to payment date
Off-Cycle Request	Submit Off-Cycle request by 11:00am	Same day OCR form is received by 11:00am
Special Payment	Submit Off Cycle Request Form to HR SSC including; payment type, wage type request form (if applicable), employee group	No more than 30 business days from receipt of request
Payroll HR Reconciliations	N/A	457 – by pay day Retirement - 7 business days after payroll finalized
Payroll FI Reconciliations	Submit Support Request within five (5) business days of receiving the payroll posting reconciliation, when appropriate.	After each payroll (regular or off cycle), complete a payroll posting reconciliation and submit to court within two (2) business days
Tax Deposits	N/A	No later than deadline established by government entity
New Hire Reporting	N/A	No later than deadline established by government entity

Regular Payroll Distribution	N/A	Print and distribute two (2) business days prior to payment date
Posting to GL	N/A	No later than payment date
Quarter-End Filings	N/A	Court will be provided with a copy of filings once submitted. Filings will be sent to the appropriate authority no later than deadline established by the government entity
W-2 Reconciliation and Distribution	Court will review and respond to report within 10 business days of receipt from SSC.	Court will be provided with report for review and approval <u>prior</u> to submittal to the appropriate authority and no later than deadline established by government entity
Year-End Filings	N/A	Court will be provided with a copy of filings once submitted. Filings will be sent to the appropriate entity no later than deadline established by the government entity

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/4/2012
PREPARED BY	Maureen Dumas
OFFICE NAME	<u>Executive Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	129
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>On August 31, 2012, the Judicial Council approved a new organizational structure for the Administrative Office of the Courts (AOC) proposed by the interim Administrative Director of the Courts and incoming Administrative Director of the Courts. The new organizational structure reduced the AOC Executive Team to four positions (Administrative Director, Chief of Staff, Chief Operating Officer, and Chief Administrative Officer) and realigned and renamed existing divisions into offices housed under one of three newly created divisions (Judicial Council and Court Leadership Services Division, Judicial and Court Operations Services Division, and Judicial and Court Administrative Services Division).</p> <p>Along with the realignment of divisions into new offices under the three new divisions, the Judicial Council approved the creation of a Special Projects Office under the Judicial Council and Court Leadership Services Division and the Chief of Staff effective October 1, 2012. The Special Projects Office includes the staff previously part of the Reengineering Unit in the former Trial Court Liaison Office and is consistent with SEC recommendation 7-87 which recommended that "significant special projects previously assigned to regional offices should be placed under the direction of the Chief of Staff in the Executive Office." The Special Projects Office, under the direction of the Chief of Staff, will manage organization or branch-wide projects assigned by the Executive Office. Recent special projects include AOC realignment activities and activities relating to the recently established Trial Court Funding Workgroup.</p>	
<div style="border: 1px solid black; padding: 5px;">  <p>129_JCCLSD_org_final_.pdf Adobe Acrobat Document 9.98 KB</p> </div>	

This directive is forwarded to the Judicial Council with options for consideration:

 File Attachment

Other:

 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION




IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	10/1/12
RESOURCES REQUIRED FOR IMPLEMENTATION	

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

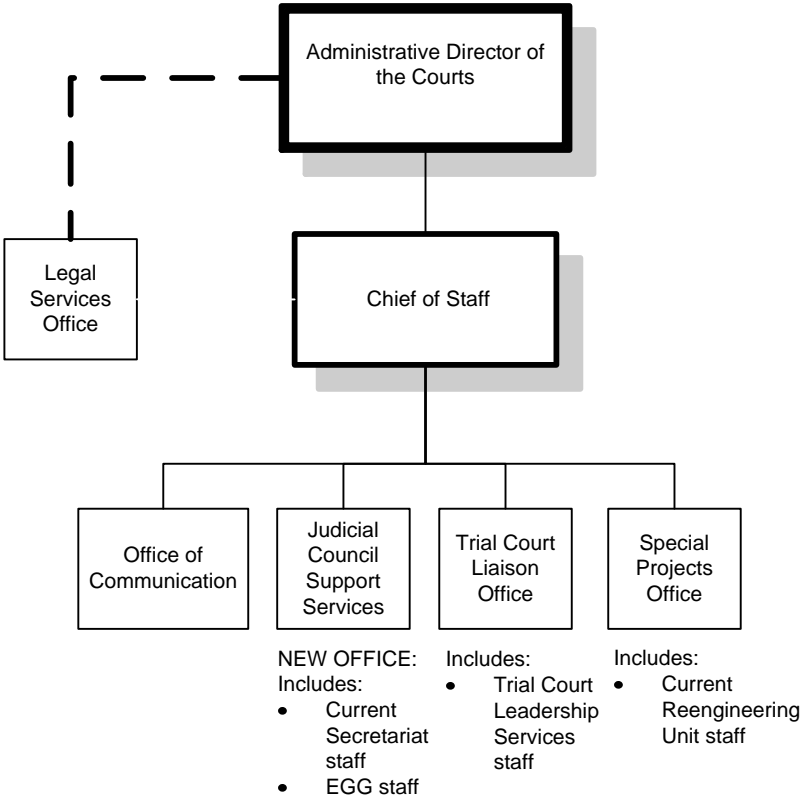
<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input type="text"/>  File Attachment
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input type="text"/>  File Attachment
<input type="checkbox"/> SAVINGS	<input type="text"/>  File Attachment
<input type="checkbox"/> COST	<input type="text"/>  File Attachment

EFFICIENCIES

With the creation of a Special Projects Office in the Judicial Council and Court Leadership Services Division, the AOC will now have a designated office under the Executive Office to assign organization or branch-wide projects rather than assigning special projects to the Regional Offices (which have been eliminated) or to AOC offices that in the past had to balance special projects with important day-to-day responsibilities. The Special Projects Office provides the AOC with dedicated resources to effectively manage these projects while coordinating the utilization of AOC resources across the organization on an as-needed basis to provide subject matter expertise.

	<p>Special projects have far-reaching and broad-based impact to the branch, are generally politically sensitive, and typically include the involvement of external judicial branch stakeholders and/or governmental entities. As such, it is imperative that the activities associated with special projects be housed under the Chief of Staff to ensure oversight and accountability for these important projects.</p> <p> File Attachment</p>
<input type="checkbox"/> SERVICE LEVEL IMPACT	<p> File Attachment</p>
<input type="checkbox"/> OTHER	<p> File Attachment</p>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="10/19/2012"/>

Judicial Council and Court
Leadership Services
Division



ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/4/2012
PREPARED BY	Pam Reynolds
OFFICE NAME	<u>Trial Court Liaison Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	126
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>In 2002 the Administrative Office of the Courts (AOC) established three Regional Offices (Bay Area/Northern Coastal Region, Northern/Central Region and Southern Region) to provide a more local AOC presence and regional resource for local courts. The Bay Area/Northern Coastal Region (located in San Francisco) served 16 courts, the Northern/Central Region (located in Sacramento) served 31 courts, and the Southern Region (located in Burbank) served 11 courts. The Regional Office became the point of contact for courts, especially small and medium size courts, requiring specialized assistance in areas such as human resources and budgeting. Additionally, court interpreter cross-assignments requests were managed by staff located in each of the Regional Offices. Over the next several years, programs such as enhanced collections, reengineering, and community corrections became specialized units in the Regional Office organizational structure.</p> <p>Beginning in November 2011, the AOC initiated several changes to the Regional Office organizational structure:</p> <p>** In November 2011 the Bay Area Northern/Coastal Regional Office, Northern/Central Regional Office and Southern Regional Office were merged into one Regional Office under the leadership of a Regional Administrative Director that reported directly to the Administrative Director of the Courts.</p> <p>** In January 2012 one Assistant Director and five positions in the Enhanced Collections Unit, all located in the Burbank office, were transferred from the Regional Office to the Finance Division.</p> <p>** In March 2012 three Regional Court Interpreter Coordinators were transferred to the Court Interpreters Unit in the Court Programs and Services Division which consolidated all efforts related to Court Interpreters into one unit; therefore, creating organizational efficiencies.</p> <p>** In June 2012 four positions were permanently eliminated: the two remaining Regional Office staff in Burbank were laid off, a Regional Administrative Director (Christine Patton) retired, and the remaining Assistant Director, located in San Francisco, participated in the Voluntary Separation Incentive Program.</p> <p>** In July 2012 the Community Corrections Program Unit transferred to the Executive Office as the Criminal Justice Court Services Office, this included transferring the two remaining San Francisco</p>	


based positions from the Regional Office to the Criminal Justice Court Services Office.

After all of the organizational changes identified above, on July 1, 2012, the Regional Office was renamed the Trial Court Liaison Office. Its core staff consisted of four positions (one of which is vacant) and two positions in the Reengineering Unit (renamed Special Projects Office as of October 1, 2012) with all staff located in Sacramento. The managers report directly to the Interim Administrative Director of the Courts (now the Chief of Staff).


As of October 1, 2012 the Trial Court Liaison Office and the Special Projects Office are located in the Judicial Council and Court Leadership Services Division reporting directly to the Chief of Staff (the remaining Regional Administrative Director position was converted to the Chief of Staff position).

 File Attachment

This directive is forwarded to the Judicial Council with options for consideration:

 File Attachment

Other:

 File Attachment






TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	7/1/12
RESOURCES REQUIRED FOR IMPLEMENTATION	<input type="text"/>

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input type="text"/>  File Attachment
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input type="text"/>  File Attachment

As a result of reductions in staffing, either through attrition or reductions-in-force, the Trial Court Liaison Office permanently eliminated six positions in FY 2011-12 which resulted in FY 12/13 personnel savings (salaries and benefits) of approximately \$850,000. This includes an offset of \$46,800 for unemployment insurance for the two laid off employees. The positions included:

<input checked="" type="checkbox"/> SAVINGS	<p>** Two Regional Administrative Directors (see note below) ** One Assistant Director ** One Supervising Court Services Analyst ** One Executive Secretary</p> <p>In the "Response" section it was noted that several positions have been redirected from the Regional Office to existing divisions; therefore, there were no associated salary savings as the positions were not eliminated.</p> <p>NOTE: The remaining Regional Administrative Director position was converted to the Chief of Staff position.</p> <div style="border: 1px solid gray; padding: 2px; width: fit-content; margin-top: 10px;">  File Attachment </div>
<input type="checkbox"/> COST	<div style="border: 1px solid gray; padding: 2px; width: fit-content; margin-top: 10px;">  File Attachment </div>
<input checked="" type="checkbox"/> EFFICIENCIES	<p>The consolidation of the three AOC regional offices (Bay Area/Northern Coastal Region; Northern/Central Region; and Southern Region) into one office afforded the AOC an opportunity to provide assistance to all 58 courts in a more streamlined approach and under the leadership of one individual.</p> <p>Additionally, moving the Regional Court Interpreter Coordinators from the Regional Offices (now Trial Court Liaison Office) to the Court Interpreters Unit in the Court Programs and Services Division allowed the AOC to consolidate interpreter resources and thus provide a more efficient use of limited resources.</p> <p>The redirection of two staff from the San Francisco location of the Regional Office (now Trial Court Liaison Office) to the Criminal Justice Court Services Office provided that office with critical staffing needed to fulfill their mandate related to criminal realignment activities.</p> <div style="border: 1px solid gray; padding: 2px; width: fit-content; margin-top: 10px;">  File Attachment </div>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>The majority of the small and midsize courts are in the Northern/Central region and as noted by the SEC in their report, they are the courts that rely more on services provided by the Trial Court Liaison Office. The consolidation of resources into the Sacramento location will continue to ensure that these courts have assistance provided to them by staff in an office closest to where they are located.</p> <div style="border: 1px solid gray; padding: 2px; width: fit-content; margin-top: 10px;">  File Attachment </div>
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ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	

E&P REVIEW

Executive and Planning Review Date:

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	10/4/2012
PREPARED BY	Pam Reynolds
OFFICE NAME	<u>Trial Court Liaison Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	128
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>In 2002 the Administrative Office of the Courts (AOC) established three Regional Offices (Bay Area/Northern Coastal Region, Northern/Central Region and Southern Region) to provide a more local AOC presence and regional resource for local courts. The Bay Area/Northern Coastal Region (located in San Francisco) served 16 courts, the Northern/Central Region (located in Sacramento) served 31 courts, and the Southern Region (located in Burbank) served 11 courts. The Regional Office became the point of contact for courts, especially small and medium size courts, requiring specialized assistance in areas such as human resources and budgeting. Additionally, court interpreter cross-assignments requests were managed by staff located in each of the Regional Offices. Over the next several years, programs such as enhanced collections, reengineering, and community corrections became specialized units in the Regional Office organizational structure.</p> <p>Beginning in November 2011, the AOC initiated several changes to the Regional Office organizational structure:</p> <p>** In November 2011 the Bay Area Northern/Coastal Regional Office, Northern/Central Regional Office and Southern Regional Office were merged into one Regional Office under the leadership of a Regional Administrative Director that reported directly to the Administrative Director of the Courts.</p> <p>** In January 2012 one Assistant Director and five positions in the Enhanced Collections Unit, all located in the Burbank office, were transferred from the Regional Office to the Finance Division.</p> <p>** In March 2012 three Regional Court Interpreter Coordinators were transferred to the Court Interpreters Unit in the Court Programs and Services Division which consolidated all efforts related to Court Interpreters into one unit; therefore, creating organizational efficiencies.</p> <p>** In June 2012 four positions were permanently eliminated: the two remaining Regional Office staff in Burbank were laid off, a Regional Administrative Director (Christine Patton) retired, and the remaining Assistant Director, located in San Francisco, participated in the Voluntary Separation Incentive Program.</p> <p>** In July 2012 the Community Corrections Program Unit transferred to the Executive Office as the Criminal Justice Court Services Office, this included transferring the two remaining San Francisco</p>	


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 File Attachment

Other:

 File Attachment






TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	7/1/12
RESOURCES REQUIRED FOR IMPLEMENTATION	

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<p></p> <p> File Attachment</p>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<p></p> <p> File Attachment</p>

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<input checked="" type="checkbox"/> SAVINGS	<p>** Two Regional Administrative Directors (see note below) ** One Assistant Director ** One Supervising Court Services Analyst ** One Executive Secretary</p> <p>In the "Response" section it was noted that several positions have been redirected from the Regional Office to existing divisions; therefore, there were no associated salary savings as the positions were not eliminated.</p> <p>NOTE: The remaining Regional Administrative Director position was converted to the Chief of Staff position.</p> <div style="border: 1px solid gray; padding: 2px; width: fit-content; margin-top: 10px;">  File Attachment </div>
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<input checked="" type="checkbox"/> EFFICIENCIES	<p>The consolidation of the three AOC regional offices (Bay Area/Northern Coastal Region; Northern/Central Region; and Southern Region) into one office afforded the AOC an opportunity to provide assistance to all 58 courts in a more streamlined approach and under the leadership of one individual.</p> <p>Additionally, moving the Regional Court Interpreter Coordinators from the Regional Offices (now Trial Court Liaison Office) to the Court Interpreters Unit in the Court Programs and Services Division allowed the AOC to consolidate interpreter resources and thus provide a more efficient use of limited resources.</p> <p>The redirection of two staff from the San Francisco location of the Regional Office (now Trial Court Liaison Office) to the Criminal Justice Court Services Office provided that office with critical staffing needed to fulfill their mandate related to criminal realignment activities.</p> <div style="border: 1px solid gray; padding: 2px; width: fit-content; margin-top: 10px;">  File Attachment </div>
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<input type="checkbox"/> OTHER	<div style="border: 1px solid gray; padding: 2px; width: fit-content; margin-top: 10px;">  File Attachment </div>
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ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	

E&P REVIEW

Executive and Planning Review Date:

ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING

DATE	10/2/2012
PREPARED BY	Shelley Curran
OFFICE NAME	<u>Criminal Justice Court Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	49
JUDICIAL COUNCIL DIRECTIVE	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.
SEC RECOMMENDATION	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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented: The Judge-in-Residence position that reported to the Executive Office was terminated effective July 1, 2012. The individual in that position is no longer employed by the AOC.	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration: <input type="checkbox"/> Other:	
TIMELINE AND RESOURCES FOR IMPLEMENTATION	
IMPLEMENTATION DATE OR	

PROJECTED IMPLEMENTATION DATE	
RESOURCES REQUIRED FOR IMPLEMENTATION	N/A
ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)	
<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input type="text"/> <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> SAVINGS	<p>Approximately \$100,000 in salary and benefits (approximately \$20,000 in State General Fund and \$80,000 in special funds).</p> <input type="button" value="File Attachment"/>
<input type="checkbox"/> COST	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> EFFICIENCIES	<input type="text"/> <input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>The individual who served as Judge-in-Residence is a leading national expert in the area of evidence-based practice, the implementation of which is now legislatively mandated under the criminal justice realignment and other Penal Code statutes. As a result of terminating the position of Judge-in-Residence, the AOC no longer has this in-house expertise in this subject matter. We are now slower to meet the needs of the courts, other branches of government, and justice partners in the area of evidence-based practice and other criminal justice matters.</p> <input type="button" value="File Attachment"/>
<input type="checkbox"/> OTHER	<input type="text"/> <input type="button" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: 10/5/2012
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	

E&P REVIEW

Executive and Planning Review Date:



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 April 25, 2014

Title	Agenda Item Type
AOC Restructuring: Efficiencies and Restructuring at the Legal Services Office	Information Only
Submitted by	Date of Report
Steven Jahr	April 8, 2014
Administrative Director of the Courts	Contact
Administrative Office of the Courts	Jody Patel, 916-263-1333
Jody Patel, Chief of Staff	jody.patel@jud.ca.gov

Executive Summary

The Legal Services Office (LSO) is an office of the Administrative Office of the Courts (AOC) under the Judicial Council and Court Leadership Services Division. The mission of LSO is to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The Judicial Council has charged the office with providing “consistent, comprehensive legal support and counsel to the courts.” (Judicial Council of Cal./Admin. Off. of Cts., *Justice in Focus: The Strategic Plan for California’s Judicial Branch 2006–2012* (2006), p. 49.) In response to Judicial Council restructuring directives and the recommendations of the Judicial Council liaisons to LSO, the office has been significantly restructured. This informational report summarizes the activities undertaken in response to the June 2013 recommendations of the Judicial Council liaisons.

Previous Council Action

- In March 2011, Chief Justice Tani G. Cantil-Sakauye created the Strategic Evaluation Committee (SEC) to conduct an in-depth review of the Administrative Office of the Courts, the staff agency to the Judicial Council, with a view toward promoting transparency, accountability, and efficiency.

- On August 31, 2012, based on the SEC report and its recommendations, the Judicial Council approved AOC realignment directives and directed the Administrative Director to report on them.
- At the February 2013 council meeting, the council liaisons to LSO were asked to take the lead on reviewing the cost-effectiveness of LSO's current use of outside counsel in response to Judicial Council directive 122. While addressing this request, the liaisons concluded that additional LSO-related restructuring directives were appropriate for inclusion in the liaisons' review and would enable a more comprehensive evaluation.¹
- In addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons' review was expanded to include defining the role of the Chief Counsel; evaluating the need for use of a paralegal classification; analyzing the use of LSO attorney staff in AOC field offices; and analyzing the current LSO organizational structure, LSO services, and attorney services provided by the AOC outside of LSO.
- In June 2013, the LSO liaisons recommended that the Judicial Council endorse the following recommendations to the Administrative Director:²
 1. LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.
 2. LSO should implement a formal structure to solicit client feedback on a regular basis.
 3. The role of the Chief Counsel and the expectations for that role and areas of responsibility should be clearly defined to reflect the new organizational structure.
 4. The use of outside counsel is appropriate for specialized areas of law and litigation. The protocols for LSO's use of outside counsel should be strengthened to ensure that outside counsel is used in the most cost-effective manner.
 5. The AOC should continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability.

¹ See Judicial Council of Cal., *AOC Restructuring: Judicial Council Liaisons' Review of the Legal Services Office and Recommendations* (June 28, 2013), p. 3.

² *Id.* at pp. 2–3.

6. All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office.
 7. Given the recent retirement announcement by the current Chief Counsel, the successor Chief Counsel should be afforded the opportunity to implement the restructuring and the formation of the management team under the supervision of the Chief of Staff.
- At the June 2013 Judicial Council meeting, the council endorsed the liaisons' recommendations and agreed with the liaisons that modifications might be needed once these recommendations are implemented. It further directed the Administrative Director of the Courts to report back on implementation of the liaisons' recommendations by the end of March 2014.³

Methodology and Process

Restructuring within LSO has occurred as a result of the implementation of the liaisons' recommendations. As indicated below, six of the seven recommendations have been implemented, with one variance: (1) the LSO management structure has been modified; (2) the responsibilities of the Chief Counsel have been reviewed and clearly defined; (3) a process for periodically surveying court users of legal services is being put into place; (4) protocols have been developed for retention of outside counsel; (5) policies have been implemented to ensure appropriate oversight in the field offices for day-to-day accountability of LSO attorneys and staff in field offices; and (6) paralegals have not and are not currently employed by the LSO. Finally, although LSO works closely with other AOC offices with attorneys, the liaisons' recommendation that AOC attorneys outside of LSO who provide legal advice or legal related services that require a law degree should have a dual reporting relationship to LSO and their current office has not been implemented. As discussed below, for this recommendation, it seems appropriate to wait for the results of the pending classification and compensation study, which will expressly review the attorney classification.

Background on the Legal Services Office

The Legal Services Office provides a variety of services that historically, before state trial court funding, were provided by the counties and reflect the varying and expanded needs of judicial branch entities in today's environment.

Before trial court funding, the Legal Services Office comprised a small group of attorney staff primarily responsible for drafting council rules of court and forms and legislation, providing legal opinions to the council and the Administrative Director, and staffing council advisory

³ As reported to the Judicial Council in February 2014, because no Judicial Council meeting was held in March 2014, this report is being provided at the April 25, 2014, business meeting of the council.

committees and other similar bodies.⁴ Following trial court funding, the role of LSO expanded to provide to the superior courts legal services that previously had been provided by county counsels' offices. LSO began providing trial courts with legal opinions on judicial administration issues. The council also approved the creation of a Litigation Management Program in 1999, adopting rules of court assigning the responsibility to LSO for the management of all claims and litigation against the courts.

After the enactment of the Trial Court Employment Protection and Governance Act of 2000, LSO began providing labor and employment legal services. LSO's areas of responsibility continued to expand—for example, with the establishment of a unit to provide transactional and business-related advice and services. After passage of the Trial Court Facilities Act of 2002, the Real Estate Unit was established to provide the facilities-related legal work resulting from this legislation. Finally, LSO attorney positions were established in the field offices to better facilitate the provision of legal services to the superior courts.

The growth of LSO and the expansion of the services it provides have significantly changed in the past few years. Based on the council directives and other developments, LSO has ceased to grow and has been notably reduced in size. This and other changes are described in detail below.

Implementing the directives

In implementing the Judicial Council directives to LSO and the council liaisons' recommendations, the Administrative Director of the Courts and the Chief of Staff worked closely with the Chief Counsel and her management team. They have also benefitted greatly from advice from the Judicial Council liaisons to LSO and other council members.

The liaison report specifically addresses implementation of the council liaisons' recommendations to the Administrative Director of the Courts, which were endorsed by the Judicial Council. The report presents each recommendation and summarizes the actions taken in response to the recommendations.

Legal Services Office restructuring

As part of their review, the liaisons considered Judicial Council restructuring directive 107 and recommended the following:

LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.

⁴ The office's name has changed over the years. In the 1990s, it was designated as Council and Legal Services. Subsequently, it became the Office of the General Counsel, and in 2012 the office was renamed the Legal Services Office.

(Judicial Council of Cal., *supra*, at p. 2.)

Judicial Council restructuring directive 107 states:

E&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.⁵

Since the release of the Strategic Evaluation Committee report in May 2012, the LSO workforce has been dramatically reduced from the 75 positions referenced in SEC recommendation 7-72(a) to a workforce of 44 positions as of the date of this report. LSO attorney staffing has been reduced from 50 attorneys to the current number of 32 attorneys, exclusive of the Chief Counsel. The LSO management team currently consists of 6 members, excluding the Chief Counsel, as compared to 9 noted in SEC recommendation 7-72(a).

The June 2013 Liaison Report states:

Given the current staffing levels of the LSO workforce and the critical nature of the legal services provided by LSO, we believe that a 10-member LSO attorney management team is appropriate for this office. However, to ensure accountability and clear lines of authority for the varied legal services provided by LSO, it is recommended that the LSO should be restructured to create a new executive leadership team comprising the Chief Counsel and three managing attorneys who lead three distinct areas of service . . . Additionally, in accordance with council directive 107, we recommend that the position of Assistant Chief Counsel be reclassified as a managing attorney position. It is also recommended that one of the managing attorney positions be classified as a senior managing attorney to provide backup and support as second in command to the Chief Counsel. It appears appropriate that the managing attorney leading Judicial Council Services and Legal Opinions would be the best position for second in command.

⁵ SEC Recommendation 7-72(a) states:

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:

(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 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.

The new structure provides a three-to-one reporting structure under the Chief Counsel and shifts the responsibility for regular day-to-day management workload from the Chief Counsel to the managing attorneys. This shift of direct responsibility for LSO daily activities is an acknowledgement that the Chief Counsel should be involved in providing legal input and expertise to the most critical legal issues for the branch versus being immersed in routine LSO workload. This structure will require continuous communication between the Chief Counsel and the three managing attorneys to ensure that no silos develop in the office. Similar to partners in a law firm, the Chief Counsel and the managing attorneys should meet regularly to share information and make decisions on projects, priorities, and resources that further the goals of the office as a whole. (Judicial Council of Cal., *supra*, at p. 2.)

Under the new Chief Counsel, with the support of the Administrative Director of the Courts and the Chief of Staff, LSO has taken measures that have substantially implemented the structure proposed by the liaisons. The LSO attorney management team, excluding the Chief Counsel, consists of six members as of March 2014. The position of Assistant Chief Counsel was eliminated after the attorney formerly holding that position retired in 2013. As recommended by the liaisons, instead of hiring a new Assistant Chief Counsel, a managing attorney was promoted in 2014 to the position of senior managing attorney to provide support and backup to the Chief Counsel. Because of retirements, no other managing attorneys are currently employed in LSO. However, to provide the level and structure of leadership necessary to manage the office in the manner recommended by the liaisons, recruitment is under way for two additional managing attorneys. After completion of this hiring process, LSO will have an executive management structure as envisioned by the liaisons, with a Chief Counsel and three managing attorneys, one of whom is designated as a senior managing attorney.

LSO provides legal services in two primary areas: (1) services provided to the council, to the Chief Justice as chair of the council, and to the Administrative Director of the Courts and the AOC as the administrative arm of the council; and (2) services provided to the appellate and trial courts. LSO is currently structured to provide legal services in these areas by organizing its attorneys into six units:

- Rules and Projects Unit
- Legal Opinion Unit
- Transactions and Business Operations Unit
- Real Estate Unit
- Litigation Management Unit
- Labor and Employment Unit

In terms of LSO's management structure, the liaison report recommends that LSO be restructured into three areas of services: (1) Judicial Council Services and Legal Opinions (a

merger of the Rules and Projects and Legal Opinion Units); (2) Transactions and Business Operations (incorporating Real Estate into the Transactions and Business Operations Unit); and (3) Litigation Management and Labor and Employment (a merger of the two formerly separate units).

The liaison report further recommends that the new units continue to serve both client groups—the appellate and trial courts along with the Judicial Council, Chief Justice as chair of the council, Administrative Director of the Courts, and AOC—with the responsibility of supervising attorneys divided between the two client groups. LSO is in the process of restructuring its activities into the three organization units described above. Once the full complement of managing attorneys is in place, each will manage one of the combined units. After careful consideration, however, the Administrative Director and Chief of Staff support a variance from the liaison recommendations with respect to the supervisory-level responsibilities. Because the quantity of legal work performed for the courts differs from that for the Judicial Council/AOC clients and because of the need to provide clients with specialized skills and knowledge in the individual subject-matter areas, LSO will continue to be structured along subject-matter groups rather than client groups. The purpose of this structure is to provide better service to clients by providing them with immediate access to supervisors and attorneys with subject-matter expertise specific to the legal issues and inquiries presented.⁶

The liaison report further states:

It is intended that the Chief Counsel and the three managing attorneys hold overall management responsibility, with the supervising/senior attorneys charged with carrying out senior management’s directives for the specific subject matter and client assignments. The level of experience and precise classification for these supervising/senior attorneys should be determined as a part of the internal restructuring and reviewed as a part of the classification and compensation study.

The report’s additional recommendations regarding the management structure will be implemented once the managing attorney positions are filled. As indicated in the report, the level of experience and precise classification for the supervising/senior attorney structure also partially depend on the classification and compensation study.

Role of Chief Counsel

The liaisons considered Judicial Council restructuring directive 115 and recommended that the role of the Chief Counsel and the expectations for that role, along with the areas of responsibility, should be clearly defined to reflect the new organizational structure.

⁶ See Attachment A for an organization chart showing this management structure.

Judicial Council restructuring directive 115 states:

E&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.

As part of their report to the Judicial Council, the liaisons included an attachment clearly defining the responsibilities and role of the Chief Counsel of the Administrative Office of the Courts.⁷

The description has been adopted and specifies that the Chief Counsel is chief legal advisor to the Judicial Council and to the AOC and office chief of the AOC Legal Services Office, which provides comprehensive legal services to the appellate and trial courts. It adds that the Legal Services Office has two major areas of service: legal advisor and counsel to the Judicial Council and legal advisor and legal services provider to the appellate and trial courts. In these capacities, the Chief Counsel has responsibilities that are enumerated in detail.

Survey of users of LSO services

The liaisons considered Judicial Council restructuring directive 120 and recommended that, to ensure that the appropriate level of client service is provided, particularly in the area of legal opinions, a formal procedure be developed and implemented in LSO to solicit client feedback.

Judicial Council restructuring directive 120 states:

E&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.

In response to this recommendation, a draft survey has been developed to ask court users for their evaluations of and suggestions for improvements to legal services provided by each of the six LSO units.⁸ Because of workload issues and staffing concerns, it is anticipated that the survey will be distributed to the courts in late 2014 as a pilot. If the survey proves useful and courts do not find it overly burdensome, LSO will continue to survey the courts on an annual or biennial basis.

Use of outside counsel

With respect to Judicial Council directive 122 regarding the use of outside counsel, the Judicial Council endorsed the liaisons' recommendation that (1) the use of outside counsel is appropriate for specialized areas of law and litigation; and (2) protocols for LSO's use of outside counsel

⁷ See Judicial Council of Cal., *supra*, Attachment A (a copy of which is attached to this report as Attachment B).

⁸ See Attachment C for a copy of the draft survey.

should be strengthened to ensure that outside counsel is used in the most cost-effective manner. That directive states:

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to order an independent review of the Office of the 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.

The liaisons undertook the review of the use of outside counsel and reported back to the council as follows:

Based on our experience in the legal field and after conferring with colleagues, we conclude that the use of outside counsel is appropriate and in some cases mandated, providing valuable legal resources for the varying needs of LSO relating to specific subject areas or broad-based branch initiatives (i.e., courthouse transfers). Outside legal counsel provides LSO with sufficient flexibility to meet the changing needs of the branch in an efficient and cost-effective manner.

(Judicial Council of Cal., *supra*, at p. 10.)

The liaison report also concluded, once it was confirmed that there was a legitimate need to use outside counsel, that a full study of past expenses would be extraordinarily time-consuming and would provide little benefit. Because the goal was to be certain that future expenditures are warranted, the liaisons recommended placing the responsibility for the retention and monitoring of outside counsel with the managing attorney in each area of practice. The liaisons added that (1) there should be written justification for the retention, and the managing attorney should be responsible for ensuring that the hourly rates and time spent are reasonable; (2) at the close of representation a short client feedback report should be obtained, and the managing attorney should evaluate the service provided from LSO's perspective; and (3) an annual report on the use of outside counsel should be provided to the Judicial Council.

Thus, the liaisons recommended that LSO develop:

- A structure in which each managing attorney is responsible for the approval of and justification for using outside counsel based on the area of expertise needed or resource requirements.
- A means for conducting an examination of the cost-effectiveness of using outside counsel versus potentially hiring attorney resources based on specific projects and the duration of legal assistance needed.
- A checklist that must be completed before initiating a contract with outside counsel to confirm that no internal LSO resources are available for the subject-matter area.

- A means of following up with the courts that receive services to gather their input on the services provided by outside counsel through an e-mail questionnaire or survey. This information would be used in tandem with input from the LSO attorneys assigned to the respective cases to identify if the outside counsel should be used for future cases.
- A means of regularly (every 12 months) surveying the market to ensure that what is being charged is appropriate and the rates are appropriate.

The liaisons also recommended that the Administrative Director provide to the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch an annual report on the use and cost of outside counsel for the committee's consideration and reporting to the council.

In response to these recommendations, the LSO protocol for the retention of outside counsel has been amended to require managing-attorney approval of the hiring of any outside counsel. Under that protocol, the managing attorney (1) reviews the recommendation to hire outside counsel and the expertise of the counsel suggested, and (2) confirms that no internal resource is available for the particular subject matter. The review and approval by the managing attorney are recorded in each file. In addition, on an annual basis, LSO will review the annual attorney fee surveys prepared by various organizations to ensure that the fees charged by outside counsel are appropriate and reasonable. LSO also will send to each court a survey after the conclusion of any significant litigation, arbitration, or proceedings before the Public Employment Relations Board, asking for the court's assessment of the specific legal representation provided by LSO and outside counsel.⁹ The survey results will be used in an annual review of the use of outside counsel to ensure the delivery of quality and timely legal services. The LSO also will provide reports on the use and cost of outside counsel to the Advisory Committee on Financial Accountability and Efficiency at the request of the committee.

LSO attorneys located in field offices

In response to Judicial Council directive 117, the liaisons recommended that the AOC continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability. That Judicial Council directive states:

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.

The liaison report states that, after reviewing the activities of LSO attorney staff located in the Sacramento and Burbank field offices, the liaisons believe that it is appropriate to have staff in

⁹ These surveys will be prepared for the individual case and tailored to the type and nature of the representation.

these locations. The liaisons commented that such an arrangement is consistent with the staffing of many government agencies and private law firms.

LSO has followed the recommendation of the liaisons and continues to house attorneys in field offices. Doing so allows more direct communication between LSO attorneys and the courts in their regions.¹⁰ In addition, as recommended by the liaisons, to ensure oversight in the field offices for day-to-day accountability for off-site staff, LSO management requires staff in the field offices to report any absences both to their supervisors and to a designated local staff member, who would enter the appropriate information into the LSO calendar system.

Use of paralegal classifications

The LSO liaisons reviewed Judicial Council restructuring directive 112 and stated that they did not identify a specific need for a paralegal classification. That directive states:

E&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.¹¹

In their report, the liaisons state that paralegals in private law firms are typically used primarily for high-level administrative work and very minor legal-related work. Given that LSO already employs administrative staff to support LSO attorneys with administrative tasks, the liaisons indicate that to pursue the creation of a paralegal classification does not appear appropriate at this time.¹² Consistent with the LSO liaisons' recommendation, LSO does not employ paralegals.

Dual reporting

The liaison report discusses one other recommendation for LSO. That recommendation states: "All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office."¹³ On this recommendation relating to attorneys within the AOC, it seems appropriate to wait for the results of the classification and compensation study. That study will expressly study the attorney

¹⁰ See Judicial Council of Cal., *supra*, at page 11.

¹¹ SEC Recommendation 7-72(f) states:

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:

(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.

¹² See Judicial Council of Cal., *supra*, at pages 11–12.

¹³ *Id.* at page 3.

classifications and should provide useful information to assist in any efforts to redefine or change the relationship among the various groups and types of attorneys working for the AOC.

Policy and Cost Implications

LSO's mission continues to be to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The restructuring of LSO will result in efficiencies and savings from, for example, the conversion of the position of assistant chief counsel into a senior managing attorney position and will continue to require a commitment of effort (for example, for staff and courts to conduct and complete user surveys).

Relevant Strategic Plan Goals and Operational Plan Objectives

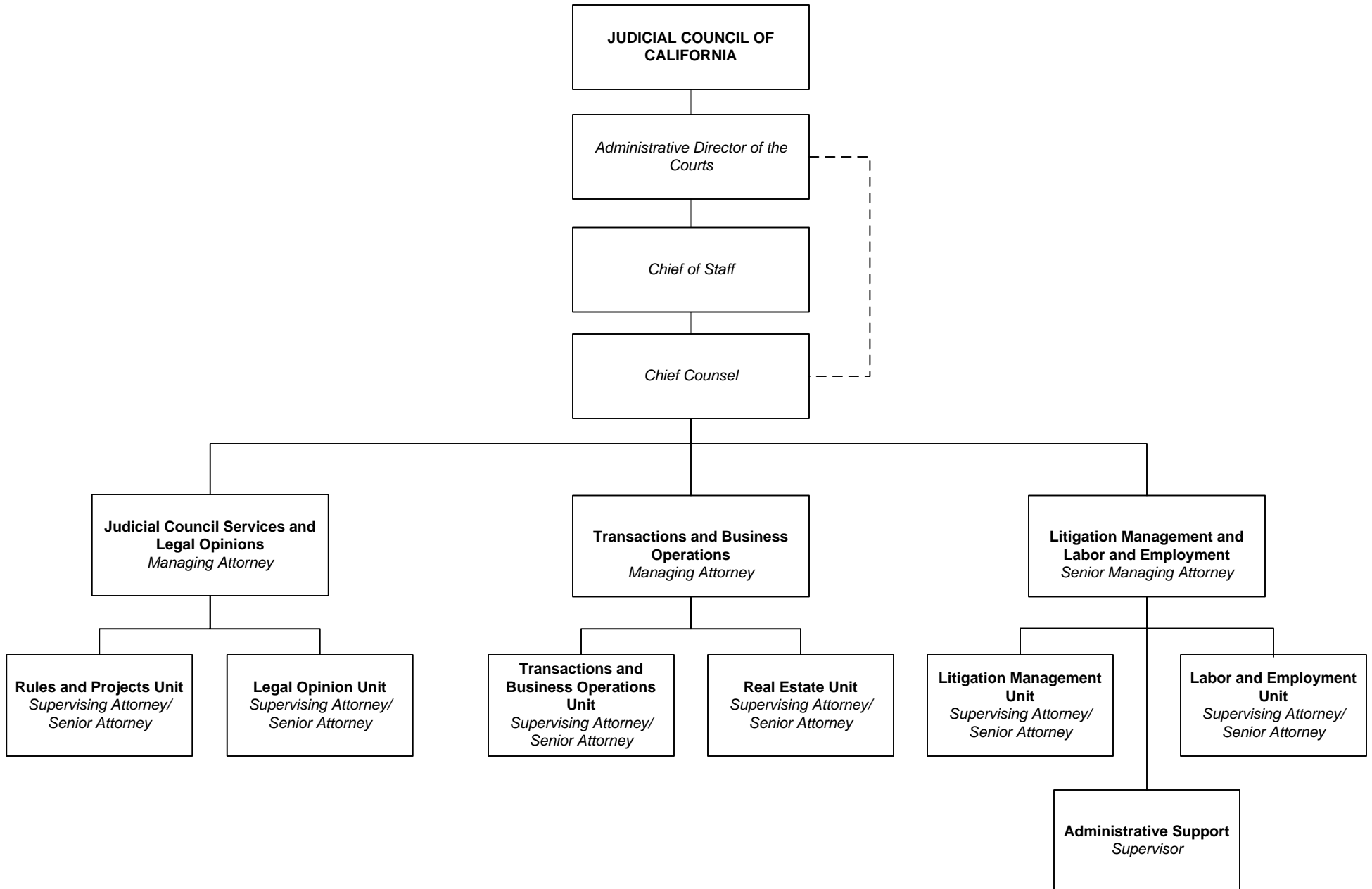
Judicial Council strategic Goal VI.C.1 ("Provide a high-quality administrative legal infrastructure to provide consistent, comprehensive legal support and counsel to the courts").

Attachments

1. Attachment A: LSO organization chart
2. Attachment B: Role of Chief Counsel of the Administrative Office of the Courts
3. Attachment C: Administrative Office of the Courts, Legal Services Office, Customer Service Survey



Attachment A Legal Services Office



Attachment B
Role of Chief Counsel of the Administrative Office of the Courts

The Chief Counsel of the Administrative Office of the Courts (AOC) is chief legal advisor to the Judicial Council of California and to the AOC and director of the AOC Legal Services Office, which provides comprehensive legal services to the AOC and to the appellate and trial courts. The Legal Services Office has two major areas of service: **legal advisor and counsel to the Judicial Council** and **legal advisor and legal services provider to the appellate and trial courts**.

I. Legal Advisor and Counsel to the Judicial Council

The role of legal advisor and counsel to the Judicial Council encompasses the legal services provided in support of the Chief Justice as Chair of the Judicial Council, the Judicial Council and its committees and task forces, and the AOC as staff agency to the Judicial Council.

In this capacity, the Chief Counsel is responsible for the following:

- **Judicial Council Legal Support**
 - Provide legal advice and briefings to the Chief Justice, the Judicial Council, and internal council committees on matters of importance to Judicial Council business.
 - Provide legal support and staffing of Judicial Council internal committees and council advisory committees.
 - Provide legal review of rules, forms, standards of judicial administration, and jury instructions for Judicial Council consideration.
 - Provide legal review of legislation and regulations for legal and programmatic impact in collaboration with the AOC Office of Governmental Affairs.
 - Provide legal support to the Chief Justice in evaluating and making recommendations on petitions for coordination of complex civil cases.
 - Facilitate filing of local court rules with the council and authorization by the Chief Justice of alternative effective dates of local rules.
 - Interact with other branches of government and external entities (e.g., Attorney General's Office, Commission on Judicial Performance, State Bar of California State Bar, Secretary of State, California Fair Political Practices Commission, etc.) on wide range of judicial administration legal issues.
 - Participate in meetings and conferences as the legal representative of the Judicial Council, AOC, and the judicial branch, as appropriate.
- **AOC and Administrative Director of the Courts Legal Support**
 - Provide legal advice and briefings to the Administrative Director, Division Chiefs, and Office Directors on legal issues affecting AOC programs and

- operations and on legal issues affecting planning, development, and review of AOC programs and policies.
 - Identify legal and risk management issues and collaborate on developing and implementing strategies for addressing issues.
 - Collaborate with other AOC offices on legislative, fiscal, facilities, technology, and other matters affecting the judicial branch to develop strategies for implementing new requirements and responding to emerging issues.
- Chief Counsel Administrative Activities
 - Manage the AOC Legal Services Office, including planning and directing work, providing legal policy direction, providing for internal staff development and training and succession planning, and participating in recruitment and selection of staff.
 - Provides general direction on the office’s priorities, policies, and operations.
 - Manages the Legal Services Office budget and resources; develops and implements strategies to meet increasing workload demands with limited resources.
 - Establishes and implements performance and development plans for direct reports.

II. Legal Advisor and Provider of Legal Services to the Appellate and Trial Courts and the AOC

In this capacity, the Chief Counsel provides direction and oversees the following programs and activities that provide legal services to the appellate and trial courts and to the AOC:

- Labor and Employment:
 - Responds to labor and employment issues in collaboration with the AOC Human Resources Services Office (HRSO), as appropriate.
 - Provides legal advice and guidance to minimize risk of labor disputes and employment litigation.
 - Provides legal advice in addressing sensitive personnel issues.
 - Assists HRSO in managing legal aspects of investigations of internal complaint of discrimination, harassment, retaliation, and other similar complaints, and advises about complaint resolution.
 - Drafts personnel policies to ensure compliance with applicable law and to avoid litigation.
 - Upon request, advises trial courts regarding labor relations matters (MOUs, labor relation rules, progressive discipline, personnel actions, etc.).
 - Provides ongoing support to HRSO in addressing labor relation issues for trial courts.

- Upon request, provides legal advice and representation for trial courts in labor arbitrations and complaints before the Public Employment Relations Board.
- Litigation Management:
 - Under the direction of the Administrative Director of the Courts and consistent with rules of court, manages and administers the Judicial Council's Litigation Management Program.
 - Staffs the council's Litigation Management Committee, which oversees claims and litigation against judicial branch entities in which the likely exposure is \$100,000 or more or that raise issues of significance to the judicial branch.
 - Handles claims against judicial branch entities, making recommendations to the council's Litigation Management Committee for settlements at or above \$100,000.
 - Manages litigation against judicial branch entities, including selecting and directing outside counsel retained to represent judicial branch entities and making recommendations to the council's Litigation Management Committee for settlements at or above \$100,000.
 - Provides annual litigation reports to the Litigation Management Committee, the Judicial Council, the appellate and trial courts, and the AOC.
 - Manages affirmative litigation on behalf of the courts and AOC.
 - Provides for representation of courts and AOC at administrative law hearings and judicial proceedings.
- Legal Opinions:
 - Upon request, provides legal advice and opinions to court leaders on judicial administration issues.
 - Provides statewide legal advice and guidance to court leaders on issues of statewide importance.
 - Upon request, provides legal advice and opinions to AOC leadership on wide range of issues affecting the judicial branch and judicial branch entities.
- Real Estate and Transactions and Business Operations:
 - Provides legal services and support for court facilities-related transactions, including acquisition, construction, renovation, operation, and maintenance of court facilities.
 - Provides legal services and support for solicitation, contracting, and procurement of goods and services, including technology transactions.

- Provides legal advice on issues related to procurement, risk management, business administration, and operational initiatives.
- Provides legal advice for compliance audits under federal and state law.
- Provides legal advice on leases, contracts, and other documents requiring approval of the Administrative Director of the Courts.
- Oversees the selection, management, and evaluation of external legal resources/outside counsel retained to augment transactional services by the Legal Services Office.

Attachment C



**Administrative Office of the Courts
Legal Services Office
Customer Service Survey**

The mission of the Legal Services Office is to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the Administrative Office of the Courts (AOC).

To assist us in this mission, the Legal Services Office is forwarding this survey to administrative presiding justices, presiding judges, appellate court clerk/administrators, and court executive officers. Your responses will help us serve you and others better. Please feel free to ask others in the court who work with the Legal Services Office to complete this survey as well. We appreciate your time in providing this valuable feedback.

Please return the completed survey by **Month Date, 2014**, to:

Legal Services Office
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, California 94102

Person completing survey:

Name: _____

Court: _____

Please identify your position with the court:

- Administrative Presiding Justice or Presiding Judge
- Appellate Court Clerk/Administrator or Court Executive Officer
- Other position (*please state your title*): _____

The following questions relate to the services provided by the six units within the Legal Services Office. Please provide answers for those units whose services you have used in 2013 or 2014.

Attachment C

Labor and Employment Unit

Attorneys in the Labor and Employment Unit provide legal advice on labor and employment law issues, manage employment-related claims and litigation involving courts and the AOC through the Litigation Management Program, manage arbitrations and Public Employment Relations Board charges and complaints under collective bargaining agreements, and provide training on rights and obligations arising under labor and employment laws.

If you had experience with the services of the Labor and Employment Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Labor and Employment Unit:

Legal Opinion Unit

Attorneys in the Legal Opinion Unit provide legal advice to the courts, the Judicial Council, and the AOC on court administration issues and assist on special projects and the drafting of proposed legislation and rules of court.

If you had experience with the services of the Legal Opinion Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

Attachment C

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked “Disagree,” please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Legal Opinion Unit:

Litigation Management Unit

Attorneys in the Litigation Management Unit manage the program for investigating and resolving claims and lawsuits involving the courts, the Judicial Council, and the AOC. They select and direct outside counsel in providing legal assistance to courts, judicial officers, and employees named as defendants or respondents.

If you had experience with the services of the Litigation Management Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

Attachment C

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Litigation Management Unit:

Real Estate Unit

Attorneys in the Real Estate Unit provide legal services related to the acquisition, construction, renovation, operation, and maintenance of court facilities throughout the State.

If you had experience with the legal services of the Real Estate Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

Attachment C

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked “Disagree,” please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Real Estate Unit:

Rules and Projects Unit

Attorneys in the Rules and Projects Unit staff Judicial Council advisory committees and draft proposed legislation, rules of court, and forms for the committees and the council.

If you had experience with the services of the Rules and Project Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attachment C

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Rules and Project Unit:

Transactions and Business Operations Unit

Attorneys in the Transactions and Business Operations Unit assist the appellate courts, the trial courts, and the AOC with contract and procurement matters by drafting contracts and solicitation documents, negotiating the terms of transactions, and providing legal services and counsel on transactional matters, the Judicial Branch Contract Law, and resolution of nonlitigated contract disputes.

If you had experience with the services of the Transactions and Business Operations Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Attachment C

Please provide any additional comments you have about the Transactions and Business Operations Unit:

General Questions

Please provide any additional suggestions you may have that would improve the provision of services by the Legal Services Office:

Are there other or different services you would like the Legal Services Office to provide?

Please provide any additional comments you have about the Legal Services Office:

Information about the Legal Services Office can be found on Serranus at
<http://serranus.courtinfo.ca.gov/programs/ogc/>

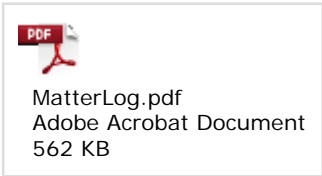
ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

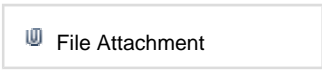
DATE	3/29/2013
PREPARED BY	Mary M. Roberts
OFFICE NAME	<u>Legal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	108
JUDICIAL COUNCIL DIRECTIVE	E&P recommends that the Judicial Council support SEC Recommendation 7 -72(b) and direct the Administrative Director of the Courts to direct implementation of fundamental management practices to address underperformance of staff members and provide better supervision and allocation of work.
SEC RECOMMENDATION	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: (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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>The Legal Services Office (LSO) is improving upon past management practices and implementing new management practices for supervising staff and allocating work in light of this directive and the fact that the Legal Services Office staffing levels have been reduced over the past year from a total of 69 employees (including 50 attorneys) to a total of 50 employees (including 38 attorneys) through transfers, retirements (including a recent retirement of the Transactions and Business Operations Managing Attorney), resignations, and the Voluntary Separation Initiative Program. The number of employees referenced here excludes the 5 employees in the Secretariat Unit, who were part of the LSO in February 2012, but who have since formed a new office, Judicial Council Support Services.</p> <p>To address resource constraints office-wide and ensure appropriate supervision and allocation of work, the LSO developed a matter tracking system, which was implemented on February 1, for a 90-day trial and evaluation period. The matter tracking system tracks matters from assignment to completion date, assigns a level of complexity for each matter, and provides a uniform tickler system for review of open matters. As part of the system, attorneys log all legal services matters (e.g., requests for legal advice and contracts) and LSO management receives weekly updates about open and closed matters and may review the assignment log at any time.</p> <p>The matter tracking system has proven to be both an efficient and effective way to track legal services office-wide and to support appropriate allocation of incoming work and supervision of open matters. The LSO has made minor changes to the matter tracking form since February 1 to improve ease of use and effectiveness of the form (see attached Matter Log).</p>	

With respect to the direction that fundamental management practices be implemented to address underperformance of staff members and provide better supervision and allocation of work, LSO supervisors and managers are participating in the six-part management training program for AOC management and supervisors that was launched in January 2013. The six courses are intended to provide a framework for all AOC management teams to ensure consistent management practices across the organization on topics such as dealing with conflict and performance issues, providing tools to support staff, and performance management and evaluation.

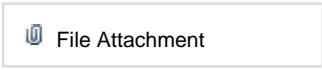
It is important to note that LSO does not consider the activities above to be one-time solutions as LSO will continue to monitor its management practices. The LSO is currently proactively working with its Judicial Council liaisons on several LSO related-activities (i.e., potential LSO restructuring, evaluation of outside counsel cost-effectiveness, and the role of the Chief Counsel), and LSO's focus on staff supervision and the allocation of work will be included as a component of these activities. The AOC will be happy to provide future updates to the council on LSO's ongoing commitment to this directive at the council's request.



This directive is forwarded to the Judicial Council with options for consideration:



Other:



TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	<input type="text"/>
RESOURCES REQUIRED FOR IMPLEMENTATION	<input type="text"/>

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input type="text"/>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input type="text"/>

	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> SAVINGS	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> COST	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> EFFICIENCIES	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> SERVICE LEVEL IMPACT	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> OTHER	<input type="text"/> <input type="button" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="4/10/2013"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="4/17/2013"/>

MATTER LOG FOR: #: Assigned by database

Open date: End date:

Requestor:

- Supreme Court
- 1 DCA (SF)
- 2 DCA (LA)
- 3 DCA (Sac)
- 4 DCA (SD)
- 5 DCA (Fresno)
- 6 DCA (SJ)

Superior Court of California, County of:

- Alameda
- Alpine
- Amador
- Butte
- Calaveras
- Colusa
- Contra Costa
- Del Norte
- El Dorado
- Fresno
- Glenn
- Humboldt
- Imperial
- Inyo
- Kern
- Kings
- Lake
- Lassen
- Los Angeles
- Madera
- Marin
- Mariposa
- Mendocino
- Merced
- Modoc
- Mono
- Monterey
- Napa
- Nevada
- Orange
- Placer
- Plumas
- Riverside
- Sacramento
- San Benito
- San Bernardino
- San Diego
- San Francisco
- San Joaquin
- San Luis Obispo
- San Mateo
- Santa Barbara
- Santa Clara
- Santa Cruz
- Shasta
- Sierra
- Siskiyou
- Solano
- Sonoma
- Stanislaus
- Sutter
- Tehama
- Trinity
- Tulare
- Tuolumne
- Ventura
- Yolo
- Yuba
- Judicial Council

- AOC: CFCC CJCS COSS EDUC EXEC FSO HCRC HR ITSO JCSS LSO OAS OC OGA OJBCP OREFM OS SPO TCAS TCLO

Other Public Entity:

Person making request (name):

- APJ
- ACA
- Attorney
- PJ/Asst. PJ
- CEO
- Public
- Judicial Officer
- Other court staff
- Other:

Request (brief description):

Response and/or product (brief description): Type of advice: Reference #(LOU, LEU etc.)

Level of effort:

- CLASS I: Minimum effort; quickly addressed; initial response sufficient; no follow-up expected; up to 1 hr
- CLASS II: Medium effort; initial response and some research/follow-up; 1-8 hrs
- CLASS III: Substantial effort; major research/follow-up; complex; 8-40 hrs
- CLASS IV: Time intensive or long-term project; 40+ hrs

Any other AOC, including LSO, staff involved:

Any other notes:

Open matter

Close matter

Reset Form



Judicial Council of California · Administrative Office of the Courts

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 25, 2014

Title	Agenda Item Type
AOC Restructuring: Efficiencies and Restructuring at the Legal Services Office	Information Only
Submitted by	Date of Report
Steven Jahr	April 8, 2014
Administrative Director of the Courts	Contact
Administrative Office of the Courts	Jody Patel, 916-263-1333
Jody Patel, Chief of Staff	jody.patel@jud.ca.gov

Executive Summary

The Legal Services Office (LSO) is an office of the Administrative Office of the Courts (AOC) under the Judicial Council and Court Leadership Services Division. The mission of LSO is to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The Judicial Council has charged the office with providing “consistent, comprehensive legal support and counsel to the courts.” (Judicial Council of Cal./Admin. Off. of Cts., *Justice in Focus: The Strategic Plan for California’s Judicial Branch 2006–2012* (2006), p. 49.) In response to Judicial Council restructuring directives and the recommendations of the Judicial Council liaisons to LSO, the office has been significantly restructured. This informational report summarizes the activities undertaken in response to the June 2013 recommendations of the Judicial Council liaisons.

Previous Council Action

- In March 2011, Chief Justice Tani G. Cantil-Sakauye created the Strategic Evaluation Committee (SEC) to conduct an in-depth review of the Administrative Office of the Courts, the staff agency to the Judicial Council, with a view toward promoting transparency, accountability, and efficiency.

- On August 31, 2012, based on the SEC report and its recommendations, the Judicial Council approved AOC realignment directives and directed the Administrative Director to report on them.
- At the February 2013 council meeting, the council liaisons to LSO were asked to take the lead on reviewing the cost-effectiveness of LSO's current use of outside counsel in response to Judicial Council directive 122. While addressing this request, the liaisons concluded that additional LSO-related restructuring directives were appropriate for inclusion in the liaisons' review and would enable a more comprehensive evaluation.¹
- In addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons' review was expanded to include defining the role of the Chief Counsel; evaluating the need for use of a paralegal classification; analyzing the use of LSO attorney staff in AOC field offices; and analyzing the current LSO organizational structure, LSO services, and attorney services provided by the AOC outside of LSO.
- In June 2013, the LSO liaisons recommended that the Judicial Council endorse the following recommendations to the Administrative Director:²
 1. LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.
 2. LSO should implement a formal structure to solicit client feedback on a regular basis.
 3. The role of the Chief Counsel and the expectations for that role and areas of responsibility should be clearly defined to reflect the new organizational structure.
 4. The use of outside counsel is appropriate for specialized areas of law and litigation. The protocols for LSO's use of outside counsel should be strengthened to ensure that outside counsel is used in the most cost-effective manner.
 5. The AOC should continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability.

¹ See Judicial Council of Cal., *AOC Restructuring: Judicial Council Liaisons' Review of the Legal Services Office and Recommendations* (June 28, 2013), p. 3.

² *Id.* at pp. 2–3.

6. All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office.
 7. Given the recent retirement announcement by the current Chief Counsel, the successor Chief Counsel should be afforded the opportunity to implement the restructuring and the formation of the management team under the supervision of the Chief of Staff.
- At the June 2013 Judicial Council meeting, the council endorsed the liaisons' recommendations and agreed with the liaisons that modifications might be needed once these recommendations are implemented. It further directed the Administrative Director of the Courts to report back on implementation of the liaisons' recommendations by the end of March 2014.³

Methodology and Process

Restructuring within LSO has occurred as a result of the implementation of the liaisons' recommendations. As indicated below, six of the seven recommendations have been implemented, with one variance: (1) the LSO management structure has been modified; (2) the responsibilities of the Chief Counsel have been reviewed and clearly defined; (3) a process for periodically surveying court users of legal services is being put into place; (4) protocols have been developed for retention of outside counsel; (5) policies have been implemented to ensure appropriate oversight in the field offices for day-to-day accountability of LSO attorneys and staff in field offices; and (6) paralegals have not and are not currently employed by the LSO. Finally, although LSO works closely with other AOC offices with attorneys, the liaisons' recommendation that AOC attorneys outside of LSO who provide legal advice or legal related services that require a law degree should have a dual reporting relationship to LSO and their current office has not been implemented. As discussed below, for this recommendation, it seems appropriate to wait for the results of the pending classification and compensation study, which will expressly review the attorney classification.

Background on the Legal Services Office

The Legal Services Office provides a variety of services that historically, before state trial court funding, were provided by the counties and reflect the varying and expanded needs of judicial branch entities in today's environment.

Before trial court funding, the Legal Services Office comprised a small group of attorney staff primarily responsible for drafting council rules of court and forms and legislation, providing legal opinions to the council and the Administrative Director, and staffing council advisory

³ As reported to the Judicial Council in February 2014, because no Judicial Council meeting was held in March 2014, this report is being provided at the April 25, 2014, business meeting of the council.

committees and other similar bodies.⁴ Following trial court funding, the role of LSO expanded to provide to the superior courts legal services that previously had been provided by county counsels' offices. LSO began providing trial courts with legal opinions on judicial administration issues. The council also approved the creation of a Litigation Management Program in 1999, adopting rules of court assigning the responsibility to LSO for the management of all claims and litigation against the courts.

After the enactment of the Trial Court Employment Protection and Governance Act of 2000, LSO began providing labor and employment legal services. LSO's areas of responsibility continued to expand—for example, with the establishment of a unit to provide transactional and business-related advice and services. After passage of the Trial Court Facilities Act of 2002, the Real Estate Unit was established to provide the facilities-related legal work resulting from this legislation. Finally, LSO attorney positions were established in the field offices to better facilitate the provision of legal services to the superior courts.

The growth of LSO and the expansion of the services it provides have significantly changed in the past few years. Based on the council directives and other developments, LSO has ceased to grow and has been notably reduced in size. This and other changes are described in detail below.

Implementing the directives

In implementing the Judicial Council directives to LSO and the council liaisons' recommendations, the Administrative Director of the Courts and the Chief of Staff worked closely with the Chief Counsel and her management team. They have also benefitted greatly from advice from the Judicial Council liaisons to LSO and other council members.

The liaison report specifically addresses implementation of the council liaisons' recommendations to the Administrative Director of the Courts, which were endorsed by the Judicial Council. The report presents each recommendation and summarizes the actions taken in response to the recommendations.

Legal Services Office restructuring

As part of their review, the liaisons considered Judicial Council restructuring directive 107 and recommended the following:

LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.

⁴ The office's name has changed over the years. In the 1990s, it was designated as Council and Legal Services. Subsequently, it became the Office of the General Counsel, and in 2012 the office was renamed the Legal Services Office.

(Judicial Council of Cal., *supra*, at p. 2.)

Judicial Council restructuring directive 107 states:

E&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.⁵

Since the release of the Strategic Evaluation Committee report in May 2012, the LSO workforce has been dramatically reduced from the 75 positions referenced in SEC recommendation 7-72(a) to a workforce of 44 positions as of the date of this report. LSO attorney staffing has been reduced from 50 attorneys to the current number of 32 attorneys, exclusive of the Chief Counsel. The LSO management team currently consists of 6 members, excluding the Chief Counsel, as compared to 9 noted in SEC recommendation 7-72(a).

The June 2013 Liaison Report states:

Given the current staffing levels of the LSO workforce and the critical nature of the legal services provided by LSO, we believe that a 10-member LSO attorney management team is appropriate for this office. However, to ensure accountability and clear lines of authority for the varied legal services provided by LSO, it is recommended that the LSO should be restructured to create a new executive leadership team comprising the Chief Counsel and three managing attorneys who lead three distinct areas of service . . . Additionally, in accordance with council directive 107, we recommend that the position of Assistant Chief Counsel be reclassified as a managing attorney position. It is also recommended that one of the managing attorney positions be classified as a senior managing attorney to provide backup and support as second in command to the Chief Counsel. It appears appropriate that the managing attorney leading Judicial Council Services and Legal Opinions would be the best position for second in command.

⁵ SEC Recommendation 7-72(a) states:

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:

(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 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.

The new structure provides a three-to-one reporting structure under the Chief Counsel and shifts the responsibility for regular day-to-day management workload from the Chief Counsel to the managing attorneys. This shift of direct responsibility for LSO daily activities is an acknowledgement that the Chief Counsel should be involved in providing legal input and expertise to the most critical legal issues for the branch versus being immersed in routine LSO workload. This structure will require continuous communication between the Chief Counsel and the three managing attorneys to ensure that no silos develop in the office. Similar to partners in a law firm, the Chief Counsel and the managing attorneys should meet regularly to share information and make decisions on projects, priorities, and resources that further the goals of the office as a whole. (Judicial Council of Cal., *supra*, at p. 2.)

Under the new Chief Counsel, with the support of the Administrative Director of the Courts and the Chief of Staff, LSO has taken measures that have substantially implemented the structure proposed by the liaisons. The LSO attorney management team, excluding the Chief Counsel, consists of six members as of March 2014. The position of Assistant Chief Counsel was eliminated after the attorney formerly holding that position retired in 2013. As recommended by the liaisons, instead of hiring a new Assistant Chief Counsel, a managing attorney was promoted in 2014 to the position of senior managing attorney to provide support and backup to the Chief Counsel. Because of retirements, no other managing attorneys are currently employed in LSO. However, to provide the level and structure of leadership necessary to manage the office in the manner recommended by the liaisons, recruitment is under way for two additional managing attorneys. After completion of this hiring process, LSO will have an executive management structure as envisioned by the liaisons, with a Chief Counsel and three managing attorneys, one of whom is designated as a senior managing attorney.

LSO provides legal services in two primary areas: (1) services provided to the council, to the Chief Justice as chair of the council, and to the Administrative Director of the Courts and the AOC as the administrative arm of the council; and (2) services provided to the appellate and trial courts. LSO is currently structured to provide legal services in these areas by organizing its attorneys into six units:

- Rules and Projects Unit
- Legal Opinion Unit
- Transactions and Business Operations Unit
- Real Estate Unit
- Litigation Management Unit
- Labor and Employment Unit

In terms of LSO's management structure, the liaison report recommends that LSO be restructured into three areas of services: (1) Judicial Council Services and Legal Opinions (a

merger of the Rules and Projects and Legal Opinion Units); (2) Transactions and Business Operations (incorporating Real Estate into the Transactions and Business Operations Unit); and (3) Litigation Management and Labor and Employment (a merger of the two formerly separate units).

The liaison report further recommends that the new units continue to serve both client groups—the appellate and trial courts along with the Judicial Council, Chief Justice as chair of the council, Administrative Director of the Courts, and AOC—with the responsibility of supervising attorneys divided between the two client groups. LSO is in the process of restructuring its activities into the three organization units described above. Once the full complement of managing attorneys is in place, each will manage one of the combined units. After careful consideration, however, the Administrative Director and Chief of Staff support a variance from the liaison recommendations with respect to the supervisory-level responsibilities. Because the quantity of legal work performed for the courts differs from that for the Judicial Council/AOC clients and because of the need to provide clients with specialized skills and knowledge in the individual subject-matter areas, LSO will continue to be structured along subject-matter groups rather than client groups. The purpose of this structure is to provide better service to clients by providing them with immediate access to supervisors and attorneys with subject-matter expertise specific to the legal issues and inquiries presented.⁶

The liaison report further states:

It is intended that the Chief Counsel and the three managing attorneys hold overall management responsibility, with the supervising/senior attorneys charged with carrying out senior management’s directives for the specific subject matter and client assignments. The level of experience and precise classification for these supervising/senior attorneys should be determined as a part of the internal restructuring and reviewed as a part of the classification and compensation study.

The report’s additional recommendations regarding the management structure will be implemented once the managing attorney positions are filled. As indicated in the report, the level of experience and precise classification for the supervising/senior attorney structure also partially depend on the classification and compensation study.

Role of Chief Counsel

The liaisons considered Judicial Council restructuring directive 115 and recommended that the role of the Chief Counsel and the expectations for that role, along with the areas of responsibility, should be clearly defined to reflect the new organizational structure.

⁶ See Attachment A for an organization chart showing this management structure.

Judicial Council restructuring directive 115 states:

E&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.

As part of their report to the Judicial Council, the liaisons included an attachment clearly defining the responsibilities and role of the Chief Counsel of the Administrative Office of the Courts.⁷

The description has been adopted and specifies that the Chief Counsel is chief legal advisor to the Judicial Council and to the AOC and office chief of the AOC Legal Services Office, which provides comprehensive legal services to the appellate and trial courts. It adds that the Legal Services Office has two major areas of service: legal advisor and counsel to the Judicial Council and legal advisor and legal services provider to the appellate and trial courts. In these capacities, the Chief Counsel has responsibilities that are enumerated in detail.

Survey of users of LSO services

The liaisons considered Judicial Council restructuring directive 120 and recommended that, to ensure that the appropriate level of client service is provided, particularly in the area of legal opinions, a formal procedure be developed and implemented in LSO to solicit client feedback.

Judicial Council restructuring directive 120 states:

E&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.

In response to this recommendation, a draft survey has been developed to ask court users for their evaluations of and suggestions for improvements to legal services provided by each of the six LSO units.⁸ Because of workload issues and staffing concerns, it is anticipated that the survey will be distributed to the courts in late 2014 as a pilot. If the survey proves useful and courts do not find it overly burdensome, LSO will continue to survey the courts on an annual or biennial basis.

Use of outside counsel

With respect to Judicial Council directive 122 regarding the use of outside counsel, the Judicial Council endorsed the liaisons' recommendation that (1) the use of outside counsel is appropriate for specialized areas of law and litigation; and (2) protocols for LSO's use of outside counsel

⁷ See Judicial Council of Cal., *supra*, Attachment A (a copy of which is attached to this report as Attachment B).

⁸ See Attachment C for a copy of the draft survey.

should be strengthened to ensure that outside counsel is used in the most cost-effective manner. That directive states:

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to order an independent review of the Office of the 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.

The liaisons undertook the review of the use of outside counsel and reported back to the council as follows:

Based on our experience in the legal field and after conferring with colleagues, we conclude that the use of outside counsel is appropriate and in some cases mandated, providing valuable legal resources for the varying needs of LSO relating to specific subject areas or broad-based branch initiatives (i.e., courthouse transfers). Outside legal counsel provides LSO with sufficient flexibility to meet the changing needs of the branch in an efficient and cost-effective manner.

(Judicial Council of Cal., *supra*, at p. 10.)

The liaison report also concluded, once it was confirmed that there was a legitimate need to use outside counsel, that a full study of past expenses would be extraordinarily time-consuming and would provide little benefit. Because the goal was to be certain that future expenditures are warranted, the liaisons recommended placing the responsibility for the retention and monitoring of outside counsel with the managing attorney in each area of practice. The liaisons added that (1) there should be written justification for the retention, and the managing attorney should be responsible for ensuring that the hourly rates and time spent are reasonable; (2) at the close of representation a short client feedback report should be obtained, and the managing attorney should evaluate the service provided from LSO's perspective; and (3) an annual report on the use of outside counsel should be provided to the Judicial Council.

Thus, the liaisons recommended that LSO develop:

- A structure in which each managing attorney is responsible for the approval of and justification for using outside counsel based on the area of expertise needed or resource requirements.
- A means for conducting an examination of the cost-effectiveness of using outside counsel versus potentially hiring attorney resources based on specific projects and the duration of legal assistance needed.
- A checklist that must be completed before initiating a contract with outside counsel to confirm that no internal LSO resources are available for the subject-matter area.

- A means of following up with the courts that receive services to gather their input on the services provided by outside counsel through an e-mail questionnaire or survey. This information would be used in tandem with input from the LSO attorneys assigned to the respective cases to identify if the outside counsel should be used for future cases.
- A means of regularly (every 12 months) surveying the market to ensure that what is being charged is appropriate and the rates are appropriate.

The liaisons also recommended that the Administrative Director provide to the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch an annual report on the use and cost of outside counsel for the committee's consideration and reporting to the council.

In response to these recommendations, the LSO protocol for the retention of outside counsel has been amended to require managing-attorney approval of the hiring of any outside counsel. Under that protocol, the managing attorney (1) reviews the recommendation to hire outside counsel and the expertise of the counsel suggested, and (2) confirms that no internal resource is available for the particular subject matter. The review and approval by the managing attorney are recorded in each file. In addition, on an annual basis, LSO will review the annual attorney fee surveys prepared by various organizations to ensure that the fees charged by outside counsel are appropriate and reasonable. LSO also will send to each court a survey after the conclusion of any significant litigation, arbitration, or proceedings before the Public Employment Relations Board, asking for the court's assessment of the specific legal representation provided by LSO and outside counsel.⁹ The survey results will be used in an annual review of the use of outside counsel to ensure the delivery of quality and timely legal services. The LSO also will provide reports on the use and cost of outside counsel to the Advisory Committee on Financial Accountability and Efficiency at the request of the committee.

LSO attorneys located in field offices

In response to Judicial Council directive 117, the liaisons recommended that the AOC continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability. That Judicial Council directive states:

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.

The liaison report states that, after reviewing the activities of LSO attorney staff located in the Sacramento and Burbank field offices, the liaisons believe that it is appropriate to have staff in

⁹ These surveys will be prepared for the individual case and tailored to the type and nature of the representation.

these locations. The liaisons commented that such an arrangement is consistent with the staffing of many government agencies and private law firms.

LSO has followed the recommendation of the liaisons and continues to house attorneys in field offices. Doing so allows more direct communication between LSO attorneys and the courts in their regions.¹⁰ In addition, as recommended by the liaisons, to ensure oversight in the field offices for day-to-day accountability for off-site staff, LSO management requires staff in the field offices to report any absences both to their supervisors and to a designated local staff member, who would enter the appropriate information into the LSO calendar system.

Use of paralegal classifications

The LSO liaisons reviewed Judicial Council restructuring directive 112 and stated that they did not identify a specific need for a paralegal classification. That directive states:

E&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.¹¹

In their report, the liaisons state that paralegals in private law firms are typically used primarily for high-level administrative work and very minor legal-related work. Given that LSO already employs administrative staff to support LSO attorneys with administrative tasks, the liaisons indicate that to pursue the creation of a paralegal classification does not appear appropriate at this time.¹² Consistent with the LSO liaisons' recommendation, LSO does not employ paralegals.

Dual reporting

The liaison report discusses one other recommendation for LSO. That recommendation states: "All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office."¹³ On this recommendation relating to attorneys within the AOC, it seems appropriate to wait for the results of the classification and compensation study. That study will expressly study the attorney

¹⁰ See Judicial Council of Cal., *supra*, at page 11.

¹¹ SEC Recommendation 7-72(f) states:

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:

(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.

¹² See Judicial Council of Cal., *supra*, at pages 11–12.

¹³ *Id.* at page 3.

classifications and should provide useful information to assist in any efforts to redefine or change the relationship among the various groups and types of attorneys working for the AOC.

Policy and Cost Implications

LSO's mission continues to be to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The restructuring of LSO will result in efficiencies and savings from, for example, the conversion of the position of assistant chief counsel into a senior managing attorney position and will continue to require a commitment of effort (for example, for staff and courts to conduct and complete user surveys).

Relevant Strategic Plan Goals and Operational Plan Objectives

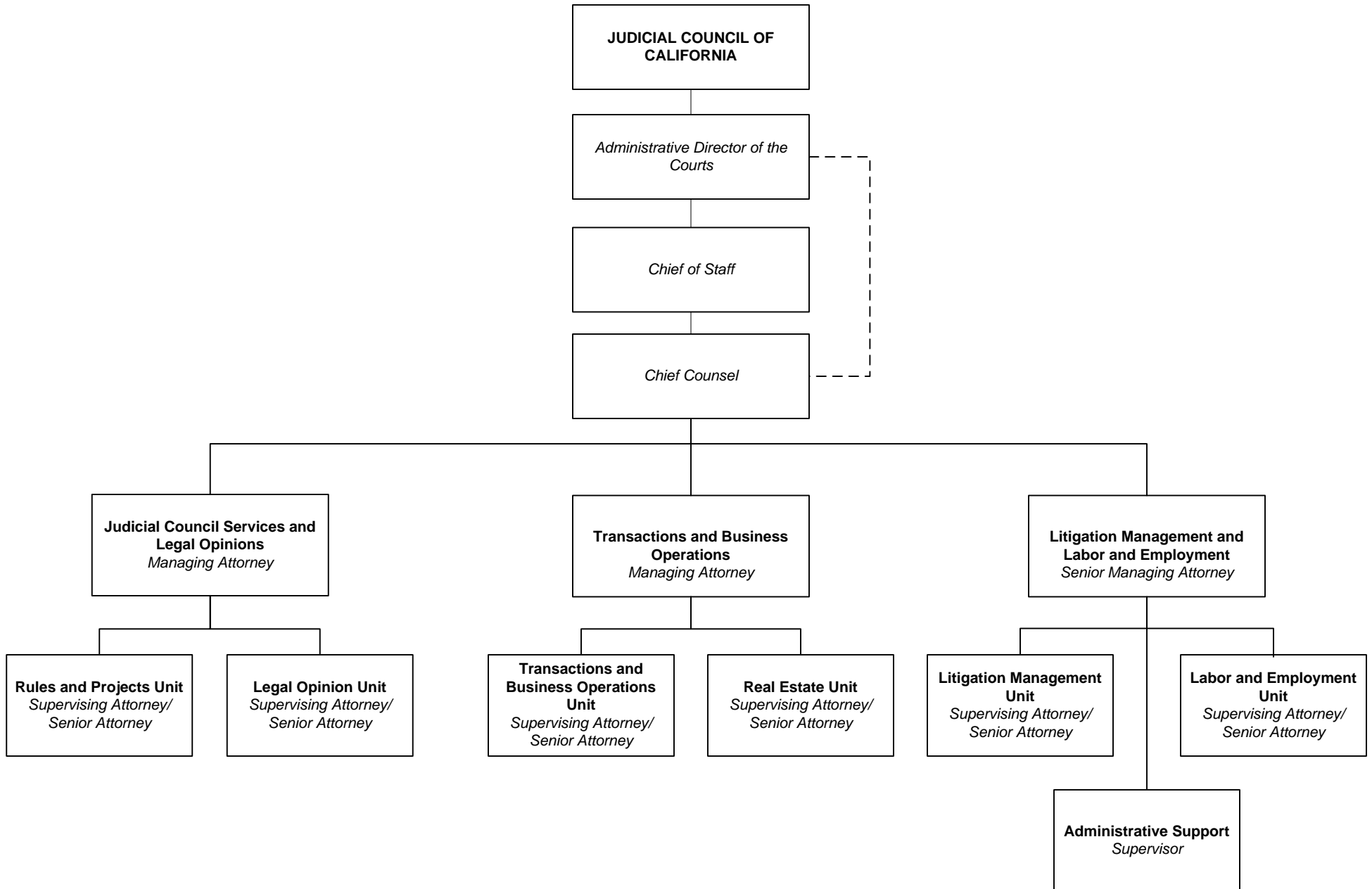
Judicial Council strategic Goal VI.C.1 ("Provide a high-quality administrative legal infrastructure to provide consistent, comprehensive legal support and counsel to the courts").

Attachments

1. Attachment A: LSO organization chart
2. Attachment B: Role of Chief Counsel of the Administrative Office of the Courts
3. Attachment C: Administrative Office of the Courts, Legal Services Office, Customer Service Survey



Attachment A Legal Services Office



Attachment B
Role of Chief Counsel of the Administrative Office of the Courts

The Chief Counsel of the Administrative Office of the Courts (AOC) is chief legal advisor to the Judicial Council of California and to the AOC and director of the AOC Legal Services Office, which provides comprehensive legal services to the AOC and to the appellate and trial courts. The Legal Services Office has two major areas of service: **legal advisor and counsel to the Judicial Council** and **legal advisor and legal services provider to the appellate and trial courts**.

I. Legal Advisor and Counsel to the Judicial Council

The role of legal advisor and counsel to the Judicial Council encompasses the legal services provided in support of the Chief Justice as Chair of the Judicial Council, the Judicial Council and its committees and task forces, and the AOC as staff agency to the Judicial Council.

In this capacity, the Chief Counsel is responsible for the following:

- **Judicial Council Legal Support**
 - Provide legal advice and briefings to the Chief Justice, the Judicial Council, and internal council committees on matters of importance to Judicial Council business.
 - Provide legal support and staffing of Judicial Council internal committees and council advisory committees.
 - Provide legal review of rules, forms, standards of judicial administration, and jury instructions for Judicial Council consideration.
 - Provide legal review of legislation and regulations for legal and programmatic impact in collaboration with the AOC Office of Governmental Affairs.
 - Provide legal support to the Chief Justice in evaluating and making recommendations on petitions for coordination of complex civil cases.
 - Facilitate filing of local court rules with the council and authorization by the Chief Justice of alternative effective dates of local rules.
 - Interact with other branches of government and external entities (e.g., Attorney General's Office, Commission on Judicial Performance, State Bar of California State Bar, Secretary of State, California Fair Political Practices Commission, etc.) on wide range of judicial administration legal issues.
 - Participate in meetings and conferences as the legal representative of the Judicial Council, AOC, and the judicial branch, as appropriate.
- **AOC and Administrative Director of the Courts Legal Support**
 - Provide legal advice and briefings to the Administrative Director, Division Chiefs, and Office Directors on legal issues affecting AOC programs and

- operations and on legal issues affecting planning, development, and review of AOC programs and policies.
 - Identify legal and risk management issues and collaborate on developing and implementing strategies for addressing issues.
 - Collaborate with other AOC offices on legislative, fiscal, facilities, technology, and other matters affecting the judicial branch to develop strategies for implementing new requirements and responding to emerging issues.
- Chief Counsel Administrative Activities
 - Manage the AOC Legal Services Office, including planning and directing work, providing legal policy direction, providing for internal staff development and training and succession planning, and participating in recruitment and selection of staff.
 - Provides general direction on the office’s priorities, policies, and operations.
 - Manages the Legal Services Office budget and resources; develops and implements strategies to meet increasing workload demands with limited resources.
 - Establishes and implements performance and development plans for direct reports.

II. Legal Advisor and Provider of Legal Services to the Appellate and Trial Courts and the AOC

In this capacity, the Chief Counsel provides direction and oversees the following programs and activities that provide legal services to the appellate and trial courts and to the AOC:

- Labor and Employment:
 - Responds to labor and employment issues in collaboration with the AOC Human Resources Services Office (HRSO), as appropriate.
 - Provides legal advice and guidance to minimize risk of labor disputes and employment litigation.
 - Provides legal advice in addressing sensitive personnel issues.
 - Assists HRSO in managing legal aspects of investigations of internal complaint of discrimination, harassment, retaliation, and other similar complaints, and advises about complaint resolution.
 - Drafts personnel policies to ensure compliance with applicable law and to avoid litigation.
 - Upon request, advises trial courts regarding labor relations matters (MOUs, labor relation rules, progressive discipline, personnel actions, etc.).
 - Provides ongoing support to HRSO in addressing labor relation issues for trial courts.

- Upon request, provides legal advice and representation for trial courts in labor arbitrations and complaints before the Public Employment Relations Board.
- Litigation Management:
 - Under the direction of the Administrative Director of the Courts and consistent with rules of court, manages and administers the Judicial Council's Litigation Management Program.
 - Staffs the council's Litigation Management Committee, which oversees claims and litigation against judicial branch entities in which the likely exposure is \$100,000 or more or that raise issues of significance to the judicial branch.
 - Handles claims against judicial branch entities, making recommendations to the council's Litigation Management Committee for settlements at or above \$100,000.
 - Manages litigation against judicial branch entities, including selecting and directing outside counsel retained to represent judicial branch entities and making recommendations to the council's Litigation Management Committee for settlements at or above \$100,000.
 - Provides annual litigation reports to the Litigation Management Committee, the Judicial Council, the appellate and trial courts, and the AOC.
 - Manages affirmative litigation on behalf of the courts and AOC.
 - Provides for representation of courts and AOC at administrative law hearings and judicial proceedings.
- Legal Opinions:
 - Upon request, provides legal advice and opinions to court leaders on judicial administration issues.
 - Provides statewide legal advice and guidance to court leaders on issues of statewide importance.
 - Upon request, provides legal advice and opinions to AOC leadership on wide range of issues affecting the judicial branch and judicial branch entities.
- Real Estate and Transactions and Business Operations:
 - Provides legal services and support for court facilities-related transactions, including acquisition, construction, renovation, operation, and maintenance of court facilities.
 - Provides legal services and support for solicitation, contracting, and procurement of goods and services, including technology transactions.

- Provides legal advice on issues related to procurement, risk management, business administration, and operational initiatives.
- Provides legal advice for compliance audits under federal and state law.
- Provides legal advice on leases, contracts, and other documents requiring approval of the Administrative Director of the Courts.
- Oversees the selection, management, and evaluation of external legal resources/outside counsel retained to augment transactional services by the Legal Services Office.

Attachment C



**Administrative Office of the Courts
Legal Services Office
Customer Service Survey**

The mission of the Legal Services Office is to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the Administrative Office of the Courts (AOC).

To assist us in this mission, the Legal Services Office is forwarding this survey to administrative presiding justices, presiding judges, appellate court clerk/administrators, and court executive officers. Your responses will help us serve you and others better. Please feel free to ask others in the court who work with the Legal Services Office to complete this survey as well. We appreciate your time in providing this valuable feedback.

Please return the completed survey by **Month Date, 2014**, to:

Legal Services Office
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, California 94102

Person completing survey:

Name: _____

Court: _____

Please identify your position with the court:

- Administrative Presiding Justice or Presiding Judge
- Appellate Court Clerk/Administrator or Court Executive Officer
- Other position (*please state your title*): _____

The following questions relate to the services provided by the six units within the Legal Services Office. Please provide answers for those units whose services you have used in 2013 or 2014.

Attachment C

Labor and Employment Unit

Attorneys in the Labor and Employment Unit provide legal advice on labor and employment law issues, manage employment-related claims and litigation involving courts and the AOC through the Litigation Management Program, manage arbitrations and Public Employment Relations Board charges and complaints under collective bargaining agreements, and provide training on rights and obligations arising under labor and employment laws.

If you had experience with the services of the Labor and Employment Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Labor and Employment Unit:

Legal Opinion Unit

Attorneys in the Legal Opinion Unit provide legal advice to the courts, the Judicial Council, and the AOC on court administration issues and assist on special projects and the drafting of proposed legislation and rules of court.

If you had experience with the services of the Legal Opinion Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

Attachment C

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Legal Opinion Unit:

Litigation Management Unit

Attorneys in the Litigation Management Unit manage the program for investigating and resolving claims and lawsuits involving the courts, the Judicial Council, and the AOC. They select and direct outside counsel in providing legal assistance to courts, judicial officers, and employees named as defendants or respondents.

If you had experience with the services of the Litigation Management Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

Attachment C

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Litigation Management Unit:

Real Estate Unit

Attorneys in the Real Estate Unit provide legal services related to the acquisition, construction, renovation, operation, and maintenance of court facilities throughout the State.

If you had experience with the legal services of the Real Estate Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

Attachment C

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked “Disagree,” please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Real Estate Unit:

Rules and Projects Unit

Attorneys in the Rules and Projects Unit staff Judicial Council advisory committees and draft proposed legislation, rules of court, and forms for the committees and the council.

If you had experience with the services of the Rules and Project Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attachment C

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Rules and Project Unit:

Transactions and Business Operations Unit

Attorneys in the Transactions and Business Operations Unit assist the appellate courts, the trial courts, and the AOC with contract and procurement matters by drafting contracts and solicitation documents, negotiating the terms of transactions, and providing legal services and counsel on transactional matters, the Judicial Branch Contract Law, and resolution of nonlitigated contract disputes.

If you had experience with the services of the Transactions and Business Operations Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Attachment C

Please provide any additional comments you have about the Transactions and Business Operations Unit:

General Questions

Please provide any additional suggestions you may have that would improve the provision of services by the Legal Services Office:

Are there other or different services you would like the Legal Services Office to provide?

Please provide any additional comments you have about the Legal Services Office:

Information about the Legal Services Office can be found on Serranus at
<http://serranus.courtinfo.ca.gov/programs/ogc/>



Judicial Council of California · Administrative Office of the Courts

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 25, 2014

Title	Agenda Item Type
AOC Restructuring: Efficiencies and Restructuring at the Legal Services Office	Information Only
Submitted by	Date of Report
Steven Jahr	April 8, 2014
Administrative Director of the Courts	Contact
Administrative Office of the Courts	Jody Patel, 916-263-1333
Jody Patel, Chief of Staff	jody.patel@jud.ca.gov

Executive Summary

The Legal Services Office (LSO) is an office of the Administrative Office of the Courts (AOC) under the Judicial Council and Court Leadership Services Division. The mission of LSO is to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The Judicial Council has charged the office with providing “consistent, comprehensive legal support and counsel to the courts.” (Judicial Council of Cal./Admin. Off. of Cts., *Justice in Focus: The Strategic Plan for California’s Judicial Branch 2006–2012* (2006), p. 49.) In response to Judicial Council restructuring directives and the recommendations of the Judicial Council liaisons to LSO, the office has been significantly restructured. This informational report summarizes the activities undertaken in response to the June 2013 recommendations of the Judicial Council liaisons.

Previous Council Action

- In March 2011, Chief Justice Tani G. Cantil-Sakauye created the Strategic Evaluation Committee (SEC) to conduct an in-depth review of the Administrative Office of the Courts, the staff agency to the Judicial Council, with a view toward promoting transparency, accountability, and efficiency.

- On August 31, 2012, based on the SEC report and its recommendations, the Judicial Council approved AOC realignment directives and directed the Administrative Director to report on them.
- At the February 2013 council meeting, the council liaisons to LSO were asked to take the lead on reviewing the cost-effectiveness of LSO's current use of outside counsel in response to Judicial Council directive 122. While addressing this request, the liaisons concluded that additional LSO-related restructuring directives were appropriate for inclusion in the liaisons' review and would enable a more comprehensive evaluation.¹
- In addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons' review was expanded to include defining the role of the Chief Counsel; evaluating the need for use of a paralegal classification; analyzing the use of LSO attorney staff in AOC field offices; and analyzing the current LSO organizational structure, LSO services, and attorney services provided by the AOC outside of LSO.
- In June 2013, the LSO liaisons recommended that the Judicial Council endorse the following recommendations to the Administrative Director:²
 1. LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.
 2. LSO should implement a formal structure to solicit client feedback on a regular basis.
 3. The role of the Chief Counsel and the expectations for that role and areas of responsibility should be clearly defined to reflect the new organizational structure.
 4. The use of outside counsel is appropriate for specialized areas of law and litigation. The protocols for LSO's use of outside counsel should be strengthened to ensure that outside counsel is used in the most cost-effective manner.
 5. The AOC should continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability.

¹ See Judicial Council of Cal., *AOC Restructuring: Judicial Council Liaisons' Review of the Legal Services Office and Recommendations* (June 28, 2013), p. 3.

² *Id.* at pp. 2–3.

6. All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office.
 7. Given the recent retirement announcement by the current Chief Counsel, the successor Chief Counsel should be afforded the opportunity to implement the restructuring and the formation of the management team under the supervision of the Chief of Staff.
- At the June 2013 Judicial Council meeting, the council endorsed the liaisons' recommendations and agreed with the liaisons that modifications might be needed once these recommendations are implemented. It further directed the Administrative Director of the Courts to report back on implementation of the liaisons' recommendations by the end of March 2014.³

Methodology and Process

Restructuring within LSO has occurred as a result of the implementation of the liaisons' recommendations. As indicated below, six of the seven recommendations have been implemented, with one variance: (1) the LSO management structure has been modified; (2) the responsibilities of the Chief Counsel have been reviewed and clearly defined; (3) a process for periodically surveying court users of legal services is being put into place; (4) protocols have been developed for retention of outside counsel; (5) policies have been implemented to ensure appropriate oversight in the field offices for day-to-day accountability of LSO attorneys and staff in field offices; and (6) paralegals have not and are not currently employed by the LSO. Finally, although LSO works closely with other AOC offices with attorneys, the liaisons' recommendation that AOC attorneys outside of LSO who provide legal advice or legal related services that require a law degree should have a dual reporting relationship to LSO and their current office has not been implemented. As discussed below, for this recommendation, it seems appropriate to wait for the results of the pending classification and compensation study, which will expressly review the attorney classification.

Background on the Legal Services Office

The Legal Services Office provides a variety of services that historically, before state trial court funding, were provided by the counties and reflect the varying and expanded needs of judicial branch entities in today's environment.

Before trial court funding, the Legal Services Office comprised a small group of attorney staff primarily responsible for drafting council rules of court and forms and legislation, providing legal opinions to the council and the Administrative Director, and staffing council advisory

³ As reported to the Judicial Council in February 2014, because no Judicial Council meeting was held in March 2014, this report is being provided at the April 25, 2014, business meeting of the council.

committees and other similar bodies.⁴ Following trial court funding, the role of LSO expanded to provide to the superior courts legal services that previously had been provided by county counsels' offices. LSO began providing trial courts with legal opinions on judicial administration issues. The council also approved the creation of a Litigation Management Program in 1999, adopting rules of court assigning the responsibility to LSO for the management of all claims and litigation against the courts.

After the enactment of the Trial Court Employment Protection and Governance Act of 2000, LSO began providing labor and employment legal services. LSO's areas of responsibility continued to expand—for example, with the establishment of a unit to provide transactional and business-related advice and services. After passage of the Trial Court Facilities Act of 2002, the Real Estate Unit was established to provide the facilities-related legal work resulting from this legislation. Finally, LSO attorney positions were established in the field offices to better facilitate the provision of legal services to the superior courts.

The growth of LSO and the expansion of the services it provides have significantly changed in the past few years. Based on the council directives and other developments, LSO has ceased to grow and has been notably reduced in size. This and other changes are described in detail below.

Implementing the directives

In implementing the Judicial Council directives to LSO and the council liaisons' recommendations, the Administrative Director of the Courts and the Chief of Staff worked closely with the Chief Counsel and her management team. They have also benefitted greatly from advice from the Judicial Council liaisons to LSO and other council members.

The liaison report specifically addresses implementation of the council liaisons' recommendations to the Administrative Director of the Courts, which were endorsed by the Judicial Council. The report presents each recommendation and summarizes the actions taken in response to the recommendations.

Legal Services Office restructuring

As part of their review, the liaisons considered Judicial Council restructuring directive 107 and recommended the following:

LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.

⁴ The office's name has changed over the years. In the 1990s, it was designated as Council and Legal Services. Subsequently, it became the Office of the General Counsel, and in 2012 the office was renamed the Legal Services Office.

(Judicial Council of Cal., *supra*, at p. 2.)

Judicial Council restructuring directive 107 states:

E&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.⁵

Since the release of the Strategic Evaluation Committee report in May 2012, the LSO workforce has been dramatically reduced from the 75 positions referenced in SEC recommendation 7-72(a) to a workforce of 44 positions as of the date of this report. LSO attorney staffing has been reduced from 50 attorneys to the current number of 32 attorneys, exclusive of the Chief Counsel. The LSO management team currently consists of 6 members, excluding the Chief Counsel, as compared to 9 noted in SEC recommendation 7-72(a).

The June 2013 Liaison Report states:

Given the current staffing levels of the LSO workforce and the critical nature of the legal services provided by LSO, we believe that a 10-member LSO attorney management team is appropriate for this office. However, to ensure accountability and clear lines of authority for the varied legal services provided by LSO, it is recommended that the LSO should be restructured to create a new executive leadership team comprising the Chief Counsel and three managing attorneys who lead three distinct areas of service . . . Additionally, in accordance with council directive 107, we recommend that the position of Assistant Chief Counsel be reclassified as a managing attorney position. It is also recommended that one of the managing attorney positions be classified as a senior managing attorney to provide backup and support as second in command to the Chief Counsel. It appears appropriate that the managing attorney leading Judicial Council Services and Legal Opinions would be the best position for second in command.

⁵ SEC Recommendation 7-72(a) states:

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:

(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 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.

The new structure provides a three-to-one reporting structure under the Chief Counsel and shifts the responsibility for regular day-to-day management workload from the Chief Counsel to the managing attorneys. This shift of direct responsibility for LSO daily activities is an acknowledgement that the Chief Counsel should be involved in providing legal input and expertise to the most critical legal issues for the branch versus being immersed in routine LSO workload. This structure will require continuous communication between the Chief Counsel and the three managing attorneys to ensure that no silos develop in the office. Similar to partners in a law firm, the Chief Counsel and the managing attorneys should meet regularly to share information and make decisions on projects, priorities, and resources that further the goals of the office as a whole. (Judicial Council of Cal., *supra*, at p. 2.)

Under the new Chief Counsel, with the support of the Administrative Director of the Courts and the Chief of Staff, LSO has taken measures that have substantially implemented the structure proposed by the liaisons. The LSO attorney management team, excluding the Chief Counsel, consists of six members as of March 2014. The position of Assistant Chief Counsel was eliminated after the attorney formerly holding that position retired in 2013. As recommended by the liaisons, instead of hiring a new Assistant Chief Counsel, a managing attorney was promoted in 2014 to the position of senior managing attorney to provide support and backup to the Chief Counsel. Because of retirements, no other managing attorneys are currently employed in LSO. However, to provide the level and structure of leadership necessary to manage the office in the manner recommended by the liaisons, recruitment is under way for two additional managing attorneys. After completion of this hiring process, LSO will have an executive management structure as envisioned by the liaisons, with a Chief Counsel and three managing attorneys, one of whom is designated as a senior managing attorney.

LSO provides legal services in two primary areas: (1) services provided to the council, to the Chief Justice as chair of the council, and to the Administrative Director of the Courts and the AOC as the administrative arm of the council; and (2) services provided to the appellate and trial courts. LSO is currently structured to provide legal services in these areas by organizing its attorneys into six units:

- Rules and Projects Unit
- Legal Opinion Unit
- Transactions and Business Operations Unit
- Real Estate Unit
- Litigation Management Unit
- Labor and Employment Unit

In terms of LSO's management structure, the liaison report recommends that LSO be restructured into three areas of services: (1) Judicial Council Services and Legal Opinions (a

merger of the Rules and Projects and Legal Opinion Units); (2) Transactions and Business Operations (incorporating Real Estate into the Transactions and Business Operations Unit); and (3) Litigation Management and Labor and Employment (a merger of the two formerly separate units).

The liaison report further recommends that the new units continue to serve both client groups—the appellate and trial courts along with the Judicial Council, Chief Justice as chair of the council, Administrative Director of the Courts, and AOC—with the responsibility of supervising attorneys divided between the two client groups. LSO is in the process of restructuring its activities into the three organization units described above. Once the full complement of managing attorneys is in place, each will manage one of the combined units. After careful consideration, however, the Administrative Director and Chief of Staff support a variance from the liaison recommendations with respect to the supervisory-level responsibilities. Because the quantity of legal work performed for the courts differs from that for the Judicial Council/AOC clients and because of the need to provide clients with specialized skills and knowledge in the individual subject-matter areas, LSO will continue to be structured along subject-matter groups rather than client groups. The purpose of this structure is to provide better service to clients by providing them with immediate access to supervisors and attorneys with subject-matter expertise specific to the legal issues and inquiries presented.⁶

The liaison report further states:

It is intended that the Chief Counsel and the three managing attorneys hold overall management responsibility, with the supervising/senior attorneys charged with carrying out senior management’s directives for the specific subject matter and client assignments. The level of experience and precise classification for these supervising/senior attorneys should be determined as a part of the internal restructuring and reviewed as a part of the classification and compensation study.

The report’s additional recommendations regarding the management structure will be implemented once the managing attorney positions are filled. As indicated in the report, the level of experience and precise classification for the supervising/senior attorney structure also partially depend on the classification and compensation study.

Role of Chief Counsel

The liaisons considered Judicial Council restructuring directive 115 and recommended that the role of the Chief Counsel and the expectations for that role, along with the areas of responsibility, should be clearly defined to reflect the new organizational structure.

⁶ See Attachment A for an organization chart showing this management structure.

Judicial Council restructuring directive 115 states:

E&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.

As part of their report to the Judicial Council, the liaisons included an attachment clearly defining the responsibilities and role of the Chief Counsel of the Administrative Office of the Courts.⁷

The description has been adopted and specifies that the Chief Counsel is chief legal advisor to the Judicial Council and to the AOC and office chief of the AOC Legal Services Office, which provides comprehensive legal services to the appellate and trial courts. It adds that the Legal Services Office has two major areas of service: legal advisor and counsel to the Judicial Council and legal advisor and legal services provider to the appellate and trial courts. In these capacities, the Chief Counsel has responsibilities that are enumerated in detail.

Survey of users of LSO services

The liaisons considered Judicial Council restructuring directive 120 and recommended that, to ensure that the appropriate level of client service is provided, particularly in the area of legal opinions, a formal procedure be developed and implemented in LSO to solicit client feedback.

Judicial Council restructuring directive 120 states:

E&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.

In response to this recommendation, a draft survey has been developed to ask court users for their evaluations of and suggestions for improvements to legal services provided by each of the six LSO units.⁸ Because of workload issues and staffing concerns, it is anticipated that the survey will be distributed to the courts in late 2014 as a pilot. If the survey proves useful and courts do not find it overly burdensome, LSO will continue to survey the courts on an annual or biennial basis.

Use of outside counsel

With respect to Judicial Council directive 122 regarding the use of outside counsel, the Judicial Council endorsed the liaisons' recommendation that (1) the use of outside counsel is appropriate for specialized areas of law and litigation; and (2) protocols for LSO's use of outside counsel

⁷ See Judicial Council of Cal., *supra*, Attachment A (a copy of which is attached to this report as Attachment B).

⁸ See Attachment C for a copy of the draft survey.

should be strengthened to ensure that outside counsel is used in the most cost-effective manner. That directive states:

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to order an independent review of the Office of the 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.

The liaisons undertook the review of the use of outside counsel and reported back to the council as follows:

Based on our experience in the legal field and after conferring with colleagues, we conclude that the use of outside counsel is appropriate and in some cases mandated, providing valuable legal resources for the varying needs of LSO relating to specific subject areas or broad-based branch initiatives (i.e., courthouse transfers). Outside legal counsel provides LSO with sufficient flexibility to meet the changing needs of the branch in an efficient and cost-effective manner.

(Judicial Council of Cal., *supra*, at p. 10.)

The liaison report also concluded, once it was confirmed that there was a legitimate need to use outside counsel, that a full study of past expenses would be extraordinarily time-consuming and would provide little benefit. Because the goal was to be certain that future expenditures are warranted, the liaisons recommended placing the responsibility for the retention and monitoring of outside counsel with the managing attorney in each area of practice. The liaisons added that (1) there should be written justification for the retention, and the managing attorney should be responsible for ensuring that the hourly rates and time spent are reasonable; (2) at the close of representation a short client feedback report should be obtained, and the managing attorney should evaluate the service provided from LSO's perspective; and (3) an annual report on the use of outside counsel should be provided to the Judicial Council.

Thus, the liaisons recommended that LSO develop:

- A structure in which each managing attorney is responsible for the approval of and justification for using outside counsel based on the area of expertise needed or resource requirements.
- A means for conducting an examination of the cost-effectiveness of using outside counsel versus potentially hiring attorney resources based on specific projects and the duration of legal assistance needed.
- A checklist that must be completed before initiating a contract with outside counsel to confirm that no internal LSO resources are available for the subject-matter area.

- A means of following up with the courts that receive services to gather their input on the services provided by outside counsel through an e-mail questionnaire or survey. This information would be used in tandem with input from the LSO attorneys assigned to the respective cases to identify if the outside counsel should be used for future cases.
- A means of regularly (every 12 months) surveying the market to ensure that what is being charged is appropriate and the rates are appropriate.

The liaisons also recommended that the Administrative Director provide to the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch an annual report on the use and cost of outside counsel for the committee's consideration and reporting to the council.

In response to these recommendations, the LSO protocol for the retention of outside counsel has been amended to require managing-attorney approval of the hiring of any outside counsel. Under that protocol, the managing attorney (1) reviews the recommendation to hire outside counsel and the expertise of the counsel suggested, and (2) confirms that no internal resource is available for the particular subject matter. The review and approval by the managing attorney are recorded in each file. In addition, on an annual basis, LSO will review the annual attorney fee surveys prepared by various organizations to ensure that the fees charged by outside counsel are appropriate and reasonable. LSO also will send to each court a survey after the conclusion of any significant litigation, arbitration, or proceedings before the Public Employment Relations Board, asking for the court's assessment of the specific legal representation provided by LSO and outside counsel.⁹ The survey results will be used in an annual review of the use of outside counsel to ensure the delivery of quality and timely legal services. The LSO also will provide reports on the use and cost of outside counsel to the Advisory Committee on Financial Accountability and Efficiency at the request of the committee.

LSO attorneys located in field offices

In response to Judicial Council directive 117, the liaisons recommended that the AOC continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability. That Judicial Council directive states:

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.

The liaison report states that, after reviewing the activities of LSO attorney staff located in the Sacramento and Burbank field offices, the liaisons believe that it is appropriate to have staff in

⁹ These surveys will be prepared for the individual case and tailored to the type and nature of the representation.

these locations. The liaisons commented that such an arrangement is consistent with the staffing of many government agencies and private law firms.

LSO has followed the recommendation of the liaisons and continues to house attorneys in field offices. Doing so allows more direct communication between LSO attorneys and the courts in their regions.¹⁰ In addition, as recommended by the liaisons, to ensure oversight in the field offices for day-to-day accountability for off-site staff, LSO management requires staff in the field offices to report any absences both to their supervisors and to a designated local staff member, who would enter the appropriate information into the LSO calendar system.

Use of paralegal classifications

The LSO liaisons reviewed Judicial Council restructuring directive 112 and stated that they did not identify a specific need for a paralegal classification. That directive states:

E&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.¹¹

In their report, the liaisons state that paralegals in private law firms are typically used primarily for high-level administrative work and very minor legal-related work. Given that LSO already employs administrative staff to support LSO attorneys with administrative tasks, the liaisons indicate that to pursue the creation of a paralegal classification does not appear appropriate at this time.¹² Consistent with the LSO liaisons' recommendation, LSO does not employ paralegals.

Dual reporting

The liaison report discusses one other recommendation for LSO. That recommendation states: "All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office."¹³ On this recommendation relating to attorneys within the AOC, it seems appropriate to wait for the results of the classification and compensation study. That study will expressly study the attorney

¹⁰ See Judicial Council of Cal., *supra*, at page 11.

¹¹ SEC Recommendation 7-72(f) states:

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:

(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.

¹² See Judicial Council of Cal., *supra*, at pages 11–12.

¹³ *Id.* at page 3.

LSO's mission continues to be to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The restructuring of LSO will result in efficiencies and savings from, for example, the conversion of the position of assistant chief counsel into a senior managing attorney position and will continue to require a commitment of effort (for example, for staff and courts to conduct and complete user surveys).

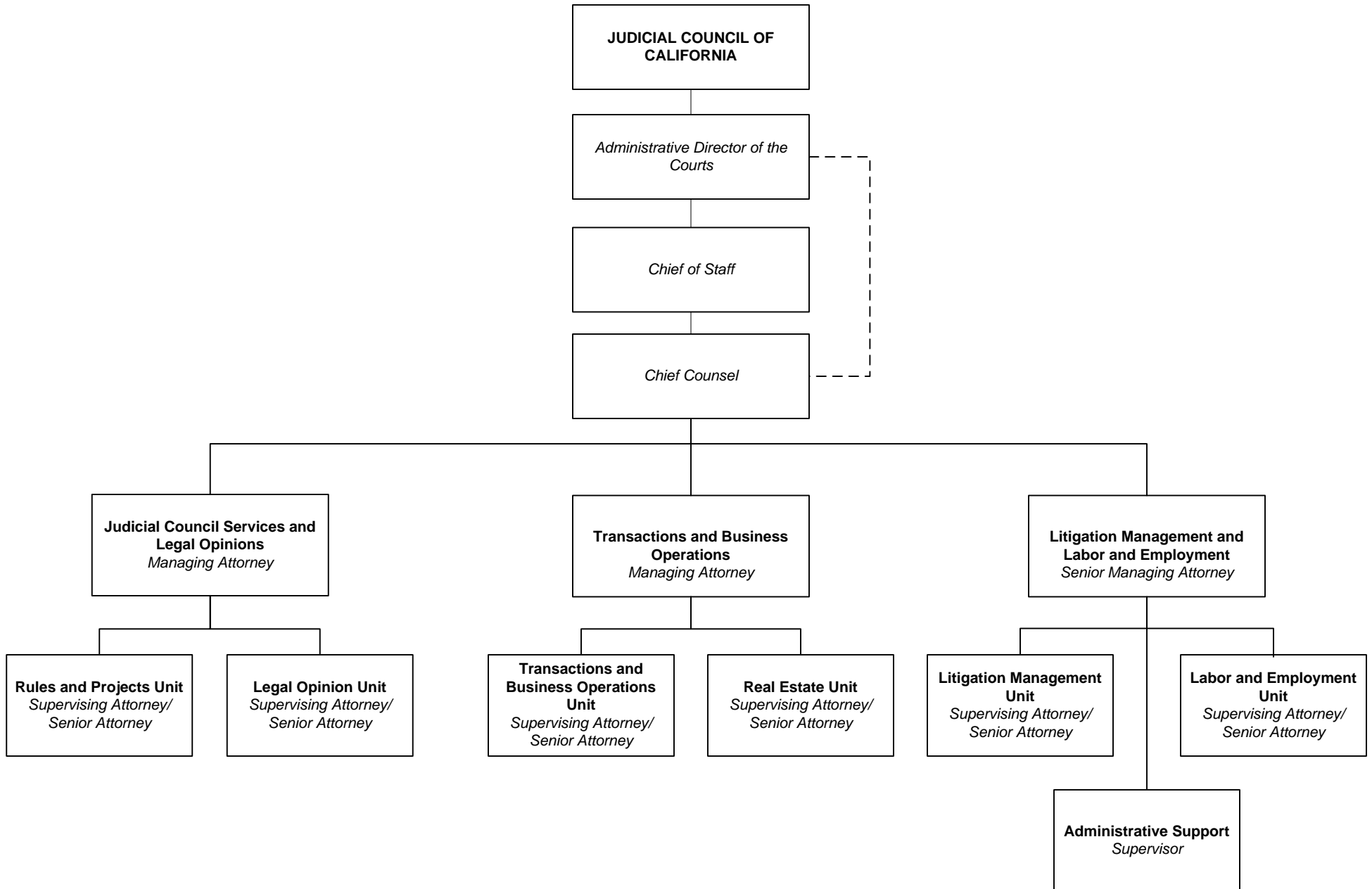
Relevant Strategic Plan Goals and Operational Plan Objectives

Judicial Council strategic Goal VI.C.1 ("Provide a high-quality administrative legal infrastructure to provide consistent, comprehensive legal support and counsel to the courts").

1. Attachment A: LSO organization chart
2. Attachment B: Role of Chief Counsel of the Administrative Office of the Courts
3. Attachment C: Administrative Office of the Courts, Legal Services Office, Customer Service Survey



Attachment A Legal Services Office



Attachment B
Role of Chief Counsel of the Administrative Office of the Courts

The Chief Counsel of the Administrative Office of the Courts (AOC) is chief legal advisor to the Judicial Council of California and to the AOC and director of the AOC Legal Services Office, which provides comprehensive legal services to the AOC and to the appellate and trial courts. The Legal Services Office has two major areas of service: **legal advisor and counsel to the Judicial Council** and **legal advisor and legal services provider to the appellate and trial courts**.

I. Legal Advisor and Counsel to the Judicial Council

The role of legal advisor and counsel to the Judicial Council encompasses the legal services provided in support of the Chief Justice as Chair of the Judicial Council, the Judicial Council and its committees and task forces, and the AOC as staff agency to the Judicial Council.

In this capacity, the Chief Counsel is responsible for the following:

- Judicial Council Legal Support
 - Provide legal advice and briefings to the Chief Justice, the Judicial Council, and internal council committees on matters of importance to Judicial Council business.
 - Provide legal support and staffing of Judicial Council internal committees and council advisory committees.
 - Provide legal review of rules, forms, standards of judicial administration, and jury instructions for Judicial Council consideration.
 - Provide legal review of legislation and regulations for legal and programmatic impact in collaboration with the AOC Office of Governmental Affairs.
 - Provide legal support to the Chief Justice in evaluating and making recommendations on petitions for coordination of complex civil cases.
 - Facilitate filing of local court rules with the council and authorization by the Chief Justice of alternative effective dates of local rules.
 - Interact with other branches of government and external entities (e.g., Attorney General's Office, Commission on Judicial Performance, State Bar of California State Bar, Secretary of State, California Fair Political Practices Commission, etc.) on wide range of judicial administration legal issues.
 - Participate in meetings and conferences as the legal representative of the Judicial Council, AOC, and the judicial branch, as appropriate.
- AOC and Administrative Director of the Courts Legal Support
 - Provide legal advice and briefings to the Administrative Director, Division Chiefs, and Office Directors on legal issues affecting AOC programs and

operations and on legal issues affecting planning, development, and review of AOC programs and policies.

- Identify legal and risk management issues and collaborate on developing and implementing strategies for addressing issues.

- Chief Counsel Administrative Activities
 - Manage the AOC Legal Services Office, including planning and directing work, providing legal policy direction, providing for internal staff development and training and succession planning, and participating in recruitment and selection of staff.
 - Provides general direction on the office's priorities, policies, and operations.
 - Manages the Legal Services Office budget and resources; develops and implements strategies to meet increasing workload demands with limited resources.
 - Establishes and implements performance and development plans for direct reports.

II. Legal Advisor and Provider of Legal Services to the Appellate and Trial Courts and the AOC

In this capacity, the Chief Counsel provides direction and oversees the following programs and activities that provide legal services to the appellate and trial courts and to the AOC:

- Labor and Employment:
 - Responds to labor and employment issues in collaboration with the AOC Human Resources Services Office (HRSO), as appropriate.
 - Provides legal advice and guidance to minimize risk of labor disputes and employment litigation.
 - Provides legal advice in addressing sensitive personnel issues.
 - Assists HRSO in managing legal aspects of investigations of internal complaint of discrimination, harassment, retaliation, and other similar complaints, and advises about complaint resolution.
 - Drafts personnel policies to ensure compliance with applicable law and to avoid litigation.
 - Upon request, advises trial courts regarding labor relations matters (MOUs, labor relation rules, progressive discipline, personnel actions, etc.).
 - Provides ongoing support to HRSO in addressing labor relation issues for trial courts.

- Upon request, provides legal advice and representation for trial courts in labor arbitrations and complaints before the Public Employment Relations Board.
- Litigation Management:
 - Under the direction of the Administrative Director of the Courts and consistent with rules of court, manages and administers the Judicial Council's Litigation Management Program.
 - Staffs the council's Litigation Management Committee, which oversees claims and litigation against judicial branch entities in which the likely exposure is \$100,000 or more or that raise issues of significance to the judicial branch.
 - Handles claims against judicial branch entities, making recommendations to the council's Litigation Management Committee for settlements at or above \$100,000.
 - Manages litigation against judicial branch entities, including selecting and directing outside counsel retained to represent judicial branch entities and making recommendations to the council's Litigation Management Committee for settlements at or above \$100,000.
 - Provides annual litigation reports to the Litigation Management Committee, the Judicial Council, the appellate and trial courts, and the AOC.
 - Manages affirmative litigation on behalf of the courts and AOC.
 - Provides for representation of courts and AOC at administrative law hearings and judicial proceedings.
- Legal Opinions:
 - Upon request, provides legal advice and opinions to court leaders on judicial administration issues.
 - Provides statewide legal advice and guidance to court leaders on issues of statewide importance.
 - Upon request, provides legal advice and opinions to AOC leadership on wide range of issues affecting the judicial branch and judicial branch entities.
- Real Estate and Transactions and Business Operations:
 - Provides legal services and support for court facilities-related transactions, including acquisition, construction, renovation, operation, and maintenance of court facilities.
 - Provides legal services and support for solicitation, contracting, and procurement of goods and services, including technology transactions.

- Provides legal advice on issues related to procurement, risk management, business administration, and operational initiatives.
- Provides legal advice for compliance audits under federal and state law.
- Provides legal advice on leases, contracts, and other documents requiring approval of the Administrative Director of the Courts.
- Oversees the selection, management, and evaluation of external legal resources/outside counsel retained to augment transactional services by the Legal Services Office.

Attachment C



**Administrative Office of the Courts
Legal Services Office
Customer Service Survey**

The mission of the Legal Services Office is to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the Administrative Office of the Courts (AOC).

To assist us in this mission, the Legal Services Office is forwarding this survey to administrative presiding justices, presiding judges, appellate court clerk/administrators, and court executive officers. Your responses will help us serve you and others better. Please feel free to ask others in the court who work with the Legal Services Office to complete this survey as well. We appreciate your time in providing this valuable feedback.

Please return the completed survey by **Month Date, 2014**, to:

Legal Services Office
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, California 94102

Person completing survey:

Name: _____

Court: _____

Please identify your position with the court:

- Administrative Presiding Justice or Presiding Judge
- Appellate Court Clerk/Administrator or Court Executive Officer
- Other position (*please state your title*): _____

The following questions relate to the services provided by the six units within the Legal Services Office. Please provide answers for those units whose services you have used in 2013 or 2014.

Attachment C

Labor and Employment Unit

Attorneys in the Labor and Employment Unit provide legal advice on labor and employment law issues, manage employment-related claims and litigation involving courts and the AOC through the Litigation Management Program, manage arbitrations and Public Employment Relations Board charges and complaints under collective bargaining agreements, and provide training on rights and obligations arising under labor and employment laws.

If you had experience with the services of the Labor and Employment Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Labor and Employment Unit:

Legal Opinion Unit

Attorneys in the Legal Opinion Unit provide legal advice to the courts, the Judicial Council, and the AOC on court administration issues and assist on special projects and the drafting of proposed legislation and rules of court.

If you had experience with the services of the Legal Opinion Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

Attachment C

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Legal Opinion Unit:

Litigation Management Unit

Attorneys in the Litigation Management Unit manage the program for investigating and resolving claims and lawsuits involving the courts, the Judicial Council, and the AOC. They select and direct outside counsel in providing legal assistance to courts, judicial officers, and employees named as defendants or respondents.

If you had experience with the services of the Litigation Management Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

Attachment C

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Litigation Management Unit:

Real Estate Unit

Attorneys in the Real Estate Unit provide legal services related to the acquisition, construction, renovation, operation, and maintenance of court facilities throughout the State.

If you had experience with the legal services of the Real Estate Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

Attachment C

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked “Disagree,” please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Real Estate Unit:

Rules and Projects Unit

Attorneys in the Rules and Projects Unit staff Judicial Council advisory committees and draft proposed legislation, rules of court, and forms for the committees and the council.

If you had experience with the services of the Rules and Project Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Rules and Project Unit:

Transactions and Business Operations Unit

Attorneys in the Transactions and Business Operations Unit assist the appellate courts, the trial courts, and the AOC with contract and procurement matters by drafting contracts and solicitation documents, negotiating the terms of transactions, and providing legal services and counsel on transactional matters, the Judicial Branch Contract Law, and resolution of nonlitigated contract disputes.

If you had experience with the services of the Transactions and Business Operations Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attachment C

Please provide any additional comments you have about the Transactions and Business Operations Unit:

General Questions

Please provide any additional suggestions you may have that would improve the provision of services by the Legal Services Office:

Are there other or different services you would like the Legal Services Office to provide?

Please provide any additional comments you have about the Legal Services Office:

Information about the Legal Services Office can be found on Serranus at
<http://serranus.courtinfo.ca.gov/programs/ogc/>


ACTIVITY REPORTING AND PROPOSAL FORM
 JUDICIAL COUNCIL DIRECTIVES
 AOC RESTRUCTURING

DATE	1/29/2013
PREPARED BY	Mary M. Roberts
OFFICE NAME	<u>Legal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	116
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows: (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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>To address this directive, the Legal Services Office has implemented a matter tracking system, described in more detail in response to JC directive 108, and implemented changes to practices within its Legal Opinions Unit (LOU), which is responsible for providing legal advice to the Judicial Council, AOC, and appellate and trial courts.</p> <p>The matter tracking system tracks legal services matters assigned throughout the LSO, by unit; assigns a level of complexity; tracks completion time and date; and allows for a tickler system to monitor open matters.</p> <p>Within the LOU, the LOU Supervisor closely monitors the status and response time of all LOU matters. Clients are regularly updated on the status of their opinion requests and the content and date of these follow-up client contacts are documented to ensure maximum responsiveness. As urgent client requests are received, the LOU Supervisor reprioritizes and reassigns work as necessary to ensure that urgent client needs are met. To help address the impact of reduced attorney staff in LOU and to meet client needs, attorneys in other units of the Legal Services Office are regularly assigned advice matters, thereby expediting the delivery of requested legal guidance. To speed the review of opinions, and thereby delivery of service to clients, the task of reviewing draft opinions is now performed by both the LOU Supervisor and a Senior Attorney in LOU. Use of outside legal counsel to assist with opinions is also considered, where appropriate and cost-effective.</p> <p>The LSO also will soon undertake additional steps to heighten its existing customer service model of operations. The LSO will institute a practice of circulating statewide legal opinions in draft form to</p>	


presiding judges and court executives for feedback and comment. This client-centered approach is intended to ascertain the practical implications of legal guidance and to ensure that advice delivered is of maximum utility to trial courts. Additionally, the LSO plans to inform court leaders, on a quarterly or bi-annual basis, of significant LSO legal opinions posted to the existing central repository for legal opinions (a secure section of the Serranus website) so that court leaders are reminded of the expanding body of legal guidance available to them.

 File Attachment

This directive is forwarded to the Judicial Council with options for consideration:

 File Attachment


Other:

 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	Ongoing.
RESOURCES REQUIRED FOR IMPLEMENTATION	

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<p></p> <p> File Attachment</p>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<p></p> <p> File Attachment</p>
<input type="checkbox"/> SAVINGS	<p></p> <p> File Attachment</p>
<input type="checkbox"/> COST	<p></p> <p> File Attachment</p>
	<p></p>

<input type="checkbox"/> EFFICIENCIES	<input type="text" value="File Attachment"/>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>While the LSO strives to maintain a high level of service and is exploring all avenues for doing so, reduced resources impair the ability to provide timely services. The LSO continues to communicate with clients to set due dates, and incoming matters are reviewed for urgency and priority. During intake, the LSO communicates with each client to establish realistic expectations.</p> <input type="text" value="File Attachment"/>
<input type="checkbox"/> OTHER	<input type="text" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="2/7/2013"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="2/14/2013"/>

ACTIVITY STATUS FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	7/1/2013
PREPARED BY	Maureen Dumas for Jody Patel
OFFICE NAME	<u>Executive Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	117
JUDICIAL COUNCIL DIRECTIVE	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.
SEC RECOMMENDATION	This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows: (b) This office should adopt an operations model whereby its attorneys generally are housed at one location. This would eliminate non-supervision of some attorneys, promote better and more regular supervision of staff attorneys, and promote better utilization of available skills.
JC DIRECTIVE TIMELINE	Administrative Director of the Courts to provide an interim report at the July 2013 council meeting with a final report at a later date.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the <i>Status Report</i> provided to the Judicial Council)	
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.	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:	
This directive is complete with the submission and approval of a recommendation proposed by Justice Douglas P. Miller and Edith Matthai to the council at the June 28, 2013 council meeting regarding the housing of LSO attorney resources in AOC field offices. The council liaisons identified that this model 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. Additionally, the	

council liaisons recommended that the AOC develop a policy that includes existing senior management-level oversight in the field offices for all AOC staff housed away from their direct supervisors in AOC field offices. Based on the council's approval of this recommendation, LSO will continue to house attorneys at the Burbank and Sacramento offices.

 File Attachment

This directive is pending:

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW

Administrative Director of the Courts Review Date:



Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688
www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: June 28, 2013

Title	Agenda Item Type
AOC Restructuring: Judicial Council Liaisons' Review of the Legal Services Office and Recommendations	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	June 28, 2013
Recommended by	Date of Report
Hon. Douglas P. Miller, Chair Executive and Planning Committee Edith Matthai, Member Judicial Council	June 28, 2013
	Contact
	Jody Patel, AOC Chief of Staff 916-263-1333 jody.patel@jud.ca.gov

Executive Summary

In response to directives of the Judicial Council arising from the Strategic Evaluation Committee's final report, as Judicial Council Liaisons for the Administrative Office of the Courts (AOC), Legal Services Office (LSO), Justice Douglas Miller and Edith Matthai are proposing recommendations relating to:

- LSO organizational structure and services;
- The role of the Chief Counsel;
- Attorney services provided by the AOC outside of LSO;
- The use of outside counsel by LSO;
- LSO attorney staff housed in AOC field offices; and
- The use of a paralegal classification in LSO.

Recommendation

At the February 2013 council meeting, the Legal Services Office (LSO) liaisons were requested by the council to take the lead on reviewing the cost-effectiveness of LSO's current use of outside counsel in response to Judicial Council directive 122.

While addressing this request, it became evident that there were additional LSO-related restructuring directives that were appropriate for inclusion in the liaisons' review and would enable a more comprehensive evaluation. Consequently, in addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons' review was expanded to include: defining the role of the Chief Counsel; evaluating the need for utilization of a paralegal classification; analyzing the use of LSO attorney staff in AOC field offices; and analyzing the current LSO organizational structure, LSO services, and attorney services provided by the AOC outside of LSO.

The LSO liaisons acknowledge that implementation of Judicial Council directives is the responsibility of the Administrative Director of the Courts. However, based on our review, we encourage the Administrative Director to implement the following recommendations with the concurrence of the council.

It is recognized that modifications may be needed once these recommendations are implemented. It is therefore recommended that the Administrative Director return to the council 12 to 18 months after implementation with a post-implementation evaluation.

The following LSO liaisons' recommendations are described more fully in the "Rationale for Recommendations" section of this report.¹

We recommend that the Judicial Council endorse the following recommendations to the Administrative Director, and direct him to report back to the council on implementation by March 31, 2014.

1. LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.
2. LSO should implement a formal structure to solicit client feedback on a regular basis.
3. The role of the Chief Counsel and its expectations and areas of responsibility should be clearly defined to reflect the new organizational structure.

¹ For each of the recommendations that address a council AOC Restructuring directive, the "Rationale for Recommendation" section contains the specific council directive language.

4. The use of outside counsel is appropriate for specialized areas of law and litigation. The protocols for LSO's use of outside counsel should be strengthened to ensure that outside counsel is used in the most cost-effective manner.
5. The AOC should continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability.
6. All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office.
7. Given the recent retirement announcement by the current Chief Counsel, it is recommended that the successor Chief Counsel be afforded the opportunity to implement the restructuring and the formation of the management team under the supervision of the Chief of Staff.

Previous Council Action

In February of 2012, Chief Justice Tani G. Cantil-Sakauye created the Judicial Council Liaison Program where Judicial Council members are assigned as liaisons to each of the state's 58 trial courts as well as to each of the offices of the AOC. The Chief Justice assigned the liaisons as a means to further the council's efforts to increase communication and transparency and promote accountability. This program provides an opportunity for council members to familiarize themselves with how the AOC supports and implements council policy.

Justice Douglas Miller and Edith Matthai were assigned as liaisons to the LSO. Coupled with the liaisons' regular review responsibilities, at the February 2013 council meeting, the council requested that Justice Miller and Edith Matthai take the lead on directive 122 (review of the use of outside counsel). During this review it became evident that there were additional LSO-related directives that were appropriate for inclusion in this review and that these directives impacted LSO's current organizational structure. Consequently, in addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons broadened their review.

In conducting this review the council liaisons prepared the recommendations referenced above with the tenets of accountability, clear lines of authority, timeliness of service, and client service as underlying considerations.

Rationale for Recommendation

Legal Services Office Restructuring

Judicial Council AOC Restructuring Directive 107

E&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.

SEC Recommendation 7-72(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:

(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 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.

Since the report of the Strategic Evaluation Committee was released in May of 2012, the LSO workforce has been dramatically reduced. Staffing reductions attributable to retirements, the AOC's Voluntary Separation Incentive Program, attrition, and the elimination of temporary staff have reduced LSO staffing from the 75 positions referenced in the SEC recommendation 7-72(a) to a workforce of 50.1 positions as of May 31, 2013. LSO attorney staffing has been reduced from 50 attorneys to the current number of 37 attorneys exclusive of the Chief Counsel. Finally, the LSO management team currently totals eight positions from the nine noted in SEC recommendation 7-72(a).² This includes the Assistant Chief Counsel, two managing attorneys, and five supervising attorneys.

The LSO staff provides a variety of services that had historically been provided by the counties prior to state trial court funding and reflects the varying and expanded needs of judicial branch entities in today's environment. Prior to trial court funding, LSO comprised a small group of attorney staff primarily responsible for drafting council rules of court and forms and legislation, providing legal opinions to the council and the Administrative Director, and staffing council advisory committees and other similar bodies. Following trial court funding, the role of LSO expanded to provide legal services to the superior courts that had previously been provided by county counsels' offices. The council also approved the creation of a Litigation Management Program in 1999, adopting rules of court assigning the responsibility to LSO for the management of all claims and litigation against the courts. The LSO's areas of responsibility continued to expand; LSO began providing trial courts with legal opinions on judicial administration issues, and labor and employment legal services began with the enactment of the Trial Court Employment Protection and Governance Act of 2000, followed by establishment of a unit to provide transactional and business-related advice and services. After passage of the Trial Court Facilities Act of 2002, the LSO Real Estate Unit was established to provide the facilities-related

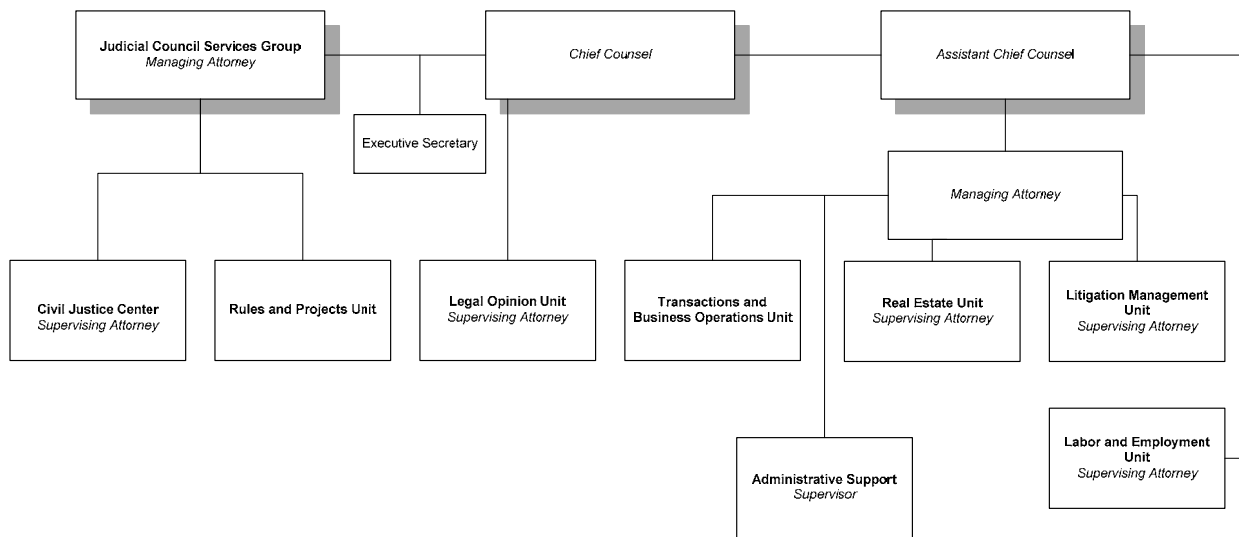
² Since the SEC report was issued, the LSO management team has been reduced due to a retirement and will be further reduced with the retirement of the Assistant Chief Counsel on June 28, 2013, and the departure of two staff attorneys in the summer of 2013.

legal work resulting from this legislation. Finally, LSO attorney positions were established in the field offices to better facilitate the provision of legal services to the superior courts.

Today LSO provides legal services in two primary areas: (1) services provided to the council, to the Chief Justice as chair of the council, and to the Administrative Director and AOC as the administrative arm of the council; and (2) services provided to the appellate and trial courts.

As indicated in Figure 1 below, LSO is currently structured to provide services in these two areas. As its name implies, the Judicial Council Services group provides legal counsel and services to the council and its internal committees, advisory committees, and task forces and is led by a managing attorney who reports to the Chief Counsel. The remaining LSO organization provides legal counsel and services to the appellate and trial courts, the Judicial Council, and the AOC in a number of areas such as labor and employment, litigation management, legal opinions,³ real estate, and transactions and business operations.

Figure 1: Current LSO Organizational Structure



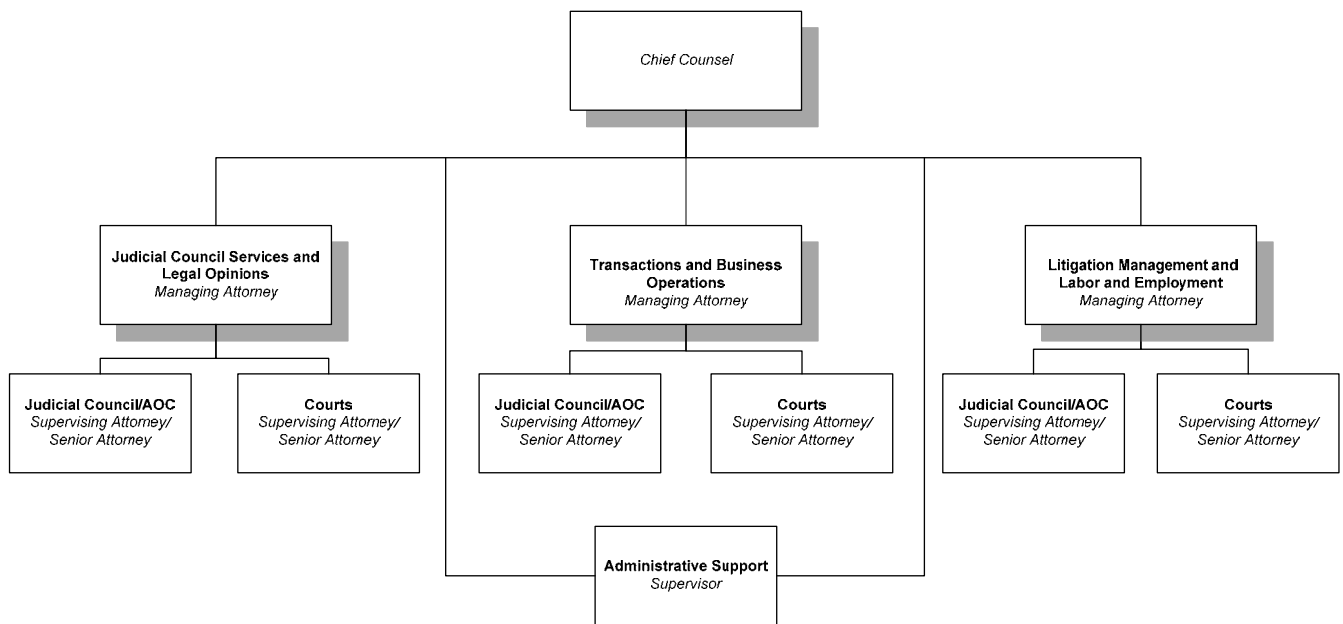
Given the current staffing levels of the LSO workforce and the critical nature of the legal services provided by LSO, we believe that a 10-member LSO attorney management team is appropriate for this office. However, to ensure accountability and clear lines of authority for the varied legal services provided by LSO, it is recommended that the LSO should be restructured to create a new executive leadership team comprising the Chief Counsel and three managing attorneys who lead three distinct areas of service (see Figure 2 below). Additionally, in accordance with council directive 107, we recommend that the position of Assistant Chief Counsel be reclassified as a managing attorney position. It is also recommended that one of the

³ LSO provides courts with legal opinions on judicial administration issues but does not provide a research attorney function to assist courts on pending cases.

managing attorney positions be classified as a senior managing attorney to provide backup and support as second in command to the Chief Counsel. It appears appropriate that the managing attorney leading Judicial Council Services and Legal Opinions would be the best position for second in command.

The new structure provides a three-to-one reporting structure under the Chief Counsel and shifts the responsibility for regular day-to-day management workload from the Chief Counsel to the managing attorneys. This shift of direct responsibility for LSO daily activities is an acknowledgement that the Chief Counsel should be involved in providing legal input and expertise to the most critical legal issues for the branch versus being immersed in routine LSO workload. This structure will require continuous communication between the Chief Counsel and the three managing attorneys to ensure that no silos develop in the office. Similar to partners in a law firm, the Chief Counsel and the managing attorneys should meet regularly to share information and make decisions on projects, priorities, and resources that further the goals of the office as a whole.

Figure 2: Proposed LSO Organizational Structure



The three areas of services arising from the recommended restructuring are: Judicial Council Services and Legal Opinions (a merger of two formerly separate units), Transactions and Business Operations (incorporating Real Estate into the Transactions and Business Operations Unit), and Litigation Management and Labor and Employment (a merger of two formerly separate units). It is important to note that other than Judicial Council Services, all of the LSO units currently provide legal services for two client groups—the appellate and trial courts along with the Administrative Director and the AOC. The new units would continue to serve both client groups, with the responsibility of supervising attorneys divided between these client

groups. Each managing attorney would be responsible for providing satisfactory service to their clients.

The administration and monitoring of outside counsel would be the responsibility of the managing attorney for each respective area.

The designation of two positions (labeled “Supervising Attorney/Senior Attorney”) under each of the subject matter areas is to ensure that there is client accountability for each area. There will need to be regular communication among these attorneys to avoid duplication of effort and inconsistency of work product. It was our belief that by establishing a clear line of accountability, the problems identified by the trial courts in the SEC report would be avoided or, if they did reoccur, would be more easily corrected.

It is intended that the Chief Counsel and the three managing attorneys hold overall management responsibility, with the supervising/senior attorneys charged with carrying out senior management’s directives for the specific subject matter and client assignments. The level of experience and precise classification for these supervising/senior attorneys should be determined as a part of the internal restructuring and reviewed as a part of the classification and compensation study.

Role of Chief Counsel

Judicial Council Restructuring Directive 115

E&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.

By creating a team of three managing attorneys with assigned responsibilities over specific subject areas, the Chief Counsel should focus on ensuring that the structure in LSO is working well and that there is consistency and continuity among the three managing attorneys. The three managing attorneys must have the ability to work independently from and with the trust of the Chief Counsel to make decisions and manage the respective workload without direct involvement from the Chief Counsel. Again, the Chief Counsel’s role should be oversight of LSO activities to allow for hands-on involvement only for cases and issues involving large, complex, and highly sensitive issues. The Chief Counsel must be flexible in meeting the needs of the Judicial Council, the Chief Justice, and the Administrative Director with a wide variety of legal responsibilities and is expected to consistently exercise a high degree of initiative, independence, originality, and judgment in performing all duties

The Chief Counsel serves as legal counsel to the chair of the Judicial Council (currently, the Chief Justice) and advises the Chief Justice on certain statutorily mandated functions. The Chief Counsel also manages staff responsible for the provision of legal support and staffing to some of the Judicial Council’s internal committees and advisory committees and consults with, advises, and provides legal briefings and guidance for the council and its committees. The Chief Counsel

supervises the review and development of legal opinions on issues of statewide importance, the review of legislation and regulations, rulemaking adoption and modification, and the facilitation of review, filing, and publication of trial court local rules and procedural requirements. All of these activities should be accomplished through and with the managing attorneys.

The Chief Counsel consults with and advises the Administrative Director, AOC division chiefs, and office directors on the interpretation and analysis of law, court decisions, and rules and regulations affecting the functions of the AOC and on legal issues as they affect the planning, development, and review of overall programs and policies of the AOC.

Finally, as legal advisor and provider of legal services to the courts, the Chief Counsel manages staff and administers the Labor and Employment, Litigation Management, Transactions and Business Operations (including Real Estate), and Legal Opinions programs and services for the appellate and trial courts. Attachment A provides detailed information about the role of the Chief Counsel and the leadership over the LSO areas of service.

It is recommended that the Chief of Staff work with the Chief Counsel to assess the current level of resources expended for specific work products. This assessment should focus on ensuring that work products are being produced in the most efficient way and prioritized based on the issue at hand. The Chief Counsel and managing attorneys should continuously work together to identify efficient and effective ways to deliver these services.

Judicial Council Restructuring Directive 120

E&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.

To ensure the appropriate level of client service is provided, particularly in the area of legal opinions, it is recommended that a formal procedure be developed and implemented in LSO to solicit client feedback. As an example, once a legal opinion is provided to a court, it is recommended that LSO send a client satisfaction survey in a self-addressed stamped envelope or electronically to the respective court's presiding judge and court executive officer requesting feedback about the services provided. The information gained from this protocol would be shared with the Chief of Staff and will allow for continuous improvement in LSO.

AOC Attorney Services Outside of LSO

In their analysis of LSO legal services, the council liaisons identified attorney classification positions in offices other than LSO in the AOC. The existence of attorney positions in other AOC offices can be attributed to historical restructuring as the organization evolved. The majority of attorney resources outside of LSO reside in two offices—the Center for Judiciary Education and Research (CJER) and the Center for Children, Families & the Courts (CFCC). Additionally, there are a few attorney classifications housed in the Criminal Justice Court Services Office and the Office of Governmental Affairs (OGA).

A review of the information about the activities of attorney classifications outside of LSO compared to information about the services provided by LSO attorneys indicates that there are similar legal services rendered in multiple offices. These services include but are not limited to: legal support and services provided to advisory committees; the drafting of rules of court and forms; input and subject matter expertise on pending legislation; technical assistance; and legal research on specific case-type information. There are also attorney classifications participating in legal-related activities that are not currently offered in LSO. These include but are not limited to: the development of curriculum for judicial education; the creation and updating of judicial publications; legislative advocacy activities; and program and grant administration activities.

The concept of having attorney classifications providing legal advice and services outside of the purview of the Chief Counsel is concerning. Not only is there the potential for providing inconsistent legal advice and services to court clients, there are also liability issues for the organization in having attorney staff provide legal advice without the oversight of the Chief Counsel.

Given the current effort to ensure accountability for the AOC and the council's advisory committees and the AOC's renewed focus on providing consistent service to its customers, it is recommended that attorneys outside of LSO who provide legal advice or other services that require a license to practice law should have a dual reporting relationship: a dotted line reporting to the Chief Counsel and direct reporting to the current office director. The dual reporting relationship will ensure consistency of legal work and appropriate oversight by the LSO.

If there are attorney classifications that participate in legal-related activities for which a license to practice law is not required, it is recommended that these positions remain in their current organizational structure but be reclassified. For example, if it is determined that attorneys in OGA do not provide legal advice or require the use of a law license for their daily activities, then the AOC might consider reclassifying these positions as legislative specialists retaining the requirement for a law degree as a qualification for the position. This recommendation is forwarded to the Administrative Director to incorporate into the classification and compensation study process.

Use of Outside Counsel

Judicial Council Directive 122

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to order an independent review of the Office of the 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.

In response to this directive, the Administrative Director provided options for a review of the use of outside counsel by LSO in February 2013, and the council directed LSO council liaisons to review the use, selection, and management of outside legal counsel to determine whether outside counsel is being used in a cost-effective manner and to report back to the council on the results of this review for any further direction.

As background, LSO utilizes outside counsel for representing judicial branch entities and personnel under the council's Litigation Management Program, representing trial courts in labor arbitrations and complaint proceedings before the Public Employment Relations Board (PERB), providing legal services in specialized areas of practice in which LSO attorneys do not have requisite expertise, and providing court facilities-related legal services to augment LSO staff in the Real Estate Unit and in other areas requiring specialized skills and experience.

Based on our experience in the legal field and after conferring with colleagues, we conclude that the use of outside counsel is appropriate and in some cases mandated, providing valuable legal resources for the varying needs of LSO relating to specific subject areas or broad-based branch initiatives (i.e., courthouse transfers). Outside legal counsel provides LSO with sufficient flexibility to meet the changing needs of the branch in an efficient and cost-effective manner.

Once it was confirmed that there is a legitimate need to use outside counsel, it was determined that a full study of past expenses would be extraordinarily time consuming and would provide little benefit. Since the goal is to be certain that future expenditures are warranted, the recommendation is to place the responsibility for the retention and monitoring of outside counsel with the managing attorney in each area of practice. There should be written justification for the retention, and the managing attorney should be responsible for insuring that the hourly rates and time spent are reasonable. At the close of representation a short client feedback report should be obtained and the managing attorney should evaluate the service provided from LSO's perspective. An annual report on the use of outside counsel should be provided to the Judicial Council.

The following recommendations are proposed to assist LSO in reinforcing its existing protocols for utilizing outside counsel to ensure that outside counsel is monitored, supervised, and managed. These recommendations were also shared with the three members of the SEC that are currently council members for their review. We appreciate their input and specific suggestions relating to recommendations regarding the development of a means to conduct an examination of cost effectiveness of outside counsel and an annual report on outside counsel from the Administrative Director as indicated below.

It is recommended that LSO develop:

- A structure where each managing attorney is responsible for the approval and justification for utilizing outside counsel based on area of expertise needed or resource requirements.

- A means for conducting an examination of the cost-effectiveness of utilizing outside counsel versus potentially hiring attorney resources based on specific projects and the duration of legal assistance needed.
- A checklist that must be completed prior to initiating a contract with outside counsel to confirm that there are no internal LSO resources available for the subject matter area.
- A means of following up with the courts that receive services to gather their input on the services provided by outside counsel through an e-mail questionnaire or survey. This information would be used in tandem with input from the LSO attorneys assigned to the respective case to identify if the outside counsel should be used for future cases.
- A means of regularly (every 12 months) surveying the market to ensure that what is being charged is appropriate and the rates are appropriate.
- An annual report to the council from the Administrative Director on the use of all outside counsel and the monies spent to the Advisory Committee on Financial Accountability and Efficiency (A&E) for review and reporting to the council.

LSO Attorneys Located in Field Offices

Judicial Council AOC Restructuring Directive 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.

After reviewing the activities of LSO attorney staff located in the Sacramento and Burbank field offices, we believe that it is appropriate to have staff in these locations. This is consistent with many government agencies as well as private law firms. This should allow more direct communication between LSO attorneys and the courts in their region. It should be noted that LSO attorneys are not the only AOC staff that reside in field offices. For all offices in which staff is housed away from their direct supervisors, it is recommended that the AOC develop a policy that includes existing senior management-level oversight in the field offices for day-to-day accountability for off-site staff.

Use of Paralegal Classification

Judicial Council AOC Restructuring Directive 112

E&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.

SEC Recommendation 7-72(f)

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:

(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.

In reviewing the activities of LSO attorneys, a specific need for a paralegal classification was not identified. Paralegals in private law firms are typically utilized primarily for high level administrative work and very minor legal-related work. Given that LSO already employs administrative staff to support LSO attorneys with administrative tasks, it does not appear appropriate to pursue the creation of a paralegal classification at this time.

Comments, Alternatives Considered and Policy Implications

In developing these recommendations, the LSO liaisons worked closely with the Chief of Staff. Additionally, these recommendations were shared with the AOC Executive Team and Chief Counsel and her management team.

Implementation Requirements, Costs, and Operational Impacts

It is anticipated that implementation of these recommendations, particularly LSO restructuring, may result in the need to recruit as needed. Additionally, LSO should realize savings by converting the Assistant General Counsel position to a Managing Attorney position.

There are several other recommendations that will impact LSO resources during implementation. These recommendations relate to the use of outside counsel where it is recommended that LSO strengthen the underlying structure for using outside counsel (i.e., developing a checklist; developing a means to follow up with courts to gain input; developing and implementing a survey on what is being charged in the market, etc.) and the recommendation to develop a client satisfaction survey.

Finally, it is recognized that delineating the attorney staff that will have a dual reporting relationship to LSO from other AOC offices will take some time to implement.

Attachments

A. Role of Chief Counsel of the Administrative Office of the Courts

Role of Chief Counsel of the Administrative Office of the Courts

The Chief Counsel of the Administrative Office of the Courts (AOC) is chief legal advisor to the Judicial Council of California and to the AOC and office chief of the AOC Legal Services Office, which provides comprehensive legal services to the AOC and to the appellate and trial courts. The Legal Services Office has two major areas of service: **legal advisor and counsel to the Judicial Council** and **legal advisor and legal services provider to the appellate and trial courts**.

I. Legal Advisor and Counsel to the Judicial Council

The role of legal advisor and counsel to the Judicial Council encompasses the legal services provided in support of the Chief Justice as Chair of the Judicial Council, the Judicial Council and its committees and task forces, and the AOC as staff agency to the Judicial Council.

In this capacity, the Chief Counsel is responsible for the following:

- **Judicial Council Legal Support**
 - Provide legal advice and briefings to the Chief Justice, as chair of the Judicial Council, the Judicial Council, and internal council committees on matters of importance to Judicial Council business.
 - Provide legal support and staffing of Judicial Council internal committees and council advisory committees, as requested.
 - Provide legal review of rules, forms, standards of judicial administration, and jury instructions for Judicial Council consideration.
 - Provide legal review of legislation and regulations for legal and programmatic impact in collaboration with the AOC Office of Governmental Affairs.
 - Provide legal support to the Chief Justice in evaluating and making recommendations on petitions for coordination of complex civil cases.
 - Facilitate filing of local court rules with the council and authorization by the Chief Justice of alternative effective dates of local rules.
 - Interact with other branches of government and external entities (e.g., Attorney General's Office, Commission on Judicial Performance, State Bar of California State Bar, Secretary of State, California Fair Political Practices Commission, etc.) on wide range of judicial administration legal issues.
 - Participate in meetings and conferences as the legal representative of the Judicial Council, AOC, and the judicial branch, as appropriate.
- **AOC and Administrative Director of the Courts Legal Support**
 - Provide legal advice and briefings to the Administrative Director, Division Chiefs, and Office Directors on legal issues affecting AOC programs and operations and on legal issues affecting planning, development, and review of AOC programs and policies.

- Identify legal and risk management issues.
- Collaborate with other AOC offices on legislative, fiscal, facilities, technology, and other matters affecting the judicial branch to develop strategies for implementing new requirements and responding to emerging issues.
- Chief Counsel Administrative Activities
 - Manage the AOC Legal Services Office, including planning and directing work, providing legal policy direction, providing for internal staff development and training and succession planning, and participating in recruitment and selection of staff.
 - Provides general direction on the office's priorities, policies, and operations.
 - Manages the Legal Services Office budget and resources; develops and implements strategies to meet increasing workload demands with limited resources.
 - Establishes and implements performance and development plans for direct reports.

II. Legal Advisor and Provider of Legal Services to the Appellate and Trial Courts and the AOC

In this capacity, the Chief Counsel provides direction and oversees the following programs and activities that provide legal services to the appellate and trial courts and to the AOC:

- Labor and Employment:
 - Responds to labor and employment issues in collaboration with the AOC Human Resources Services Office (HRSO), as appropriate.
 - Provides legal advice and guidance to minimize risk of labor disputes and employment litigation.
 - Provides legal advice in addressing sensitive personnel issues.
 - Assists HRSO in managing legal aspects of investigations of internal complaints of discrimination, harassment, retaliation, and other similar complaints, and advises about complaint resolution.
 - Drafts personnel policies to ensure compliance with applicable law and to avoid litigation.
 - Upon request, advises trial courts regarding labor relations matters (MOUs, labor relation rules, progressive discipline, personnel actions, etc.).
 - Provides ongoing legal support to HRSO in addressing labor relation issues for trial courts.
 - Upon request, provides legal advice and representation for trial courts in labor arbitrations and complaints before the Public Employment Relations Board.

- Litigation Management:
 - Under the direction of the Administrative Director of the Courts and consistent with rules of court, manages and administers the Judicial Council's Litigation Management Program.
 - Staffs the council's Litigation Management Committee, which oversees claims and litigation against judicial branch entities in which the likely exposure is \$100,000 or more or that raise issues of significance to the judicial branch.
 - Handles claims against judicial branch entities, making recommendations to the council's Litigation Management Committee for settlements at or above \$100,000.
 - Manages litigation against judicial branch entities, including selecting and directing outside counsel retained to represent judicial branch entities and making recommendations to the council's Litigation Management Committee for settlements at or above \$100,000.
 - Provides annual litigation reports to the Litigation Management Committee, the Judicial Council, the appellate and trial courts, and the AOC.
 - Manages affirmative litigation on behalf of the courts and AOC.
 - Provides for representation of courts and AOC at administrative law hearings and judicial proceedings.

- Legal Opinions:
 - Upon request, provides legal advice and opinions to court leaders on judicial administration issues.
 - Provides statewide legal advice and guidance to court leaders on issues of statewide importance.
 - Upon request, provides legal advice and opinions to AOC leadership on wide range of issues affecting the judicial branch and judicial branch entities.

- Transactions and Business Operations:
 - Provides legal services and support for court facilities-related transactions, including acquisition, construction, renovation, operation, and maintenance of court facilities.
 - Provides legal services and support for solicitation, contracting, and procurement of goods and services, including technology transactions.
 - Provides legal advice on issues related to procurement, risk management, business administration, and operational initiatives.

- Provides legal advice for compliance audits under federal and state law.
- Provides legal advice on leases, contracts, and other documents requiring approval of the Administrative Director of the Courts.
- Oversees the selection, management, and evaluation of external legal resources/outside counsel retained to augment transactional



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 25, 2014

Title	Agenda Item Type
AOC Restructuring: Efficiencies and Restructuring at the Legal Services Office	Information Only
Submitted by	Date of Report
Steven Jahr	April 8, 2014
Administrative Director of the Courts	Contact
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Executive Summary

The Legal Services Office (LSO) is an office of the Administrative Office of the Courts (AOC) under the Judicial Council and Court Leadership Services Division. The mission of LSO is to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The Judicial Council has charged the office with providing “consistent, comprehensive legal support and counsel to the courts.” (Judicial Council of Cal./Admin. Off. of Cts., *Justice in Focus: The Strategic Plan for California’s Judicial Branch 2006–2012* (2006), p. 49.) In response to Judicial Council restructuring directives and the recommendations of the Judicial Council liaisons to LSO, the office has been significantly restructured. This informational report summarizes the activities undertaken in response to the June 2013 recommendations of the Judicial Council liaisons.

Previous Council Action

- In March 2011, Chief Justice Tani G. Cantil-Sakauye created the Strategic Evaluation Committee (SEC) to conduct an in-depth review of the Administrative Office of the Courts, the staff agency to the Judicial Council, with a view toward promoting transparency, accountability, and efficiency.

- On August 31, 2012, based on the SEC report and its recommendations, the Judicial Council approved AOC realignment directives and directed the Administrative Director to report on them.
- At the February 2013 council meeting, the council liaisons to LSO were asked to take the lead on reviewing the cost-effectiveness of LSO's current use of outside counsel in response to Judicial Council directive 122. While addressing this request, the liaisons concluded that additional LSO-related restructuring directives were appropriate for inclusion in the liaisons' review and would enable a more comprehensive evaluation.¹
- In addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons' review was expanded to include defining the role of the Chief Counsel; evaluating the need for use of a paralegal classification; analyzing the use of LSO attorney staff in AOC field offices; and analyzing the current LSO organizational structure, LSO services, and attorney services provided by the AOC outside of LSO.
- In June 2013, the LSO liaisons recommended that the Judicial Council endorse the following recommendations to the Administrative Director:²
 1. LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.
 2. LSO should implement a formal structure to solicit client feedback on a regular basis.
 3. The role of the Chief Counsel and the expectations for that role and areas of responsibility should be clearly defined to reflect the new organizational structure.
 4. The use of outside counsel is appropriate for specialized areas of law and litigation. The protocols for LSO's use of outside counsel should be strengthened to ensure that outside counsel is used in the most cost-effective manner.
 5. The AOC should continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability.

¹ See Judicial Council of Cal., *AOC Restructuring: Judicial Council Liaisons' Review of the Legal Services Office and Recommendations* (June 28, 2013), p. 3.

² *Id.* at pp. 2–3.

6. All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office.
 7. Given the recent retirement announcement by the current Chief Counsel, the successor Chief Counsel should be afforded the opportunity to implement the restructuring and the formation of the management team under the supervision of the Chief of Staff.
- At the June 2013 Judicial Council meeting, the council endorsed the liaisons' recommendations and agreed with the liaisons that modifications might be needed once these recommendations are implemented. It further directed the Administrative Director of the Courts to report back on implementation of the liaisons' recommendations by the end of March 2014.³

Methodology and Process

Restructuring within LSO has occurred as a result of the implementation of the liaisons' recommendations. As indicated below, six of the seven recommendations have been implemented, with one variance: (1) the LSO management structure has been modified; (2) the responsibilities of the Chief Counsel have been reviewed and clearly defined; (3) a process for periodically surveying court users of legal services is being put into place; (4) protocols have been developed for retention of outside counsel; (5) policies have been implemented to ensure appropriate oversight in the field offices for day-to-day accountability of LSO attorneys and staff in field offices; and (6) paralegals have not and are not currently employed by the LSO. Finally, although LSO works closely with other AOC offices with attorneys, the liaisons' recommendation that AOC attorneys outside of LSO who provide legal advice or legal related services that require a law degree should have a dual reporting relationship to LSO and their current office has not been implemented. As discussed below, for this recommendation, it seems appropriate to wait for the results of the pending classification and compensation study, which will expressly review the attorney classification.

Background on the Legal Services Office

The Legal Services Office provides a variety of services that historically, before state trial court funding, were provided by the counties and reflect the varying and expanded needs of judicial branch entities in today's environment.

Before trial court funding, the Legal Services Office comprised a small group of attorney staff primarily responsible for drafting council rules of court and forms and legislation, providing legal opinions to the council and the Administrative Director, and staffing council advisory

³ As reported to the Judicial Council in February 2014, because no Judicial Council meeting was held in March 2014, this report is being provided at the April 25, 2014, business meeting of the council.

committees and other similar bodies.⁴ Following trial court funding, the role of LSO expanded to provide to the superior courts legal services that previously had been provided by county counsels' offices. LSO began providing trial courts with legal opinions on judicial administration issues. The council also approved the creation of a Litigation Management Program in 1999, adopting rules of court assigning the responsibility to LSO for the management of all claims and litigation against the courts.

After the enactment of the Trial Court Employment Protection and Governance Act of 2000, LSO began providing labor and employment legal services. LSO's areas of responsibility continued to expand—for example, with the establishment of a unit to provide transactional and business-related advice and services. After passage of the Trial Court Facilities Act of 2002, the Real Estate Unit was established to provide the facilities-related legal work resulting from this legislation. Finally, LSO attorney positions were established in the field offices to better facilitate the provision of legal services to the superior courts.

The growth of LSO and the expansion of the services it provides have significantly changed in the past few years. Based on the council directives and other developments, LSO has ceased to grow and has been notably reduced in size. This and other changes are described in detail below.

Implementing the directives

In implementing the Judicial Council directives to LSO and the council liaisons' recommendations, the Administrative Director of the Courts and the Chief of Staff worked closely with the Chief Counsel and her management team. They have also benefitted greatly from advice from the Judicial Council liaisons to LSO and other council members.

The liaison report specifically addresses implementation of the council liaisons' recommendations to the Administrative Director of the Courts, which were endorsed by the Judicial Council. The report presents each recommendation and summarizes the actions taken in response to the recommendations.

Legal Services Office restructuring

As part of their review, the liaisons considered Judicial Council restructuring directive 107 and recommended the following:

LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.

⁴ The office's name has changed over the years. In the 1990s, it was designated as Council and Legal Services. Subsequently, it became the Office of the General Counsel, and in 2012 the office was renamed the Legal Services Office.

(Judicial Council of Cal., *supra*, at p. 2.)

Judicial Council restructuring directive 107 states:

E&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.⁵

Since the release of the Strategic Evaluation Committee report in May 2012, the LSO workforce has been dramatically reduced from the 75 positions referenced in SEC recommendation 7-72(a) to a workforce of 44 positions as of the date of this report. LSO attorney staffing has been reduced from 50 attorneys to the current number of 32 attorneys, exclusive of the Chief Counsel. The LSO management team currently consists of 6 members, excluding the Chief Counsel, as compared to 9 noted in SEC recommendation 7-72(a).

The June 2013 Liaison Report states:

Given the current staffing levels of the LSO workforce and the critical nature of the legal services provided by LSO, we believe that a 10-member LSO attorney management team is appropriate for this office. However, to ensure accountability and clear lines of authority for the varied legal services provided by LSO, it is recommended that the LSO should be restructured to create a new executive leadership team comprising the Chief Counsel and three managing attorneys who lead three distinct areas of service . . . Additionally, in accordance with council directive 107, we recommend that the position of Assistant Chief Counsel be reclassified as a managing attorney position. It is also recommended that one of the managing attorney positions be classified as a senior managing attorney to provide backup and support as second in command to the Chief Counsel. It appears appropriate that the managing attorney leading Judicial Council Services and Legal Opinions would be the best position for second in command.

⁵ SEC Recommendation 7-72(a) states:

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:

(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 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.

The new structure provides a three-to-one reporting structure under the Chief Counsel and shifts the responsibility for regular day-to-day management workload from the Chief Counsel to the managing attorneys. This shift of direct responsibility for LSO daily activities is an acknowledgement that the Chief Counsel should be involved in providing legal input and expertise to the most critical legal issues for the branch versus being immersed in routine LSO workload. This structure will require continuous communication between the Chief Counsel and the three managing attorneys to ensure that no silos develop in the office. Similar to partners in a law firm, the Chief Counsel and the managing attorneys should meet regularly to share information and make decisions on projects, priorities, and resources that further the goals of the office as a whole. (Judicial Council of Cal., *supra*, at p. 2.)

Under the new Chief Counsel, with the support of the Administrative Director of the Courts and the Chief of Staff, LSO has taken measures that have substantially implemented the structure proposed by the liaisons. The LSO attorney management team, excluding the Chief Counsel, consists of six members as of March 2014. The position of Assistant Chief Counsel was eliminated after the attorney formerly holding that position retired in 2013. As recommended by the liaisons, instead of hiring a new Assistant Chief Counsel, a managing attorney was promoted in 2014 to the position of senior managing attorney to provide support and backup to the Chief Counsel. Because of retirements, no other managing attorneys are currently employed in LSO. However, to provide the level and structure of leadership necessary to manage the office in the manner recommended by the liaisons, recruitment is under way for two additional managing attorneys. After completion of this hiring process, LSO will have an executive management structure as envisioned by the liaisons, with a Chief Counsel and three managing attorneys, one of whom is designated as a senior managing attorney.

LSO provides legal services in two primary areas: (1) services provided to the council, to the Chief Justice as chair of the council, and to the Administrative Director of the Courts and the AOC as the administrative arm of the council; and (2) services provided to the appellate and trial courts. LSO is currently structured to provide legal services in these areas by organizing its attorneys into six units:

- Rules and Projects Unit
- Legal Opinion Unit
- Transactions and Business Operations Unit
- Real Estate Unit
- Litigation Management Unit
- Labor and Employment Unit

In terms of LSO's management structure, the liaison report recommends that LSO be restructured into three areas of services: (1) Judicial Council Services and Legal Opinions (a

merger of the Rules and Projects and Legal Opinion Units); (2) Transactions and Business Operations (incorporating Real Estate into the Transactions and Business Operations Unit); and (3) Litigation Management and Labor and Employment (a merger of the two formerly separate units).

The liaison report further recommends that the new units continue to serve both client groups—the appellate and trial courts along with the Judicial Council, Chief Justice as chair of the council, Administrative Director of the Courts, and AOC—with the responsibility of supervising attorneys divided between the two client groups. LSO is in the process of restructuring its activities into the three organization units described above. Once the full complement of managing attorneys is in place, each will manage one of the combined units. After careful consideration, however, the Administrative Director and Chief of Staff support a variance from the liaison recommendations with respect to the supervisory-level responsibilities. Because the quantity of legal work performed for the courts differs from that for the Judicial Council/AOC clients and because of the need to provide clients with specialized skills and knowledge in the individual subject-matter areas, LSO will continue to be structured along subject-matter groups rather than client groups. The purpose of this structure is to provide better service to clients by providing them with immediate access to supervisors and attorneys with subject-matter expertise specific to the legal issues and inquiries presented.⁶

The liaison report further states:

It is intended that the Chief Counsel and the three managing attorneys hold overall management responsibility, with the supervising/senior attorneys charged with carrying out senior management’s directives for the specific subject matter and client assignments. The level of experience and precise classification for these supervising/senior attorneys should be determined as a part of the internal restructuring and reviewed as a part of the classification and compensation study.

The report’s additional recommendations regarding the management structure will be implemented once the managing attorney positions are filled. As indicated in the report, the level of experience and precise classification for the supervising/senior attorney structure also partially depend on the classification and compensation study.

Role of Chief Counsel

The liaisons considered Judicial Council restructuring directive 115 and recommended that the role of the Chief Counsel and the expectations for that role, along with the areas of responsibility, should be clearly defined to reflect the new organizational structure.

⁶ See Attachment A for an organization chart showing this management structure.

Judicial Council restructuring directive 115 states:

E&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.

As part of their report to the Judicial Council, the liaisons included an attachment clearly defining the responsibilities and role of the Chief Counsel of the Administrative Office of the Courts.⁷

The description has been adopted and specifies that the Chief Counsel is chief legal advisor to the Judicial Council and to the AOC and office chief of the AOC Legal Services Office, which provides comprehensive legal services to the appellate and trial courts. It adds that the Legal Services Office has two major areas of service: legal advisor and counsel to the Judicial Council and legal advisor and legal services provider to the appellate and trial courts. In these capacities, the Chief Counsel has responsibilities that are enumerated in detail.

Survey of users of LSO services

The liaisons considered Judicial Council restructuring directive 120 and recommended that, to ensure that the appropriate level of client service is provided, particularly in the area of legal opinions, a formal procedure be developed and implemented in LSO to solicit client feedback.

Judicial Council restructuring directive 120 states:

E&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.

In response to this recommendation, a draft survey has been developed to ask court users for their evaluations of and suggestions for improvements to legal services provided by each of the six LSO units.⁸ Because of workload issues and staffing concerns, it is anticipated that the survey will be distributed to the courts in late 2014 as a pilot. If the survey proves useful and courts do not find it overly burdensome, LSO will continue to survey the courts on an annual or biennial basis.

Use of outside counsel

With respect to Judicial Council directive 122 regarding the use of outside counsel, the Judicial Council endorsed the liaisons' recommendation that (1) the use of outside counsel is appropriate for specialized areas of law and litigation; and (2) protocols for LSO's use of outside counsel

⁷ See Judicial Council of Cal., *supra*, Attachment A (a copy of which is attached to this report as Attachment B).

⁸ See Attachment C for a copy of the draft survey.

should be strengthened to ensure that outside counsel is used in the most cost-effective manner. That directive states:

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to order an independent review of the Office of the 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.

The liaisons undertook the review of the use of outside counsel and reported back to the council as follows:

Based on our experience in the legal field and after conferring with colleagues, we conclude that the use of outside counsel is appropriate and in some cases mandated, providing valuable legal resources for the varying needs of LSO relating to specific subject areas or broad-based branch initiatives (i.e., courthouse transfers). Outside legal counsel provides LSO with sufficient flexibility to meet the changing needs of the branch in an efficient and cost-effective manner.

(Judicial Council of Cal., *supra*, at p. 10.)

The liaison report also concluded, once it was confirmed that there was a legitimate need to use outside counsel, that a full study of past expenses would be extraordinarily time-consuming and would provide little benefit. Because the goal was to be certain that future expenditures are warranted, the liaisons recommended placing the responsibility for the retention and monitoring of outside counsel with the managing attorney in each area of practice. The liaisons added that (1) there should be written justification for the retention, and the managing attorney should be responsible for ensuring that the hourly rates and time spent are reasonable; (2) at the close of representation a short client feedback report should be obtained, and the managing attorney should evaluate the service provided from LSO's perspective; and (3) an annual report on the use of outside counsel should be provided to the Judicial Council.

Thus, the liaisons recommended that LSO develop:

- A structure in which each managing attorney is responsible for the approval of and justification for using outside counsel based on the area of expertise needed or resource requirements.
- A means for conducting an examination of the cost-effectiveness of using outside counsel versus potentially hiring attorney resources based on specific projects and the duration of legal assistance needed.
- A checklist that must be completed before initiating a contract with outside counsel to confirm that no internal LSO resources are available for the subject-matter area.

- A means of following up with the courts that receive services to gather their input on the services provided by outside counsel through an e-mail questionnaire or survey. This information would be used in tandem with input from the LSO attorneys assigned to the respective cases to identify if the outside counsel should be used for future cases.
- A means of regularly (every 12 months) surveying the market to ensure that what is being charged is appropriate and the rates are appropriate.

The liaisons also recommended that the Administrative Director provide to the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch an annual report on the use and cost of outside counsel for the committee's consideration and reporting to the council.

In response to these recommendations, the LSO protocol for the retention of outside counsel has been amended to require managing-attorney approval of the hiring of any outside counsel. Under that protocol, the managing attorney (1) reviews the recommendation to hire outside counsel and the expertise of the counsel suggested, and (2) confirms that no internal resource is available for the particular subject matter. The review and approval by the managing attorney are recorded in each file. In addition, on an annual basis, LSO will review the annual attorney fee surveys prepared by various organizations to ensure that the fees charged by outside counsel are appropriate and reasonable. LSO also will send to each court a survey after the conclusion of any significant litigation, arbitration, or proceedings before the Public Employment Relations Board, asking for the court's assessment of the specific legal representation provided by LSO and outside counsel.⁹ The survey results will be used in an annual review of the use of outside counsel to ensure the delivery of quality and timely legal services. The LSO also will provide reports on the use and cost of outside counsel to the Advisory Committee on Financial Accountability and Efficiency at the request of the committee.

LSO attorneys located in field offices

In response to Judicial Council directive 117, the liaisons recommended that the AOC continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability. That Judicial Council directive states:

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.

The liaison report states that, after reviewing the activities of LSO attorney staff located in the Sacramento and Burbank field offices, the liaisons believe that it is appropriate to have staff in

⁹ These surveys will be prepared for the individual case and tailored to the type and nature of the representation.

these locations. The liaisons commented that such an arrangement is consistent with the staffing of many government agencies and private law firms.

LSO has followed the recommendation of the liaisons and continues to house attorneys in field offices. Doing so allows more direct communication between LSO attorneys and the courts in their regions.¹⁰ In addition, as recommended by the liaisons, to ensure oversight in the field offices for day-to-day accountability for off-site staff, LSO management requires staff in the field offices to report any absences both to their supervisors and to a designated local staff member, who would enter the appropriate information into the LSO calendar system.

Use of paralegal classifications

The LSO liaisons reviewed Judicial Council restructuring directive 112 and stated that they did not identify a specific need for a paralegal classification. That directive states:

E&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.¹¹

In their report, the liaisons state that paralegals in private law firms are typically used primarily for high-level administrative work and very minor legal-related work. Given that LSO already employs administrative staff to support LSO attorneys with administrative tasks, the liaisons indicate that to pursue the creation of a paralegal classification does not appear appropriate at this time.¹² Consistent with the LSO liaisons' recommendation, LSO does not employ paralegals.

Dual reporting

The liaison report discusses one other recommendation for LSO. That recommendation states: "All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office."¹³ On this recommendation relating to attorneys within the AOC, it seems appropriate to wait for the results of the classification and compensation study. That study will expressly study the attorney

¹⁰ See Judicial Council of Cal., *supra*, at page 11.

¹¹ SEC Recommendation 7-72(f) states:

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:

(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.

¹² See Judicial Council of Cal., *supra*, at pages 11–12.

¹³ *Id.* at page 3.

classifications and should provide useful information to assist in any efforts to redefine or change the relationship among the various groups and types of attorneys working for the AOC.

Policy and Cost Implications

LSO's mission continues to be to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The restructuring of LSO will result in efficiencies and savings from, for example, the conversion of the position of assistant chief counsel into a senior managing attorney position and will continue to require a commitment of effort (for example, for staff and courts to conduct and complete user surveys).

Relevant Strategic Plan Goals and Operational Plan Objectives

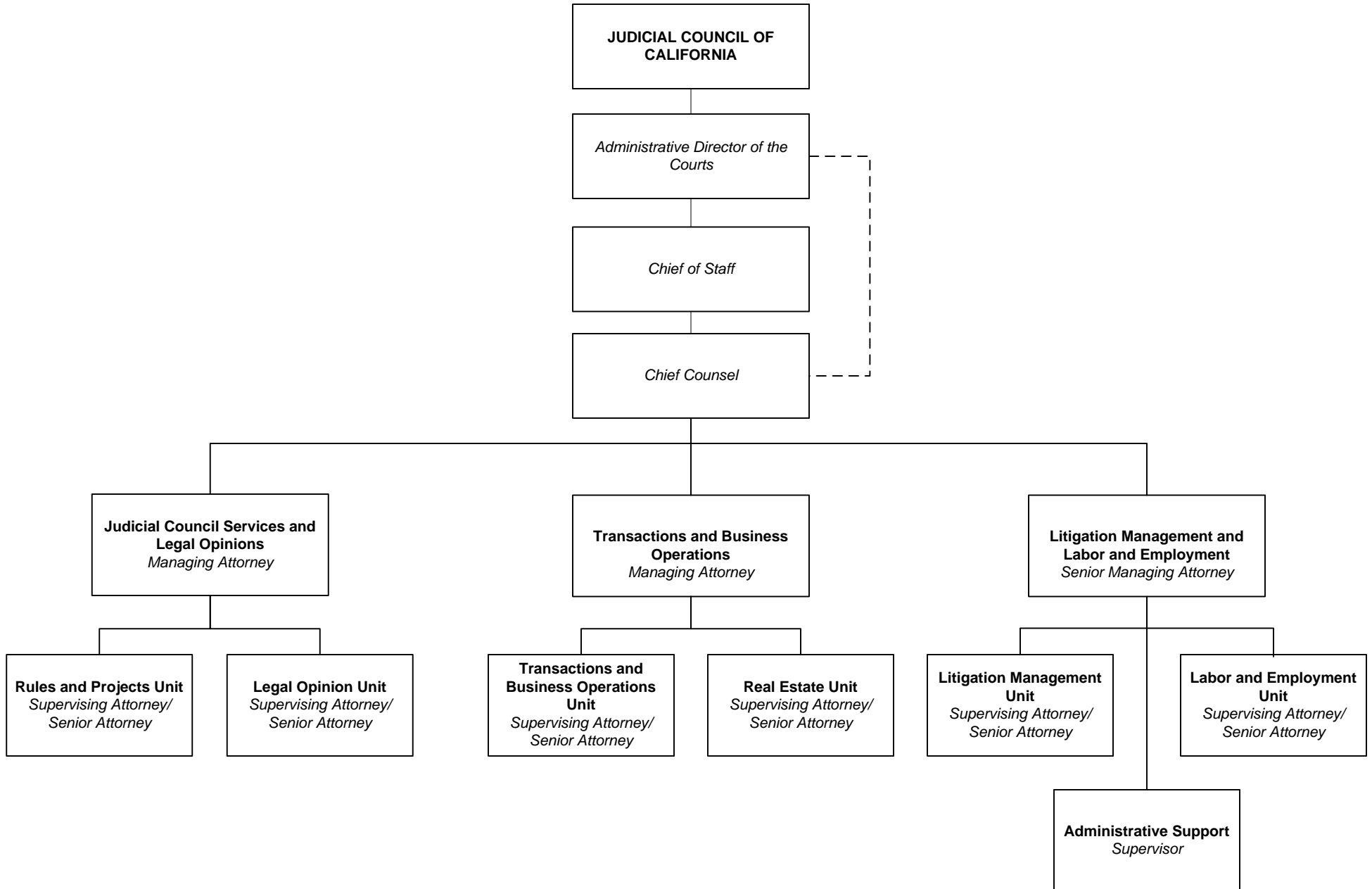
Judicial Council strategic Goal VI.C.1 ("Provide a high-quality administrative legal infrastructure to provide consistent, comprehensive legal support and counsel to the courts").

Attachments

1. Attachment A: LSO organization chart
2. Attachment B: Role of Chief Counsel of the Administrative Office of the Courts
3. Attachment C: Administrative Office of the Courts, Legal Services Office, Customer Service Survey



Attachment A
Legal Services Office



Attachment B
Role of Chief Counsel of the Administrative Office of the Courts

The Chief Counsel of the Administrative Office of the Courts (AOC) is chief legal advisor to the Judicial Council of California and to the AOC and director of the AOC Legal Services Office, which provides comprehensive legal services to the AOC and to the appellate and trial courts. The Legal Services Office has two major areas of service: **legal advisor and counsel to the Judicial Council** and **legal advisor and legal services provider to the appellate and trial courts**.

I. Legal Advisor and Counsel to the Judicial Council

The role of legal advisor and counsel to the Judicial Council encompasses the legal services provided in support of the Chief Justice as Chair of the Judicial Council, the Judicial Council and its committees and task forces, and the AOC as staff agency to the Judicial Council.

In this capacity, the Chief Counsel is responsible for the following:

- Judicial Council Legal Support
 - Provide legal advice and briefings to the Chief Justice, the Judicial Council, and internal council committees on matters of importance to Judicial Council business.
 - Provide legal support and staffing of Judicial Council internal committees and council advisory committees.
 - Provide legal review of rules, forms, standards of judicial administration, and jury instructions for Judicial Council consideration.
 - Provide legal review of legislation and regulations for legal and programmatic impact in collaboration with the AOC Office of Governmental Affairs.
 - Provide legal support to the Chief Justice in evaluating and making recommendations on petitions for coordination of complex civil cases.
 - Facilitate filing of local court rules with the council and authorization by the Chief Justice of alternative effective dates of local rules.
 - Interact with other branches of government and external entities (e.g., Attorney General's Office, Commission on Judicial Performance, State Bar of California State Bar, Secretary of State, California Fair Political Practices Commission, etc.) on wide range of judicial administration legal issues.
 - Participate in meetings and conferences as the legal representative of the Judicial Council, AOC, and the judicial branch, as appropriate.
- AOC and Administrative Director of the Courts Legal Support
 - Provide legal advice and briefings to the Administrative Director, Division Chiefs, and Office Directors on legal issues affecting AOC programs and

- operations and on legal issues affecting planning, development, and review of AOC programs and policies.
 - Identify legal and risk management issues and collaborate on developing and implementing strategies for addressing issues.
 - Collaborate with other AOC offices on legislative, fiscal, facilities, technology, and other matters affecting the judicial branch to develop strategies for implementing new requirements and responding to emerging issues.
- Chief Counsel Administrative Activities
 - Manage the AOC Legal Services Office, including planning and directing work, providing legal policy direction, providing for internal staff development and training and succession planning, and participating in recruitment and selection of staff.
 - Provides general direction on the office’s priorities, policies, and operations.
 - Manages the Legal Services Office budget and resources; develops and implements strategies to meet increasing workload demands with limited resources.
 - Establishes and implements performance and development plans for direct reports.

II. Legal Advisor and Provider of Legal Services to the Appellate and Trial Courts and the AOC

In this capacity, the Chief Counsel provides direction and oversees the following programs and activities that provide legal services to the appellate and trial courts and to the AOC:

- Labor and Employment:
 - Responds to labor and employment issues in collaboration with the AOC Human Resources Services Office (HRSO), as appropriate.
 - Provides legal advice and guidance to minimize risk of labor disputes and employment litigation.
 - Provides legal advice in addressing sensitive personnel issues.
 - Assists HRSO in managing legal aspects of investigations of internal complaint of discrimination, harassment, retaliation, and other similar complaints, and advises about complaint resolution.
 - Drafts personnel policies to ensure compliance with applicable law and to avoid litigation.
 - Upon request, advises trial courts regarding labor relations matters (MOUs, labor relation rules, progressive discipline, personnel actions, etc.).
 - Provides ongoing support to HRSO in addressing labor relation issues for trial courts.

- Upon request, provides legal advice and representation for trial courts in labor arbitrations and complaints before the Public Employment Relations Board.
- Litigation Management:
 - Under the direction of the Administrative Director of the Courts and consistent with rules of court, manages and administers the Judicial Council's Litigation Management Program.
 - Staffs the council's Litigation Management Committee, which oversees claims and litigation against judicial branch entities in which the likely exposure is \$100,000 or more or that raise issues of significance to the judicial branch.
 - Handles claims against judicial branch entities, making recommendations to the council's Litigation Management Committee for settlements at or above \$100,000.
 - Manages litigation against judicial branch entities, including selecting and directing outside counsel retained to represent judicial branch entities and making recommendations to the council's Litigation Management Committee for settlements at or above \$100,000.
 - Provides annual litigation reports to the Litigation Management Committee, the Judicial Council, the appellate and trial courts, and the AOC.
 - Manages affirmative litigation on behalf of the courts and AOC.
 - Provides for representation of courts and AOC at administrative law hearings and judicial proceedings.
- Legal Opinions:
 - Upon request, provides legal advice and opinions to court leaders on judicial administration issues.
 - Provides statewide legal advice and guidance to court leaders on issues of statewide importance.
 - Upon request, provides legal advice and opinions to AOC leadership on wide range of issues affecting the judicial branch and judicial branch entities.
- Real Estate and Transactions and Business Operations:
 - Provides legal services and support for court facilities-related transactions, including acquisition, construction, renovation, operation, and maintenance of court facilities.
 - Provides legal services and support for solicitation, contracting, and procurement of goods and services, including technology transactions.

- Provides legal advice on issues related to procurement, risk management, business administration, and operational initiatives.
- Provides legal advice for compliance audits under federal and state law.
- Provides legal advice on leases, contracts, and other documents requiring approval of the Administrative Director of the Courts.
- Oversees the selection, management, and evaluation of external legal resources/outside counsel retained to augment transactional services by the Legal Services Office.

Attachment C



**Administrative Office of the Courts
Legal Services Office
Customer Service Survey**

The mission of the Legal Services Office is to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the Administrative Office of the Courts (AOC).

To assist us in this mission, the Legal Services Office is forwarding this survey to administrative presiding justices, presiding judges, appellate court clerk/administrators, and court executive officers. Your responses will help us serve you and others better. Please feel free to ask others in the court who work with the Legal Services Office to complete this survey as well. We appreciate your time in providing this valuable feedback.

Please return the completed survey by **Month Date, 2014**, to:

Legal Services Office
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, California 94102

Person completing survey:

Name: _____

Court: _____

Please identify your position with the court:

- Administrative Presiding Justice or Presiding Judge
- Appellate Court Clerk/Administrator or Court Executive Officer
- Other position (*please state your title*): _____

The following questions relate to the services provided by the six units within the Legal Services Office. Please provide answers for those units whose services you have used in 2013 or 2014.

Attachment C

Labor and Employment Unit

Attorneys in the Labor and Employment Unit provide legal advice on labor and employment law issues, manage employment-related claims and litigation involving courts and the AOC through the Litigation Management Program, manage arbitrations and Public Employment Relations Board charges and complaints under collective bargaining agreements, and provide training on rights and obligations arising under labor and employment laws.

If you had experience with the services of the Labor and Employment Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Labor and Employment Unit:

Legal Opinion Unit

Attorneys in the Legal Opinion Unit provide legal advice to the courts, the Judicial Council, and the AOC on court administration issues and assist on special projects and the drafting of proposed legislation and rules of court.

If you had experience with the services of the Legal Opinion Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

Attachment C

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Legal Opinion Unit:

Litigation Management Unit

Attorneys in the Litigation Management Unit manage the program for investigating and resolving claims and lawsuits involving the courts, the Judicial Council, and the AOC. They select and direct outside counsel in providing legal assistance to courts, judicial officers, and employees named as defendants or respondents.

If you had experience with the services of the Litigation Management Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

Attachment C

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked “Disagree,” please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Litigation Management Unit:

Real Estate Unit

Attorneys in the Real Estate Unit provide legal services related to the acquisition, construction, renovation, operation, and maintenance of court facilities throughout the State.

If you had experience with the legal services of the Real Estate Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

Attachment C

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked “Disagree,” please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Real Estate Unit:

Rules and Projects Unit

Attorneys in the Rules and Projects Unit staff Judicial Council advisory committees and draft proposed legislation, rules of court, and forms for the committees and the council.

If you had experience with the services of the Rules and Project Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attachment C

If you marked “Disagree,” please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Rules and Project Unit:

Transactions and Business Operations Unit

Attorneys in the Transactions and Business Operations Unit assist the appellate courts, the trial courts, and the AOC with contract and procurement matters by drafting contracts and solicitation documents, negotiating the terms of transactions, and providing legal services and counsel on transactional matters, the Judicial Branch Contract Law, and resolution of nonlitigated contract disputes.

If you had experience with the services of the Transactions and Business Operations Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked “Disagree,” please provide further information to assist the Legal Services Office in improving its services to the courts.

Attachment C

Please provide any additional comments you have about the Transactions and Business Operations Unit:

General Questions

Please provide any additional suggestions you may have that would improve the provision of services by the Legal Services Office:

Are there other or different services you would like the Legal Services Office to provide?

Please provide any additional comments you have about the Legal Services Office:

Information about the Legal Services Office can be found on Serranus at
<http://serranus.courtinfo.ca.gov/programs/ogc/>

ACTIVITY REPORTING AND PROPOSAL FORM


JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING


DATE	1/29/2013
PREPARED BY	Mary M. Roberts
OFFICE NAME	<u>Legal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	118
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows: 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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>Responses to directives 108 and 116 set forth steps taken by the Legal Services Office to speed delivery of requested legal advice and opinions to the courts, based on the client service principle that time is of the essence. Those steps include developing and implementing a Matter Tracking System as a single method to track legal services office-wide, and closely monitoring and providing updates to clients on the status and response time of all requests for legal opinions and advice.</p> <p>With respect to the direction that recommendations and advice to courts should include a full range of options available to courts, LSO will continue to consider, research, and provide available options to clients. When responding to requests for advice, to determine options for courts, LSO regularly consults with the courts and other AOC divisions. For example, when conclusions on legal requirements will entail administrative or financial burdens for court clients, LSO routinely interfaces with the AOC's Office of Governmental Affairs to ascertain whether legislation is possible to address court concerns. If policy issues are raised, LSO interfaces with other AOC divisions to discuss the policy and whether a change of policy might be proposed. LSO also regularly interfaces with executive branch agencies to promote its clients' interests in delivery of justice (e.g., coordinating with the Secretary of State with respect to election day issues and judicial elections) and also regularly interfaces with other governmental entities to address concerns of judicial officers (e.g., working with FPPC staff to address security concerns associated with FPPC posting of Statements</p>	

of Economic Interests).


With respect to the direction that there must be a greater recognition that the AOC's interests may conflict with the specific interests of the courts and that clearer procedures should be put in place to safeguard the interests of individual courts in those instances when legitimate conflicts arise, LSO relies upon the process set forth in rule of court to address conflicts that may arise over the handling or resolution of litigation.

By statute, the Judicial Council is required to provide for the representation, defense, and indemnification of the courts. (Gov. Code, § 811.9.) By rule of court, courts must use LSO services for claims and litigation management. (Cal. Rules of Court, Rule 10.202 (c) (requiring the trial and appellate courts to notify LSO promptly on receipt of a claim or lawsuit and to forward the claim or lawsuit to LSO for handling).) Because the use of LSO in litigation is mandatory, a process is in place to handle any potential conflicts over the handling or resolution of the litigation. Rule 10.202(d) provides for the resolution of any such dispute. Rule 10.202(d) states that if a court disagrees with a decision of LSO about major strategic decisions, the court may deliver a written objection to LSO and the same will be delivered to the Litigation Management Committee. The Committee will then resolve the dispute. This resolution process is also outlined in the Litigation Management Program Resource Manual, the internal handling guideline used by LSO attorneys, at section 4.3.1, concerning the selection of counsel, and 4.7.1 concerning settlements. The manual is intended to provide guidance and direction to LSO attorneys in achieving the program objectives. In every instance where a court has expressed concern about a proposed decision of the LSO in litigation, court leaders are reminded of the process for addressing concerns with the Litigation Management committee as provided by rule of court.



Attachment to Response
to JC Directive 118.pdf
Adobe Acrobat Document
77.3 KB


Attachment 2 to
Response to JC Directive
118.pdf
Adobe Acrobat Document
85.8 KB

This directive is forwarded to the Judicial Council with options for consideration:








 File Attachment

Other:

 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED	Ongoing.
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IMPLEMENTATION DATE	
RESOURCES REQUIRED FOR IMPLEMENTATION	
ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)	
<input checked="" type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	Litigation Management Resource Manual, sections 4.3.1 and 4.7.1  File Attachment
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	 File Attachment
<input type="checkbox"/> SAVINGS	 File Attachment
<input type="checkbox"/> COST	 File Attachment
<input type="checkbox"/> EFFICIENCIES	 File Attachment
<input type="checkbox"/> SERVICE LEVEL IMPACT	 File Attachment
<input type="checkbox"/> OTHER	 File Attachment
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: 2/7/2013
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: 2/14/2013

4.3 Defense Counsel

4.3.1 SELECTION

In addition, the OGC attorney also should discuss with a supervising attorney any disagreement by court defendants about the counsel proposed by OGC. If the court's objection cannot be resolved after discussions between the court and OGC, rule 6.202 [now rule 10.202] allows the Presiding Judge to present to OGC a written statement of the objection, which OGC will present to the Litigation Management Committee for resolution.¹

¹ Excerpt from Litigation Management Program Resource Manual (2003 edition).

4.7 Settlement

4.7.1 GENERAL GUIDELINES

Pursuant to rule 6.202 [now rule 10.202], the OGC makes settlement decisions or recommendations after consultation with the affected court and any individual court defendant being provided representation under the program. The OGC attorney managing a case should discuss settlement alternatives with court defendants when considering a settlement recommendation. If a court defendant disagrees with a proposed settlement plan, and the disagreement cannot be resolved, the court may present a written objection to the Litigation Management Committee, through the OGC. (See rules 6.202 and 6.14 [now rules 10.202 and 10.14].)¹


¹ Excerpt from Litigation Management Program Resource Manual (2003 edition).

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING


DATE	3/29/2013
PREPARED BY	Mary M. Roberts
OFFICE NAME	<u>Legal Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	119
JUDICIAL COUNCIL DIRECTIVE	E&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.
SEC RECOMMENDATION	This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows: (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.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>To address resource constraints office-wide, ensure appropriate supervision and allocation of work, and provide a more effective tickler and tracking system for opinions, contracts, and other documents, the Legal Services Office (LSO) developed a matter tracking system that was implemented on February 1, for a 90-day trial and evaluation period. The matter tracking system tracks matters from assignment to completion date, assigns a level of complexity for each matter, and provides a uniform tickler system for review of open matters. As part of the system, attorneys log all legal services matters (e.g., requests for legal advice and contracts) and LSO management receives weekly updates about open and closed matters and may review the assignment log at any time.</p> <p>The LSO has made minor changes to the matter tracking form since February 1 to improve ease of use and effectiveness of the form (see attached Matter Log). LSO has found the matter tracking system to be an effective way to track the workload of all legal services units, including requests for opinions, contracts, and other documents.</p> <p>In addition to implementation of the matter tracking system, the LSO has taken other actions to reduce bottlenecks for advice, contracts, and other projects. Within the Legal Opinions Unit, to help address the impact of reduced attorney staff and meet client needs, attorneys in other units are regularly assigned advice matters, thereby expediting delivery of requested legal guidance. In addition, to speed review of opinions, a senior attorney now shares with the supervising attorney the responsibility to review draft opinions. With respect to contracts and other documents, LSO also is working closely with the Business Services Unit of the Fiscal Services Office (FSO), including meeting monthly with the FSO Assistant Director responsible for the Business Services Unit, in an effort to assist the Business Services Unit in timely delivery of completed contracts.</p> <p>It is important to note that LSO does not consider the activities above to be one-time solutions as LSO will continue to monitor the services provided on an ongoing basis. The LSO is currently proactively working with its Judicial Council liaisons on several LSO related-activities (i.e., potential</p>	

LSO restructuring, evaluation of outside counsel cost-effectiveness, and the role of the Chief Counsel), and LSO's focus on timely customer service will be included as a component of these activities. The AOC is targeting the June 2013 council meeting to report back on these efforts and will be happy to provide future updates to the council on LSO's ongoing commitment to customer service at the council's request.




MatterLog.pdf
Adobe Acrobat Document
562 KB

This directive is forwarded to the Judicial Council with options for consideration:



File Attachment

Other:



File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	<input type="text"/>
RESOURCES REQUIRED FOR IMPLEMENTATION	<input type="text"/>

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input type="text"/>  File Attachment
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input type="text"/>  File Attachment
<input type="checkbox"/> SAVINGS	<input type="text"/>  File Attachment
<input type="checkbox"/> COST	<input type="text"/>

	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> EFFICIENCIES	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> SERVICE LEVEL IMPACT	<input type="text"/> <input type="button" value="File Attachment"/>
<input type="checkbox"/> OTHER	<input type="text"/> <input type="button" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="4/10/2013"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="4/17/2013"/>

MATTER LOG FOR: #: Assigned by database

Open date: End date:

Requestor:

- Supreme Court
- 1 DCA (SF)
- 2 DCA (LA)
- 3 DCA (Sac)
- 4 DCA (SD)
- 5 DCA (Fresno)
- 6 DCA (SJ)

Superior Court of California, County of:

- Alameda
- Alpine
- Amador
- Butte
- Calaveras
- Colusa
- Contra Costa
- Del Norte
- El Dorado
- Fresno
- Glenn
- Humboldt
- Imperial
- Inyo
- Kern
- Kings
- Lake
- Lassen
- Los Angeles
- Madera
- Marin
- Mariposa
- Mendocino
- Merced
- Modoc
- Mono
- Monterey
- Napa
- Nevada
- Orange
- Placer
- Plumas
- Riverside
- Sacramento
- San Benito
- San Bernardino
- San Diego
- San Francisco
- San Joaquin
- San Luis Obispo
- San Mateo
- Santa Barbara
- Santa Clara
- Santa Cruz
- Shasta
- Sierra
- Siskiyou
- Solano
- Sonoma
- Stanislaus
- Sutter
- Tehama
- Trinity
- Tulare
- Tuolumne
- Ventura
- Yolo
- Yuba
- Judicial Council

- AOC: CFCC CJCS COSS EDUC EXEC FSO HCRC HR ITSO JCSS LSO OAS OC OGA OJBCP OREFM OS SPO TCAS TCLO

Other Public Entity:

Person making request (name):

- APJ
- ACA
- Attorney
- PJ/Asst. PJ
- CEO
- Public
- Judicial Officer
- Other court staff
- Other:

Request (brief description):

Response and/or product (brief description): Type of advice: Reference #(LOU, LEU etc.)

Level of effort:

- CLASS I: Minimum effort; quickly addressed; initial response sufficient; no follow-up expected; up to 1 hr
- CLASS II: Medium effort; initial response and some research/follow-up; 1-8 hrs
- CLASS III: Substantial effort; major research/follow-up; complex; 8-40 hrs
- CLASS IV: Time intensive or long-term project; 40+ hrs

Any other AOC, including LSO, staff involved:

Any other notes:

Open matter

Close matter

Reset Form



Judicial Council of California · Administrative Office of the Courts

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 25, 2014

Title	Agenda Item Type
AOC Restructuring: Efficiencies and Restructuring at the Legal Services Office	Information Only
Submitted by	Date of Report
Steven Jahr	April 8, 2014
Administrative Director of the Courts	Contact
Administrative Office of the Courts	Jody Patel, 916-263-1333
Jody Patel, Chief of Staff	jody.patel@jud.ca.gov

Executive Summary

The Legal Services Office (LSO) is an office of the Administrative Office of the Courts (AOC) under the Judicial Council and Court Leadership Services Division. The mission of LSO is to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The Judicial Council has charged the office with providing “consistent, comprehensive legal support and counsel to the courts.” (Judicial Council of Cal./Admin. Off. of Cts., *Justice in Focus: The Strategic Plan for California’s Judicial Branch 2006–2012* (2006), p. 49.) In response to Judicial Council restructuring directives and the recommendations of the Judicial Council liaisons to LSO, the office has been significantly restructured. This informational report summarizes the activities undertaken in response to the June 2013 recommendations of the Judicial Council liaisons.

Previous Council Action

- In March 2011, Chief Justice Tani G. Cantil-Sakauye created the Strategic Evaluation Committee (SEC) to conduct an in-depth review of the Administrative Office of the Courts, the staff agency to the Judicial Council, with a view toward promoting transparency, accountability, and efficiency.

- On August 31, 2012, based on the SEC report and its recommendations, the Judicial Council approved AOC realignment directives and directed the Administrative Director to report on them.
- At the February 2013 council meeting, the council liaisons to LSO were asked to take the lead on reviewing the cost-effectiveness of LSO's current use of outside counsel in response to Judicial Council directive 122. While addressing this request, the liaisons concluded that additional LSO-related restructuring directives were appropriate for inclusion in the liaisons' review and would enable a more comprehensive evaluation.¹
- In addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons' review was expanded to include defining the role of the Chief Counsel; evaluating the need for use of a paralegal classification; analyzing the use of LSO attorney staff in AOC field offices; and analyzing the current LSO organizational structure, LSO services, and attorney services provided by the AOC outside of LSO.
- In June 2013, the LSO liaisons recommended that the Judicial Council endorse the following recommendations to the Administrative Director:²
 1. LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.
 2. LSO should implement a formal structure to solicit client feedback on a regular basis.
 3. The role of the Chief Counsel and the expectations for that role and areas of responsibility should be clearly defined to reflect the new organizational structure.
 4. The use of outside counsel is appropriate for specialized areas of law and litigation. The protocols for LSO's use of outside counsel should be strengthened to ensure that outside counsel is used in the most cost-effective manner.
 5. The AOC should continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability.

¹ See Judicial Council of Cal., *AOC Restructuring: Judicial Council Liaisons' Review of the Legal Services Office and Recommendations* (June 28, 2013), p. 3.

² *Id.* at pp. 2–3.

6. All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office.
 7. Given the recent retirement announcement by the current Chief Counsel, the successor Chief Counsel should be afforded the opportunity to implement the restructuring and the formation of the management team under the supervision of the Chief of Staff.
- At the June 2013 Judicial Council meeting, the council endorsed the liaisons' recommendations and agreed with the liaisons that modifications might be needed once these recommendations are implemented. It further directed the Administrative Director of the Courts to report back on implementation of the liaisons' recommendations by the end of March 2014.³

Methodology and Process

Restructuring within LSO has occurred as a result of the implementation of the liaisons' recommendations. As indicated below, six of the seven recommendations have been implemented, with one variance: (1) the LSO management structure has been modified; (2) the responsibilities of the Chief Counsel have been reviewed and clearly defined; (3) a process for periodically surveying court users of legal services is being put into place; (4) protocols have been developed for retention of outside counsel; (5) policies have been implemented to ensure appropriate oversight in the field offices for day-to-day accountability of LSO attorneys and staff in field offices; and (6) paralegals have not and are not currently employed by the LSO. Finally, although LSO works closely with other AOC offices with attorneys, the liaisons' recommendation that AOC attorneys outside of LSO who provide legal advice or legal related services that require a law degree should have a dual reporting relationship to LSO and their current office has not been implemented. As discussed below, for this recommendation, it seems appropriate to wait for the results of the pending classification and compensation study, which will expressly review the attorney classification.

Background on the Legal Services Office

The Legal Services Office provides a variety of services that historically, before state trial court funding, were provided by the counties and reflect the varying and expanded needs of judicial branch entities in today's environment.

Before trial court funding, the Legal Services Office comprised a small group of attorney staff primarily responsible for drafting council rules of court and forms and legislation, providing legal opinions to the council and the Administrative Director, and staffing council advisory

³ As reported to the Judicial Council in February 2014, because no Judicial Council meeting was held in March 2014, this report is being provided at the April 25, 2014, business meeting of the council.

committees and other similar bodies.⁴ Following trial court funding, the role of LSO expanded to provide to the superior courts legal services that previously had been provided by county counsels' offices. LSO began providing trial courts with legal opinions on judicial administration issues. The council also approved the creation of a Litigation Management Program in 1999, adopting rules of court assigning the responsibility to LSO for the management of all claims and litigation against the courts.

After the enactment of the Trial Court Employment Protection and Governance Act of 2000, LSO began providing labor and employment legal services. LSO's areas of responsibility continued to expand—for example, with the establishment of a unit to provide transactional and business-related advice and services. After passage of the Trial Court Facilities Act of 2002, the Real Estate Unit was established to provide the facilities-related legal work resulting from this legislation. Finally, LSO attorney positions were established in the field offices to better facilitate the provision of legal services to the superior courts.

The growth of LSO and the expansion of the services it provides have significantly changed in the past few years. Based on the council directives and other developments, LSO has ceased to grow and has been notably reduced in size. This and other changes are described in detail below.

Implementing the directives

In implementing the Judicial Council directives to LSO and the council liaisons' recommendations, the Administrative Director of the Courts and the Chief of Staff worked closely with the Chief Counsel and her management team. They have also benefitted greatly from advice from the Judicial Council liaisons to LSO and other council members.

The liaison report specifically addresses implementation of the council liaisons' recommendations to the Administrative Director of the Courts, which were endorsed by the Judicial Council. The report presents each recommendation and summarizes the actions taken in response to the recommendations.

Legal Services Office restructuring

As part of their review, the liaisons considered Judicial Council restructuring directive 107 and recommended the following:

LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.

⁴ The office's name has changed over the years. In the 1990s, it was designated as Council and Legal Services. Subsequently, it became the Office of the General Counsel, and in 2012 the office was renamed the Legal Services Office.

(Judicial Council of Cal., *supra*, at p. 2.)

Judicial Council restructuring directive 107 states:

E&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.⁵

Since the release of the Strategic Evaluation Committee report in May 2012, the LSO workforce has been dramatically reduced from the 75 positions referenced in SEC recommendation 7-72(a) to a workforce of 44 positions as of the date of this report. LSO attorney staffing has been reduced from 50 attorneys to the current number of 32 attorneys, exclusive of the Chief Counsel. The LSO management team currently consists of 6 members, excluding the Chief Counsel, as compared to 9 noted in SEC recommendation 7-72(a).

The June 2013 Liaison Report states:

Given the current staffing levels of the LSO workforce and the critical nature of the legal services provided by LSO, we believe that a 10-member LSO attorney management team is appropriate for this office. However, to ensure accountability and clear lines of authority for the varied legal services provided by LSO, it is recommended that the LSO should be restructured to create a new executive leadership team comprising the Chief Counsel and three managing attorneys who lead three distinct areas of service . . . Additionally, in accordance with council directive 107, we recommend that the position of Assistant Chief Counsel be reclassified as a managing attorney position. It is also recommended that one of the managing attorney positions be classified as a senior managing attorney to provide backup and support as second in command to the Chief Counsel. It appears appropriate that the managing attorney leading Judicial Council Services and Legal Opinions would be the best position for second in command.

⁵ SEC Recommendation 7-72(a) states:

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:

(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 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.

The new structure provides a three-to-one reporting structure under the Chief Counsel and shifts the responsibility for regular day-to-day management workload from the Chief Counsel to the managing attorneys. This shift of direct responsibility for LSO daily activities is an acknowledgement that the Chief Counsel should be involved in providing legal input and expertise to the most critical legal issues for the branch versus being immersed in routine LSO workload. This structure will require continuous communication between the Chief Counsel and the three managing attorneys to ensure that no silos develop in the office. Similar to partners in a law firm, the Chief Counsel and the managing attorneys should meet regularly to share information and make decisions on projects, priorities, and resources that further the goals of the office as a whole. (Judicial Council of Cal., *supra*, at p. 2.)

Under the new Chief Counsel, with the support of the Administrative Director of the Courts and the Chief of Staff, LSO has taken measures that have substantially implemented the structure proposed by the liaisons. The LSO attorney management team, excluding the Chief Counsel, consists of six members as of March 2014. The position of Assistant Chief Counsel was eliminated after the attorney formerly holding that position retired in 2013. As recommended by the liaisons, instead of hiring a new Assistant Chief Counsel, a managing attorney was promoted in 2014 to the position of senior managing attorney to provide support and backup to the Chief Counsel. Because of retirements, no other managing attorneys are currently employed in LSO. However, to provide the level and structure of leadership necessary to manage the office in the manner recommended by the liaisons, recruitment is under way for two additional managing attorneys. After completion of this hiring process, LSO will have an executive management structure as envisioned by the liaisons, with a Chief Counsel and three managing attorneys, one of whom is designated as a senior managing attorney.

LSO provides legal services in two primary areas: (1) services provided to the council, to the Chief Justice as chair of the council, and to the Administrative Director of the Courts and the AOC as the administrative arm of the council; and (2) services provided to the appellate and trial courts. LSO is currently structured to provide legal services in these areas by organizing its attorneys into six units:

- Rules and Projects Unit
- Legal Opinion Unit
- Transactions and Business Operations Unit
- Real Estate Unit
- Litigation Management Unit
- Labor and Employment Unit

In terms of LSO's management structure, the liaison report recommends that LSO be restructured into three areas of services: (1) Judicial Council Services and Legal Opinions (a

merger of the Rules and Projects and Legal Opinion Units); (2) Transactions and Business Operations (incorporating Real Estate into the Transactions and Business Operations Unit); and (3) Litigation Management and Labor and Employment (a merger of the two formerly separate units).

The liaison report further recommends that the new units continue to serve both client groups—the appellate and trial courts along with the Judicial Council, Chief Justice as chair of the council, Administrative Director of the Courts, and AOC—with the responsibility of supervising attorneys divided between the two client groups. LSO is in the process of restructuring its activities into the three organization units described above. Once the full complement of managing attorneys is in place, each will manage one of the combined units. After careful consideration, however, the Administrative Director and Chief of Staff support a variance from the liaison recommendations with respect to the supervisory-level responsibilities. Because the quantity of legal work performed for the courts differs from that for the Judicial Council/AOC clients and because of the need to provide clients with specialized skills and knowledge in the individual subject-matter areas, LSO will continue to be structured along subject-matter groups rather than client groups. The purpose of this structure is to provide better service to clients by providing them with immediate access to supervisors and attorneys with subject-matter expertise specific to the legal issues and inquiries presented.⁶

The liaison report further states:

It is intended that the Chief Counsel and the three managing attorneys hold overall management responsibility, with the supervising/senior attorneys charged with carrying out senior management’s directives for the specific subject matter and client assignments. The level of experience and precise classification for these supervising/senior attorneys should be determined as a part of the internal restructuring and reviewed as a part of the classification and compensation study.

The report’s additional recommendations regarding the management structure will be implemented once the managing attorney positions are filled. As indicated in the report, the level of experience and precise classification for the supervising/senior attorney structure also partially depend on the classification and compensation study.

Role of Chief Counsel

The liaisons considered Judicial Council restructuring directive 115 and recommended that the role of the Chief Counsel and the expectations for that role, along with the areas of responsibility, should be clearly defined to reflect the new organizational structure.

⁶ See Attachment A for an organization chart showing this management structure.

Judicial Council restructuring directive 115 states:

E&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.

As part of their report to the Judicial Council, the liaisons included an attachment clearly defining the responsibilities and role of the Chief Counsel of the Administrative Office of the Courts.⁷

The description has been adopted and specifies that the Chief Counsel is chief legal advisor to the Judicial Council and to the AOC and office chief of the AOC Legal Services Office, which provides comprehensive legal services to the appellate and trial courts. It adds that the Legal Services Office has two major areas of service: legal advisor and counsel to the Judicial Council and legal advisor and legal services provider to the appellate and trial courts. In these capacities, the Chief Counsel has responsibilities that are enumerated in detail.

Survey of users of LSO services

The liaisons considered Judicial Council restructuring directive 120 and recommended that, to ensure that the appropriate level of client service is provided, particularly in the area of legal opinions, a formal procedure be developed and implemented in LSO to solicit client feedback.

Judicial Council restructuring directive 120 states:

E&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.

In response to this recommendation, a draft survey has been developed to ask court users for their evaluations of and suggestions for improvements to legal services provided by each of the six LSO units.⁸ Because of workload issues and staffing concerns, it is anticipated that the survey will be distributed to the courts in late 2014 as a pilot. If the survey proves useful and courts do not find it overly burdensome, LSO will continue to survey the courts on an annual or biennial basis.

Use of outside counsel

With respect to Judicial Council directive 122 regarding the use of outside counsel, the Judicial Council endorsed the liaisons' recommendation that (1) the use of outside counsel is appropriate for specialized areas of law and litigation; and (2) protocols for LSO's use of outside counsel

⁷ See Judicial Council of Cal., *supra*, Attachment A (a copy of which is attached to this report as Attachment B).

⁸ See Attachment C for a copy of the draft survey.

should be strengthened to ensure that outside counsel is used in the most cost-effective manner. That directive states:

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to order an independent review of the Office of the 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.

The liaisons undertook the review of the use of outside counsel and reported back to the council as follows:

Based on our experience in the legal field and after conferring with colleagues, we conclude that the use of outside counsel is appropriate and in some cases mandated, providing valuable legal resources for the varying needs of LSO relating to specific subject areas or broad-based branch initiatives (i.e., courthouse transfers). Outside legal counsel provides LSO with sufficient flexibility to meet the changing needs of the branch in an efficient and cost-effective manner.

(Judicial Council of Cal., *supra*, at p. 10.)

The liaison report also concluded, once it was confirmed that there was a legitimate need to use outside counsel, that a full study of past expenses would be extraordinarily time-consuming and would provide little benefit. Because the goal was to be certain that future expenditures are warranted, the liaisons recommended placing the responsibility for the retention and monitoring of outside counsel with the managing attorney in each area of practice. The liaisons added that (1) there should be written justification for the retention, and the managing attorney should be responsible for ensuring that the hourly rates and time spent are reasonable; (2) at the close of representation a short client feedback report should be obtained, and the managing attorney should evaluate the service provided from LSO's perspective; and (3) an annual report on the use of outside counsel should be provided to the Judicial Council.

Thus, the liaisons recommended that LSO develop:

- A structure in which each managing attorney is responsible for the approval of and justification for using outside counsel based on the area of expertise needed or resource requirements.
- A means for conducting an examination of the cost-effectiveness of using outside counsel versus potentially hiring attorney resources based on specific projects and the duration of legal assistance needed.
- A checklist that must be completed before initiating a contract with outside counsel to confirm that no internal LSO resources are available for the subject-matter area.

- A means of following up with the courts that receive services to gather their input on the services provided by outside counsel through an e-mail questionnaire or survey. This information would be used in tandem with input from the LSO attorneys assigned to the respective cases to identify if the outside counsel should be used for future cases.
- A means of regularly (every 12 months) surveying the market to ensure that what is being charged is appropriate and the rates are appropriate.

The liaisons also recommended that the Administrative Director provide to the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch an annual report on the use and cost of outside counsel for the committee's consideration and reporting to the council.

In response to these recommendations, the LSO protocol for the retention of outside counsel has been amended to require managing-attorney approval of the hiring of any outside counsel. Under that protocol, the managing attorney (1) reviews the recommendation to hire outside counsel and the expertise of the counsel suggested, and (2) confirms that no internal resource is available for the particular subject matter. The review and approval by the managing attorney are recorded in each file. In addition, on an annual basis, LSO will review the annual attorney fee surveys prepared by various organizations to ensure that the fees charged by outside counsel are appropriate and reasonable. LSO also will send to each court a survey after the conclusion of any significant litigation, arbitration, or proceedings before the Public Employment Relations Board, asking for the court's assessment of the specific legal representation provided by LSO and outside counsel.⁹ The survey results will be used in an annual review of the use of outside counsel to ensure the delivery of quality and timely legal services. The LSO also will provide reports on the use and cost of outside counsel to the Advisory Committee on Financial Accountability and Efficiency at the request of the committee.

LSO attorneys located in field offices

In response to Judicial Council directive 117, the liaisons recommended that the AOC continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability. That Judicial Council directive states:

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.

The liaison report states that, after reviewing the activities of LSO attorney staff located in the Sacramento and Burbank field offices, the liaisons believe that it is appropriate to have staff in

⁹ These surveys will be prepared for the individual case and tailored to the type and nature of the representation.

LSO has followed the recommendation of the liaisons and continues to house attorneys in field offices. Doing so allows more direct communication between LSO attorneys and the courts in their regions.¹⁰ In addition, as recommended by the liaisons, to ensure oversight in the field offices for day-to-day accountability for off-site staff, LSO management requires staff in the field offices to report any absences both to their supervisors and to a designated local staff member, who would enter the appropriate information into the LSO calendar system.

Use of paralegal classifications

E&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.¹¹

In their report, the liaisons state that paralegals in private law firms are typically used primarily for high-level administrative work and very minor legal-related work. Given that LSO already employs administrative staff to support LSO attorneys with administrative tasks, the liaisons indicate that to pursue the creation of a paralegal classification does not appear appropriate at this time.¹² Consistent with the LSO liaisons' recommendation, LSO does not employ paralegals.

Dual reporting

The liaison report discusses one other recommendation for LSO. That recommendation states: "All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office."¹³ On this recommendation relating to attorneys within the AOC, it seems appropriate to wait for the results of the classification and compensation study. That study will expressly study the attorney

¹⁰ See Judicial Council of Cal., *supra*, at page 11.

¹¹ SEC Recommendation 7-72(f) states:

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:

(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.

¹² See Judicial Council of Cal., *supra*, at pages 11–12.

¹³ *Id.* at page 3.

classifications and should provide useful information to assist in any efforts to redefine or change the relationship among the various groups and types of attorneys working for the AOC.

Policy and Cost Implications

LSO's mission continues to be to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The restructuring of LSO will result in efficiencies and savings from, for example, the conversion of the position of assistant chief counsel into a senior managing attorney position and will continue to require a commitment of effort (for example, for staff and courts to conduct and complete user surveys).

Relevant Strategic Plan Goals and Operational Plan Objectives

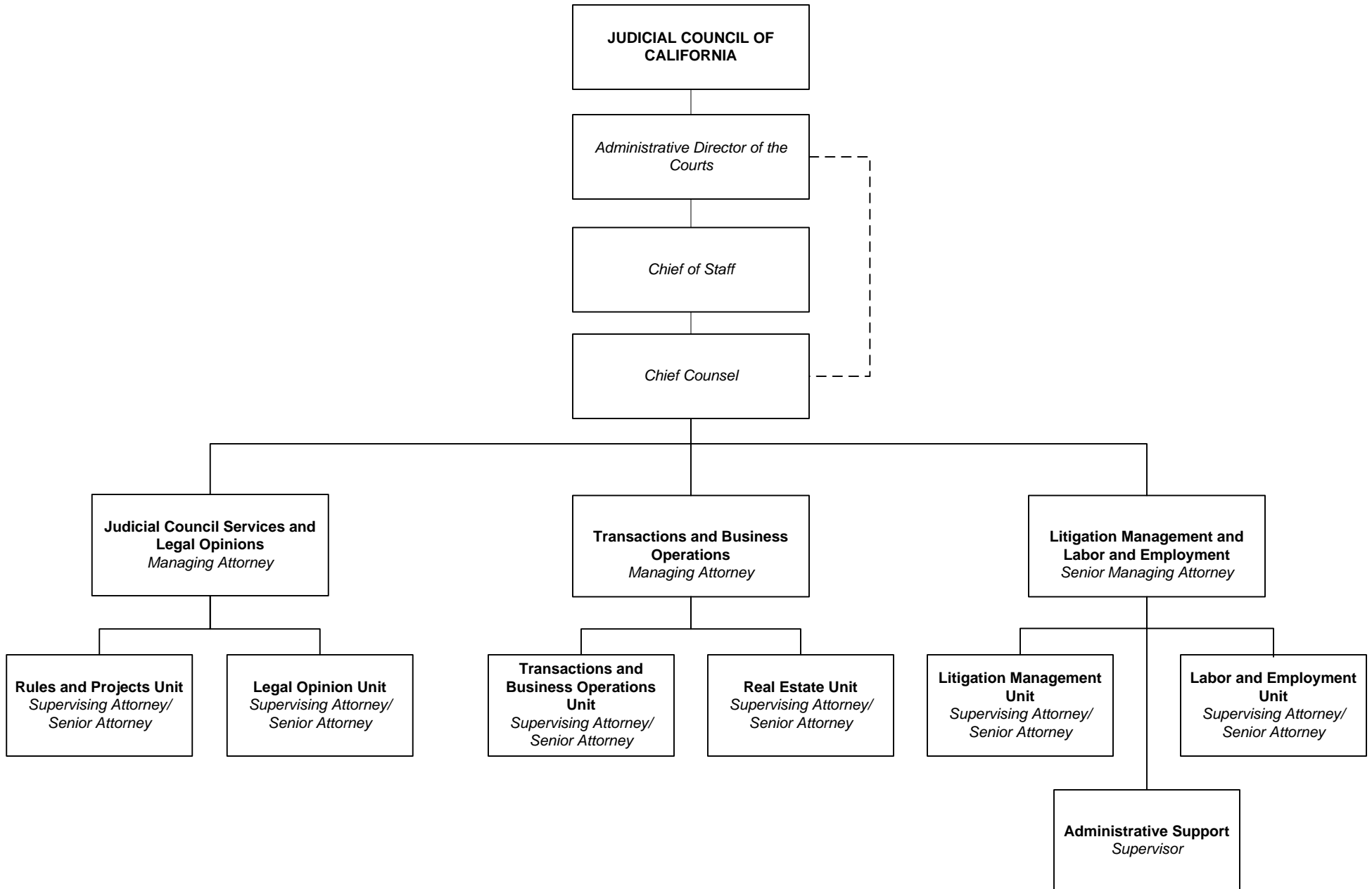
Judicial Council strategic Goal VI.C.1 ("Provide a high-quality administrative legal infrastructure to provide consistent, comprehensive legal support and counsel to the courts").

Attachments

1. Attachment A: LSO organization chart
2. Attachment B: Role of Chief Counsel of the Administrative Office of the Courts
3. Attachment C: Administrative Office of the Courts, Legal Services Office, Customer Service Survey



Attachment A
Legal Services Office



Attachment B
Role of Chief Counsel of the Administrative Office of the Courts

The Chief Counsel of the Administrative Office of the Courts (AOC) is chief legal advisor to the Judicial Council of California and to the AOC and director of the AOC Legal Services Office, which provides comprehensive legal services to the AOC and to the appellate and trial courts. The Legal Services Office has two major areas of service: **legal advisor and counsel to the Judicial Council** and **legal advisor and legal services provider to the appellate and trial courts**.

I. Legal Advisor and Counsel to the Judicial Council

The role of legal advisor and counsel to the Judicial Council encompasses the legal services provided in support of the Chief Justice as Chair of the Judicial Council, the Judicial Council and its committees and task forces, and the AOC as staff agency to the Judicial Council.

In this capacity, the Chief Counsel is responsible for the following:

- Judicial Council Legal Support
 - Provide legal advice and briefings to the Chief Justice, the Judicial Council, and internal council committees on matters of importance to Judicial Council business.
 - Provide legal support and staffing of Judicial Council internal committees and council advisory committees.
 - Provide legal review of rules, forms, standards of judicial administration, and jury instructions for Judicial Council consideration.
 - Provide legal review of legislation and regulations for legal and programmatic impact in collaboration with the AOC Office of Governmental Affairs.
 - Provide legal support to the Chief Justice in evaluating and making recommendations on petitions for coordination of complex civil cases.
 - Facilitate filing of local court rules with the council and authorization by the Chief Justice of alternative effective dates of local rules.
 - Interact with other branches of government and external entities (e.g., Attorney General's Office, Commission on Judicial Performance, State Bar of California State Bar, Secretary of State, California Fair Political Practices Commission, etc.) on wide range of judicial administration legal issues.
 - Participate in meetings and conferences as the legal representative of the Judicial Council, AOC, and the judicial branch, as appropriate.
- AOC and Administrative Director of the Courts Legal Support
 - Provide legal advice and briefings to the Administrative Director, Division Chiefs, and Office Directors on legal issues affecting AOC programs and

- operations and on legal issues affecting planning, development, and review of AOC programs and policies.
 - Identify legal and risk management issues and collaborate on developing and implementing strategies for addressing issues.
 - Collaborate with other AOC offices on legislative, fiscal, facilities, technology, and other matters affecting the judicial branch to develop strategies for implementing new requirements and responding to emerging issues.
- Chief Counsel Administrative Activities
 - Manage the AOC Legal Services Office, including planning and directing work, providing legal policy direction, providing for internal staff development and training and succession planning, and participating in recruitment and selection of staff.
 - Provides general direction on the office’s priorities, policies, and operations.
 - Manages the Legal Services Office budget and resources; develops and implements strategies to meet increasing workload demands with limited resources.
 - Establishes and implements performance and development plans for direct reports.

II. Legal Advisor and Provider of Legal Services to the Appellate and Trial Courts and the AOC

In this capacity, the Chief Counsel provides direction and oversees the following programs and activities that provide legal services to the appellate and trial courts and to the AOC:

- Labor and Employment:
 - Responds to labor and employment issues in collaboration with the AOC Human Resources Services Office (HRSO), as appropriate.
 - Provides legal advice and guidance to minimize risk of labor disputes and employment litigation.
 - Provides legal advice in addressing sensitive personnel issues.
 - Assists HRSO in managing legal aspects of investigations of internal complaint of discrimination, harassment, retaliation, and other similar complaints, and advises about complaint resolution.
 - Drafts personnel policies to ensure compliance with applicable law and to avoid litigation.
 - Upon request, advises trial courts regarding labor relations matters (MOUs, labor relation rules, progressive discipline, personnel actions, etc.).
 - Provides ongoing support to HRSO in addressing labor relation issues for trial courts.

- Upon request, provides legal advice and representation for trial courts in labor arbitrations and complaints before the Public Employment Relations Board.
- Litigation Management:
 - Under the direction of the Administrative Director of the Courts and consistent with rules of court, manages and administers the Judicial Council's Litigation Management Program.
 - Staffs the council's Litigation Management Committee, which oversees claims and litigation against judicial branch entities in which the likely exposure is \$100,000 or more or that raise issues of significance to the judicial branch.
 - Handles claims against judicial branch entities, making recommendations to the council's Litigation Management Committee for settlements at or above \$100,000.
 - Manages litigation against judicial branch entities, including selecting and directing outside counsel retained to represent judicial branch entities and making recommendations to the council's Litigation Management Committee for settlements at or above \$100,000.
 - Provides annual litigation reports to the Litigation Management Committee, the Judicial Council, the appellate and trial courts, and the AOC.
 - Manages affirmative litigation on behalf of the courts and AOC.
 - Provides for representation of courts and AOC at administrative law hearings and judicial proceedings.
- Legal Opinions:
 - Upon request, provides legal advice and opinions to court leaders on judicial administration issues.
 - Provides statewide legal advice and guidance to court leaders on issues of statewide importance.
 - Upon request, provides legal advice and opinions to AOC leadership on wide range of issues affecting the judicial branch and judicial branch entities.
- Real Estate and Transactions and Business Operations:
 - Provides legal services and support for court facilities-related transactions, including acquisition, construction, renovation, operation, and maintenance of court facilities.
 - Provides legal services and support for solicitation, contracting, and procurement of goods and services, including technology transactions.

- Provides legal advice on issues related to procurement, risk management, business administration, and operational initiatives.
- Provides legal advice for compliance audits under federal and state law.
- Provides legal advice on leases, contracts, and other documents requiring approval of the Administrative Director of the Courts.
- Oversees the selection, management, and evaluation of external legal resources/outside counsel retained to augment transactional services by the Legal Services Office.

Attachment C



**Administrative Office of the Courts
Legal Services Office
Customer Service Survey**

The mission of the Legal Services Office is to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the Administrative Office of the Courts (AOC).

To assist us in this mission, the Legal Services Office is forwarding this survey to administrative presiding justices, presiding judges, appellate court clerk/administrators, and court executive officers. Your responses will help us serve you and others better. Please feel free to ask others in the court who work with the Legal Services Office to complete this survey as well. We appreciate your time in providing this valuable feedback.

Please return the completed survey by **Month Date, 2014**, to:

Legal Services Office
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, California 94102

Person completing survey:

Name: _____

Court: _____

Please identify your position with the court:

- Administrative Presiding Justice or Presiding Judge
- Appellate Court Clerk/Administrator or Court Executive Officer
- Other position (*please state your title*): _____

The following questions relate to the services provided by the six units within the Legal Services Office. Please provide answers for those units whose services you have used in 2013 or 2014.

Attachment C

Labor and Employment Unit

Attorneys in the Labor and Employment Unit provide legal advice on labor and employment law issues, manage employment-related claims and litigation involving courts and the AOC through the Litigation Management Program, manage arbitrations and Public Employment Relations Board charges and complaints under collective bargaining agreements, and provide training on rights and obligations arising under labor and employment laws.

If you had experience with the services of the Labor and Employment Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Labor and Employment Unit:

Legal Opinion Unit

Attorneys in the Legal Opinion Unit provide legal advice to the courts, the Judicial Council, and the AOC on court administration issues and assist on special projects and the drafting of proposed legislation and rules of court.

If you had experience with the services of the Legal Opinion Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

Attachment C

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Legal Opinion Unit:

Litigation Management Unit

Attorneys in the Litigation Management Unit manage the program for investigating and resolving claims and lawsuits involving the courts, the Judicial Council, and the AOC. They select and direct outside counsel in providing legal assistance to courts, judicial officers, and employees named as defendants or respondents.

If you had experience with the services of the Litigation Management Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

Attachment C

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Litigation Management Unit:

Real Estate Unit

Attorneys in the Real Estate Unit provide legal services related to the acquisition, construction, renovation, operation, and maintenance of court facilities throughout the State.

If you had experience with the legal services of the Real Estate Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

Attachment C

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked “Disagree,” please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Real Estate Unit:

Rules and Projects Unit

Attorneys in the Rules and Projects Unit staff Judicial Council advisory committees and draft proposed legislation, rules of court, and forms for the committees and the council.

If you had experience with the services of the Rules and Project Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attachment C

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Rules and Project Unit:

Transactions and Business Operations Unit

Attorneys in the Transactions and Business Operations Unit assist the appellate courts, the trial courts, and the AOC with contract and procurement matters by drafting contracts and solicitation documents, negotiating the terms of transactions, and providing legal services and counsel on transactional matters, the Judicial Branch Contract Law, and resolution of nonlitigated contract disputes.

If you had experience with the services of the Transactions and Business Operations Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Attachment C

Please provide any additional comments you have about the Transactions and Business Operations Unit:

General Questions

Please provide any additional suggestions you may have that would improve the provision of services by the Legal Services Office:

Are there other or different services you would like the Legal Services Office to provide?

Please provide any additional comments you have about the Legal Services Office:

Information about the Legal Services Office can be found on Serranus at
<http://serranus.courtinfo.ca.gov/programs/ogc/>

ACTIVITY STATUS FORM


JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	7/1/2013
PREPARED BY	Maureen Dumas for Jody Patel
OFFICE NAME	<u>Executive Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	122
JUDICIAL COUNCIL DIRECTIVE	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.
SEC RECOMMENDATION	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.
JC DIRECTIVE TIMELINE	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.
STATUS SYNOPSIS (provide brief synopsis of status that will be included in the Status Report provided to the Judicial Council)	
<p>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>	
STATUS DETAIL (check applicable boxes and provide detail regarding status)	
<input checked="" type="checkbox"/> This directive has been completed, implemented, or closed:	
<p>This directive is complete with the submission and approval of recommendations by the Judicial Council at the June 28, 2013 council meeting regarding the AOC's use of outside counsel. Per the recommendations of Justice Douglas P. Miller and Edith Matthai, LSO's use of outside counsel is appropriate and in some cases mandated. Council liaison's recommended that retention and monitoring of outside counsel should be placed with each of the three managing attorneys proposed</p>	

in the new LSO organizational structure (see Directive 107). Additionally, the council approved the following recommendations regarding the LSO's development of: a means for conducting an examination of cost-effectiveness of utilizing outside counsel versus hiring attorney resources; a checklist to be completed prior to initiating a contract; a means of following-up with the courts that receive services to get their input on services provided by outside counsel; a means of surveying the market every 12 months to ensure that charges and rates are appropriate; and 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 that the Administrative Director report back to the council on the implementation of these recommendations by March 31, 2014.

 File Attachment

This directive is pending:

 File Attachment

ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL

ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="8/12/2013"/>
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Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688
www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: June 28, 2013

Title	Agenda Item Type
AOC Restructuring: Judicial Council Liaisons' Review of the Legal Services Office and Recommendations	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	June 28, 2013
Recommended by	Date of Report
Hon. Douglas P. Miller, Chair Executive and Planning Committee Edith Matthai, Member Judicial Council	June 28, 2013
	Contact
	Jody Patel, AOC Chief of Staff 916-263-1333 jody.patel@jud.ca.gov

Executive Summary

In response to directives of the Judicial Council arising from the Strategic Evaluation Committee's final report, as Judicial Council Liaisons for the Administrative Office of the Courts (AOC), Legal Services Office (LSO), Justice Douglas Miller and Edith Matthai are proposing recommendations relating to:

- LSO organizational structure and services;
- The role of the Chief Counsel;
- Attorney services provided by the AOC outside of LSO;
- The use of outside counsel by LSO;
- LSO attorney staff housed in AOC field offices; and
- The use of a paralegal classification in LSO.

Recommendation

At the February 2013 council meeting, the Legal Services Office (LSO) liaisons were requested by the council to take the lead on reviewing the cost-effectiveness of LSO's current use of outside counsel in response to Judicial Council directive 122.

While addressing this request, it became evident that there were additional LSO-related restructuring directives that were appropriate for inclusion in the liaisons' review and would enable a more comprehensive evaluation. Consequently, in addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons' review was expanded to include: defining the role of the Chief Counsel; evaluating the need for utilization of a paralegal classification; analyzing the use of LSO attorney staff in AOC field offices; and analyzing the current LSO organizational structure, LSO services, and attorney services provided by the AOC outside of LSO.

The LSO liaisons acknowledge that implementation of Judicial Council directives is the responsibility of the Administrative Director of the Courts. However, based on our review, we encourage the Administrative Director to implement the following recommendations with the concurrence of the council.

It is recognized that modifications may be needed once these recommendations are implemented. It is therefore recommended that the Administrative Director return to the council 12 to 18 months after implementation with a post-implementation evaluation.

The following LSO liaisons' recommendations are described more fully in the "Rationale for Recommendations" section of this report.¹

We recommend that the Judicial Council endorse the following recommendations to the Administrative Director, and direct him to report back to the council on implementation by March 31, 2014.

1. LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.
2. LSO should implement a formal structure to solicit client feedback on a regular basis.
3. The role of the Chief Counsel and its expectations and areas of responsibility should be clearly defined to reflect the new organizational structure.

¹ For each of the recommendations that address a council AOC Restructuring directive, the "Rationale for Recommendation" section contains the specific council directive language.

4. The use of outside counsel is appropriate for specialized areas of law and litigation. The protocols for LSO's use of outside counsel should be strengthened to ensure that outside counsel is used in the most cost-effective manner.
5. The AOC should continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability.
6. All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office.
7. Given the recent retirement announcement by the current Chief Counsel, it is recommended that the successor Chief Counsel be afforded the opportunity to implement the restructuring and the formation of the management team under the supervision of the Chief of Staff.

Previous Council Action

In February of 2012, Chief Justice Tani G. Cantil-Sakauye created the Judicial Council Liaison Program where Judicial Council members are assigned as liaisons to each of the state's 58 trial courts as well as to each of the offices of the AOC. The Chief Justice assigned the liaisons as a means to further the council's efforts to increase communication and transparency and promote accountability. This program provides an opportunity for council members to familiarize themselves with how the AOC supports and implements council policy.

Justice Douglas Miller and Edith Matthai were assigned as liaisons to the LSO. Coupled with the liaisons' regular review responsibilities, at the February 2013 council meeting, the council requested that Justice Miller and Edith Matthai take the lead on directive 122 (review of the use of outside counsel). During this review it became evident that there were additional LSO-related directives that were appropriate for inclusion in this review and that these directives impacted LSO's current organizational structure. Consequently, in addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons broadened their review.

In conducting this review the council liaisons prepared the recommendations referenced above with the tenets of accountability, clear lines of authority, timeliness of service, and client service as underlying considerations.

Rationale for Recommendation

Legal Services Office Restructuring

Judicial Council AOC Restructuring Directive 107

E&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.

SEC Recommendation 7-72(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:

(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 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.

Since the report of the Strategic Evaluation Committee was released in May of 2012, the LSO workforce has been dramatically reduced. Staffing reductions attributable to retirements, the AOC's Voluntary Separation Incentive Program, attrition, and the elimination of temporary staff have reduced LSO staffing from the 75 positions referenced in the SEC recommendation 7-72(a) to a workforce of 50.1 positions as of May 31, 2013. LSO attorney staffing has been reduced from 50 attorneys to the current number of 37 attorneys exclusive of the Chief Counsel. Finally, the LSO management team currently totals eight positions from the nine noted in SEC recommendation 7-72(a).² This includes the Assistant Chief Counsel, two managing attorneys, and five supervising attorneys.

The LSO staff provides a variety of services that had historically been provided by the counties prior to state trial court funding and reflects the varying and expanded needs of judicial branch entities in today's environment. Prior to trial court funding, LSO comprised a small group of attorney staff primarily responsible for drafting council rules of court and forms and legislation, providing legal opinions to the council and the Administrative Director, and staffing council advisory committees and other similar bodies. Following trial court funding, the role of LSO expanded to provide legal services to the superior courts that had previously been provided by county counsels' offices. The council also approved the creation of a Litigation Management Program in 1999, adopting rules of court assigning the responsibility to LSO for the management of all claims and litigation against the courts. The LSO's areas of responsibility continued to expand; LSO began providing trial courts with legal opinions on judicial administration issues, and labor and employment legal services began with the enactment of the Trial Court Employment Protection and Governance Act of 2000, followed by establishment of a unit to provide transactional and business-related advice and services. After passage of the Trial Court Facilities Act of 2002, the LSO Real Estate Unit was established to provide the facilities-related

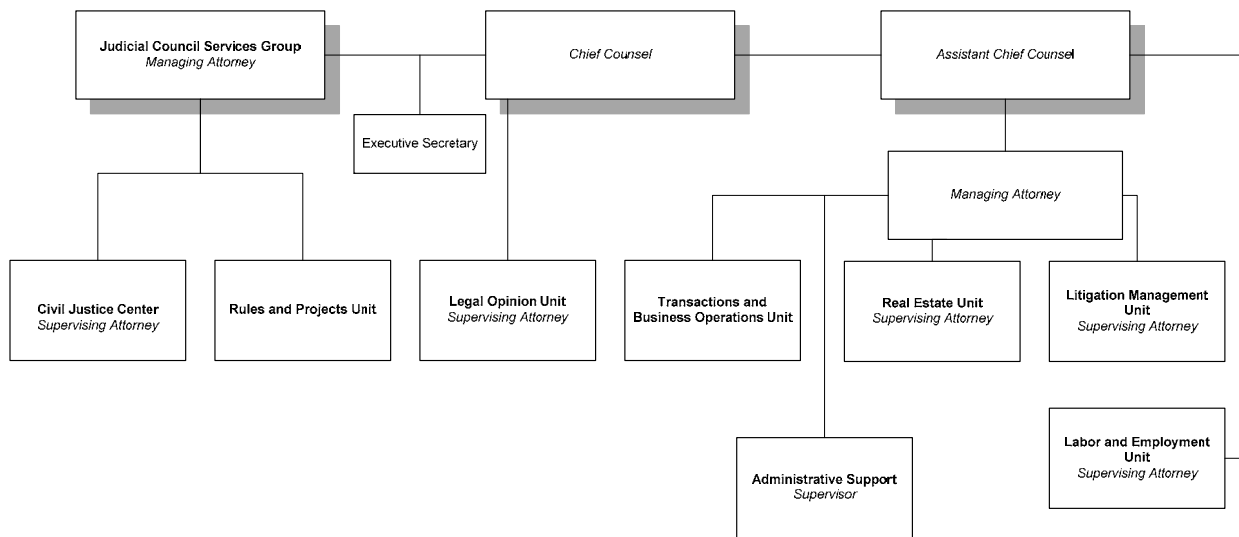
² Since the SEC report was issued, the LSO management team has been reduced due to a retirement and will be further reduced with the retirement of the Assistant Chief Counsel on June 28, 2013, and the departure of two staff attorneys in the summer of 2013.

legal work resulting from this legislation. Finally, LSO attorney positions were established in the field offices to better facilitate the provision of legal services to the superior courts.

Today LSO provides legal services in two primary areas: (1) services provided to the council, to the Chief Justice as chair of the council, and to the Administrative Director and AOC as the administrative arm of the council; and (2) services provided to the appellate and trial courts.

As indicated in Figure 1 below, LSO is currently structured to provide services in these two areas. As its name implies, the Judicial Council Services group provides legal counsel and services to the council and its internal committees, advisory committees, and task forces and is led by a managing attorney who reports to the Chief Counsel. The remaining LSO organization provides legal counsel and services to the appellate and trial courts, the Judicial Council, and the AOC in a number of areas such as labor and employment, litigation management, legal opinions,³ real estate, and transactions and business operations.

Figure 1: Current LSO Organizational Structure



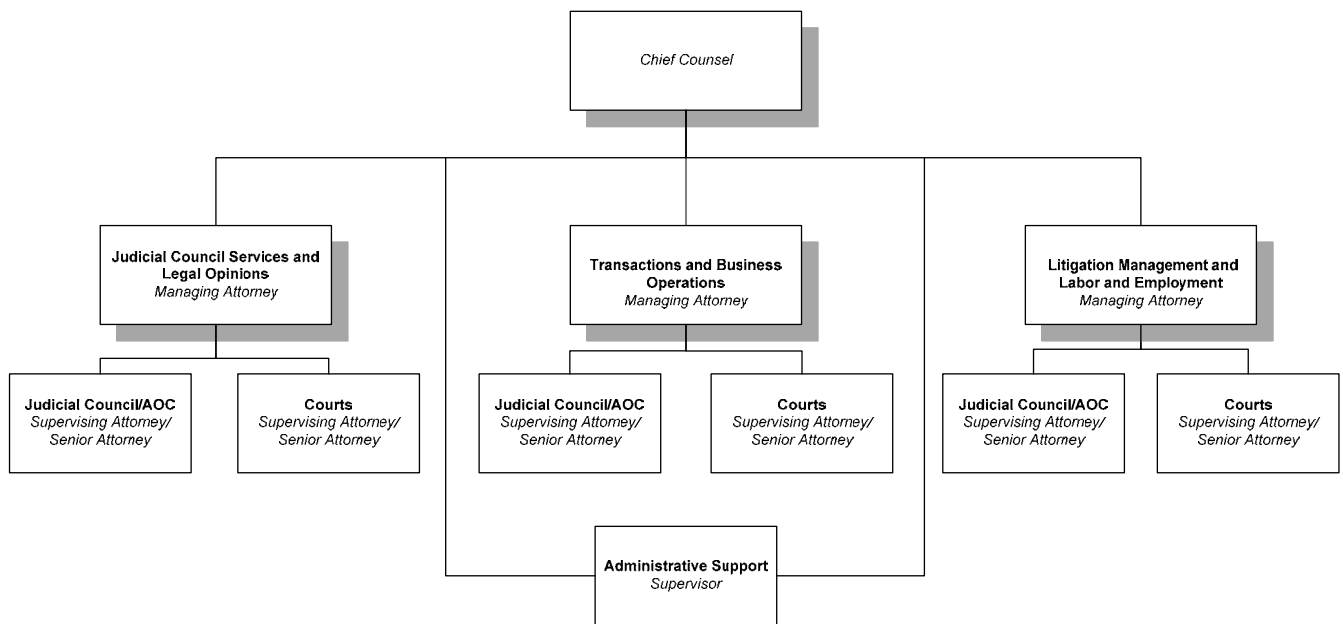
Given the current staffing levels of the LSO workforce and the critical nature of the legal services provided by LSO, we believe that a 10-member LSO attorney management team is appropriate for this office. However, to ensure accountability and clear lines of authority for the varied legal services provided by LSO, it is recommended that the LSO should be restructured to create a new executive leadership team comprising the Chief Counsel and three managing attorneys who lead three distinct areas of service (see Figure 2 below). Additionally, in accordance with council directive 107, we recommend that the position of Assistant Chief Counsel be reclassified as a managing attorney position. It is also recommended that one of the

³ LSO provides courts with legal opinions on judicial administration issues but does not provide a research attorney function to assist courts on pending cases.

managing attorney positions be classified as a senior managing attorney to provide backup and support as second in command to the Chief Counsel. It appears appropriate that the managing attorney leading Judicial Council Services and Legal Opinions would be the best position for second in command.

The new structure provides a three-to-one reporting structure under the Chief Counsel and shifts the responsibility for regular day-to-day management workload from the Chief Counsel to the managing attorneys. This shift of direct responsibility for LSO daily activities is an acknowledgement that the Chief Counsel should be involved in providing legal input and expertise to the most critical legal issues for the branch versus being immersed in routine LSO workload. This structure will require continuous communication between the Chief Counsel and the three managing attorneys to ensure that no silos develop in the office. Similar to partners in a law firm, the Chief Counsel and the managing attorneys should meet regularly to share information and make decisions on projects, priorities, and resources that further the goals of the office as a whole.

Figure 2: Proposed LSO Organizational Structure



The three areas of services arising from the recommended restructuring are: Judicial Council Services and Legal Opinions (a merger of two formerly separate units), Transactions and Business Operations (incorporating Real Estate into the Transactions and Business Operations Unit), and Litigation Management and Labor and Employment (a merger of two formerly separate units). It is important to note that other than Judicial Council Services, all of the LSO units currently provide legal services for two client groups—the appellate and trial courts along with the Administrative Director and the AOC. The new units would continue to serve both client groups, with the responsibility of supervising attorneys divided between these client

groups. Each managing attorney would be responsible for providing satisfactory service to their clients.

The administration and monitoring of outside counsel would be the responsibility of the managing attorney for each respective area.

The designation of two positions (labeled “Supervising Attorney/Senior Attorney”) under each of the subject matter areas is to ensure that there is client accountability for each area. There will need to be regular communication among these attorneys to avoid duplication of effort and inconsistency of work product. It was our belief that by establishing a clear line of accountability, the problems identified by the trial courts in the SEC report would be avoided or, if they did reoccur, would be more easily corrected.

It is intended that the Chief Counsel and the three managing attorneys hold overall management responsibility, with the supervising/senior attorneys charged with carrying out senior management’s directives for the specific subject matter and client assignments. The level of experience and precise classification for these supervising/senior attorneys should be determined as a part of the internal restructuring and reviewed as a part of the classification and compensation study.

Role of Chief Counsel

Judicial Council Restructuring Directive 115

E&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.

By creating a team of three managing attorneys with assigned responsibilities over specific subject areas, the Chief Counsel should focus on ensuring that the structure in LSO is working well and that there is consistency and continuity among the three managing attorneys. The three managing attorneys must have the ability to work independently from and with the trust of the Chief Counsel to make decisions and manage the respective workload without direct involvement from the Chief Counsel. Again, the Chief Counsel’s role should be oversight of LSO activities to allow for hands-on involvement only for cases and issues involving large, complex, and highly sensitive issues. The Chief Counsel must be flexible in meeting the needs of the Judicial Council, the Chief Justice, and the Administrative Director with a wide variety of legal responsibilities and is expected to consistently exercise a high degree of initiative, independence, originality, and judgment in performing all duties

The Chief Counsel serves as legal counsel to the chair of the Judicial Council (currently, the Chief Justice) and advises the Chief Justice on certain statutorily mandated functions. The Chief Counsel also manages staff responsible for the provision of legal support and staffing to some of the Judicial Council’s internal committees and advisory committees and consults with, advises, and provides legal briefings and guidance for the council and its committees. The Chief Counsel

supervises the review and development of legal opinions on issues of statewide importance, the review of legislation and regulations, rulemaking adoption and modification, and the facilitation of review, filing, and publication of trial court local rules and procedural requirements. All of these activities should be accomplished through and with the managing attorneys.

The Chief Counsel consults with and advises the Administrative Director, AOC division chiefs, and office directors on the interpretation and analysis of law, court decisions, and rules and regulations affecting the functions of the AOC and on legal issues as they affect the planning, development, and review of overall programs and policies of the AOC.

Finally, as legal advisor and provider of legal services to the courts, the Chief Counsel manages staff and administers the Labor and Employment, Litigation Management, Transactions and Business Operations (including Real Estate), and Legal Opinions programs and services for the appellate and trial courts. Attachment A provides detailed information about the role of the Chief Counsel and the leadership over the LSO areas of service.

It is recommended that the Chief of Staff work with the Chief Counsel to assess the current level of resources expended for specific work products. This assessment should focus on ensuring that work products are being produced in the most efficient way and prioritized based on the issue at hand. The Chief Counsel and managing attorneys should continuously work together to identify efficient and effective ways to deliver these services.

Judicial Council Restructuring Directive 120

E&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.

To ensure the appropriate level of client service is provided, particularly in the area of legal opinions, it is recommended that a formal procedure be developed and implemented in LSO to solicit client feedback. As an example, once a legal opinion is provided to a court, it is recommended that LSO send a client satisfaction survey in a self-addressed stamped envelope or electronically to the respective court's presiding judge and court executive officer requesting feedback about the services provided. The information gained from this protocol would be shared with the Chief of Staff and will allow for continuous improvement in LSO.

AOC Attorney Services Outside of LSO

In their analysis of LSO legal services, the council liaisons identified attorney classification positions in offices other than LSO in the AOC. The existence of attorney positions in other AOC offices can be attributed to historical restructuring as the organization evolved. The majority of attorney resources outside of LSO reside in two offices—the Center for Judiciary Education and Research (CJER) and the Center for Children, Families & the Courts (CFCC). Additionally, there are a few attorney classifications housed in the Criminal Justice Court Services Office and the Office of Governmental Affairs (OGA).

A review of the information about the activities of attorney classifications outside of LSO compared to information about the services provided by LSO attorneys indicates that there are similar legal services rendered in multiple offices. These services include but are not limited to: legal support and services provided to advisory committees; the drafting of rules of court and forms; input and subject matter expertise on pending legislation; technical assistance; and legal research on specific case-type information. There are also attorney classifications participating in legal-related activities that are not currently offered in LSO. These include but are not limited to: the development of curriculum for judicial education; the creation and updating of judicial publications; legislative advocacy activities; and program and grant administration activities.

The concept of having attorney classifications providing legal advice and services outside of the purview of the Chief Counsel is concerning. Not only is there the potential for providing inconsistent legal advice and services to court clients, there are also liability issues for the organization in having attorney staff provide legal advice without the oversight of the Chief Counsel.

Given the current effort to ensure accountability for the AOC and the council's advisory committees and the AOC's renewed focus on providing consistent service to its customers, it is recommended that attorneys outside of LSO who provide legal advice or other services that require a license to practice law should have a dual reporting relationship: a dotted line reporting to the Chief Counsel and direct reporting to the current office director. The dual reporting relationship will ensure consistency of legal work and appropriate oversight by the LSO.

If there are attorney classifications that participate in legal-related activities for which a license to practice law is not required, it is recommended that these positions remain in their current organizational structure but be reclassified. For example, if it is determined that attorneys in OGA do not provide legal advice or require the use of a law license for their daily activities, then the AOC might consider reclassifying these positions as legislative specialists retaining the requirement for a law degree as a qualification for the position. This recommendation is forwarded to the Administrative Director to incorporate into the classification and compensation study process.

Use of Outside Counsel

Judicial Council Directive 122

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to order an independent review of the Office of the 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.

In response to this directive, the Administrative Director provided options for a review of the use of outside counsel by LSO in February 2013, and the council directed LSO council liaisons to review the use, selection, and management of outside legal counsel to determine whether outside counsel is being used in a cost-effective manner and to report back to the council on the results of this review for any further direction.

As background, LSO utilizes outside counsel for representing judicial branch entities and personnel under the council's Litigation Management Program, representing trial courts in labor arbitrations and complaint proceedings before the Public Employment Relations Board (PERB), providing legal services in specialized areas of practice in which LSO attorneys do not have requisite expertise, and providing court facilities-related legal services to augment LSO staff in the Real Estate Unit and in other areas requiring specialized skills and experience.

Based on our experience in the legal field and after conferring with colleagues, we conclude that the use of outside counsel is appropriate and in some cases mandated, providing valuable legal resources for the varying needs of LSO relating to specific subject areas or broad-based branch initiatives (i.e., courthouse transfers). Outside legal counsel provides LSO with sufficient flexibility to meet the changing needs of the branch in an efficient and cost-effective manner.

Once it was confirmed that there is a legitimate need to use outside counsel, it was determined that a full study of past expenses would be extraordinarily time consuming and would provide little benefit. Since the goal is to be certain that future expenditures are warranted, the recommendation is to place the responsibility for the retention and monitoring of outside counsel with the managing attorney in each area of practice. There should be written justification for the retention, and the managing attorney should be responsible for insuring that the hourly rates and time spent are reasonable. At the close of representation a short client feedback report should be obtained and the managing attorney should evaluate the service provided from LSO's perspective. An annual report on the use of outside counsel should be provided to the Judicial Council.

The following recommendations are proposed to assist LSO in reinforcing its existing protocols for utilizing outside counsel to ensure that outside counsel is monitored, supervised, and managed. These recommendations were also shared with the three members of the SEC that are currently council members for their review. We appreciate their input and specific suggestions relating to recommendations regarding the development of a means to conduct an examination of cost effectiveness of outside counsel and an annual report on outside counsel from the Administrative Director as indicated below.

It is recommended that LSO develop:

- A structure where each managing attorney is responsible for the approval and justification for utilizing outside counsel based on area of expertise needed or resource requirements.

- A means for conducting an examination of the cost-effectiveness of utilizing outside counsel versus potentially hiring attorney resources based on specific projects and the duration of legal assistance needed.
- A checklist that must be completed prior to initiating a contract with outside counsel to confirm that there are no internal LSO resources available for the subject matter area.
- A means of following up with the courts that receive services to gather their input on the services provided by outside counsel through an e-mail questionnaire or survey. This information would be used in tandem with input from the LSO attorneys assigned to the respective case to identify if the outside counsel should be used for future cases.
- A means of regularly (every 12 months) surveying the market to ensure that what is being charged is appropriate and the rates are appropriate.
- An annual report to the council from the Administrative Director on the use of all outside counsel and the monies spent to the Advisory Committee on Financial Accountability and Efficiency (A&E) for review and reporting to the council.

LSO Attorneys Located in Field Offices

Judicial Council AOC Restructuring Directive 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.

After reviewing the activities of LSO attorney staff located in the Sacramento and Burbank field offices, we believe that it is appropriate to have staff in these locations. This is consistent with many government agencies as well as private law firms. This should allow more direct communication between LSO attorneys and the courts in their region. It should be noted that LSO attorneys are not the only AOC staff that reside in field offices. For all offices in which staff is housed away from their direct supervisors, it is recommended that the AOC develop a policy that includes existing senior management-level oversight in the field offices for day-to-day accountability for off-site staff.

Use of Paralegal Classification

Judicial Council AOC Restructuring Directive 112

E&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.

SEC Recommendation 7-72(f)

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:

(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.

In reviewing the activities of LSO attorneys, a specific need for a paralegal classification was not identified. Paralegals in private law firms are typically utilized primarily for high level administrative work and very minor legal-related work. Given that LSO already employs administrative staff to support LSO attorneys with administrative tasks, it does not appear appropriate to pursue the creation of a paralegal classification at this time.

Comments, Alternatives Considered and Policy Implications

In developing these recommendations, the LSO liaisons worked closely with the Chief of Staff. Additionally, these recommendations were shared with the AOC Executive Team and Chief Counsel and her management team.

Implementation Requirements, Costs, and Operational Impacts

It is anticipated that implementation of these recommendations, particularly LSO restructuring, may result in the need to recruit as needed. Additionally, LSO should realize savings by converting the Assistant General Counsel position to a Managing Attorney position.

There are several other recommendations that will impact LSO resources during implementation. These recommendations relate to the use of outside counsel where it is recommended that LSO strengthen the underlying structure for using outside counsel (i.e., developing a checklist; developing a means to follow up with courts to gain input; developing and implementing a survey on what is being charged in the market, etc.) and the recommendation to develop a client satisfaction survey.

Finally, it is recognized that delineating the attorney staff that will have a dual reporting relationship to LSO from other AOC offices will take some time to implement.

Attachments

A. Role of Chief Counsel of the Administrative Office of the Courts

Role of Chief Counsel of the Administrative Office of the Courts

The Chief Counsel of the Administrative Office of the Courts (AOC) is chief legal advisor to the Judicial Council of California and to the AOC and office chief of the AOC Legal Services Office, which provides comprehensive legal services to the AOC and to the appellate and trial courts. The Legal Services Office has two major areas of service: **legal advisor and counsel to the Judicial Council** and **legal advisor and legal services provider to the appellate and trial courts**.

I. Legal Advisor and Counsel to the Judicial Council

The role of legal advisor and counsel to the Judicial Council encompasses the legal services provided in support of the Chief Justice as Chair of the Judicial Council, the Judicial Council and its committees and task forces, and the AOC as staff agency to the Judicial Council.

In this capacity, the Chief Counsel is responsible for the following:

- **Judicial Council Legal Support**
 - Provide legal advice and briefings to the Chief Justice, as chair of the Judicial Council, the Judicial Council, and internal council committees on matters of importance to Judicial Council business.
 - Provide legal support and staffing of Judicial Council internal committees and council advisory committees, as requested.
 - Provide legal review of rules, forms, standards of judicial administration, and jury instructions for Judicial Council consideration.
 - Provide legal review of legislation and regulations for legal and programmatic impact in collaboration with the AOC Office of Governmental Affairs.
 - Provide legal support to the Chief Justice in evaluating and making recommendations on petitions for coordination of complex civil cases.
 - Facilitate filing of local court rules with the council and authorization by the Chief Justice of alternative effective dates of local rules.
 - Interact with other branches of government and external entities (e.g., Attorney General's Office, Commission on Judicial Performance, State Bar of California State Bar, Secretary of State, California Fair Political Practices Commission, etc.) on wide range of judicial administration legal issues.
 - Participate in meetings and conferences as the legal representative of the Judicial Council, AOC, and the judicial branch, as appropriate.
- **AOC and Administrative Director of the Courts Legal Support**
 - Provide legal advice and briefings to the Administrative Director, Division Chiefs, and Office Directors on legal issues affecting AOC programs and operations and on legal issues affecting planning, development, and review of AOC programs and policies.

- Identify legal and risk management issues.
- Collaborate with other AOC offices on legislative, fiscal, facilities, technology, and other matters affecting the judicial branch to develop strategies for implementing new requirements and responding to emerging issues.
- Chief Counsel Administrative Activities
 - Manage the AOC Legal Services Office, including planning and directing work, providing legal policy direction, providing for internal staff development and training and succession planning, and participating in recruitment and selection of staff.
 - Provides general direction on the office's priorities, policies, and operations.
 - Manages the Legal Services Office budget and resources; develops and implements strategies to meet increasing workload demands with limited resources.
 - Establishes and implements performance and development plans for direct reports.

II. Legal Advisor and Provider of Legal Services to the Appellate and Trial Courts and the AOC

In this capacity, the Chief Counsel provides direction and oversees the following programs and activities that provide legal services to the appellate and trial courts and to the AOC:

- Labor and Employment:
 - Responds to labor and employment issues in collaboration with the AOC Human Resources Services Office (HRSO), as appropriate.
 - Provides legal advice and guidance to minimize risk of labor disputes and employment litigation.
 - Provides legal advice in addressing sensitive personnel issues.
 - Assists HRSO in managing legal aspects of investigations of internal complaints of discrimination, harassment, retaliation, and other similar complaints, and advises about complaint resolution.
 - Drafts personnel policies to ensure compliance with applicable law and to avoid litigation.
 - Upon request, advises trial courts regarding labor relations matters (MOUs, labor relation rules, progressive discipline, personnel actions, etc.).
 - Provides ongoing legal support to HRSO in addressing labor relation issues for trial courts.
 - Upon request, provides legal advice and representation for trial courts in labor arbitrations and complaints before the Public Employment Relations Board.

- Litigation Management:
 - Under the direction of the Administrative Director of the Courts and consistent with rules of court, manages and administers the Judicial Council's Litigation Management Program.
 - Staffs the council's Litigation Management Committee, which oversees claims and litigation against judicial branch entities in which the likely exposure is \$100,000 or more or that raise issues of significance to the judicial branch.
 - Handles claims against judicial branch entities, making recommendations to the council's Litigation Management Committee for settlements at or above \$100,000.
 - Manages litigation against judicial branch entities, including selecting and directing outside counsel retained to represent judicial branch entities and making recommendations to the council's Litigation Management Committee for settlements at or above \$100,000.
 - Provides annual litigation reports to the Litigation Management Committee, the Judicial Council, the appellate and trial courts, and the AOC.
 - Manages affirmative litigation on behalf of the courts and AOC.
 - Provides for representation of courts and AOC at administrative law hearings and judicial proceedings.

- Legal Opinions:
 - Upon request, provides legal advice and opinions to court leaders on judicial administration issues.
 - Provides statewide legal advice and guidance to court leaders on issues of statewide importance.
 - Upon request, provides legal advice and opinions to AOC leadership on wide range of issues affecting the judicial branch and judicial branch entities.

- Transactions and Business Operations:
 - Provides legal services and support for court facilities-related transactions, including acquisition, construction, renovation, operation, and maintenance of court facilities.
 - Provides legal services and support for solicitation, contracting, and procurement of goods and services, including technology transactions.
 - Provides legal advice on issues related to procurement, risk management, business administration, and operational initiatives.

- Provides legal advice for compliance audits under federal and state law.
- Provides legal advice on leases, contracts, and other documents requiring approval of the Administrative Director of the Courts.
- Oversees the selection, management, and evaluation of external legal resources/outside counsel retained to augment transactional



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 25, 2014

Title	Agenda Item Type
AOC Restructuring: Efficiencies and Restructuring at the Legal Services Office	Information Only
Submitted by	Date of Report
Steven Jahr	April 8, 2014
Administrative Director of the Courts	Contact
Administrative Office of the Courts	Jody Patel, 916-263-1333
Jody Patel, Chief of Staff	jody.patel@jud.ca.gov

Executive Summary

The Legal Services Office (LSO) is an office of the Administrative Office of the Courts (AOC) under the Judicial Council and Court Leadership Services Division. The mission of LSO is to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The Judicial Council has charged the office with providing “consistent, comprehensive legal support and counsel to the courts.” (Judicial Council of Cal./Admin. Off. of Cts., *Justice in Focus: The Strategic Plan for California’s Judicial Branch 2006–2012* (2006), p. 49.) In response to Judicial Council restructuring directives and the recommendations of the Judicial Council liaisons to LSO, the office has been significantly restructured. This informational report summarizes the activities undertaken in response to the June 2013 recommendations of the Judicial Council liaisons.

Previous Council Action

- In March 2011, Chief Justice Tani G. Cantil-Sakauye created the Strategic Evaluation Committee (SEC) to conduct an in-depth review of the Administrative Office of the Courts, the staff agency to the Judicial Council, with a view toward promoting transparency, accountability, and efficiency.

- On August 31, 2012, based on the SEC report and its recommendations, the Judicial Council approved AOC realignment directives and directed the Administrative Director to report on them.
- At the February 2013 council meeting, the council liaisons to LSO were asked to take the lead on reviewing the cost-effectiveness of LSO's current use of outside counsel in response to Judicial Council directive 122. While addressing this request, the liaisons concluded that additional LSO-related restructuring directives were appropriate for inclusion in the liaisons' review and would enable a more comprehensive evaluation.¹
- In addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons' review was expanded to include defining the role of the Chief Counsel; evaluating the need for use of a paralegal classification; analyzing the use of LSO attorney staff in AOC field offices; and analyzing the current LSO organizational structure, LSO services, and attorney services provided by the AOC outside of LSO.
- In June 2013, the LSO liaisons recommended that the Judicial Council endorse the following recommendations to the Administrative Director:²
 1. LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.
 2. LSO should implement a formal structure to solicit client feedback on a regular basis.
 3. The role of the Chief Counsel and the expectations for that role and areas of responsibility should be clearly defined to reflect the new organizational structure.
 4. The use of outside counsel is appropriate for specialized areas of law and litigation. The protocols for LSO's use of outside counsel should be strengthened to ensure that outside counsel is used in the most cost-effective manner.
 5. The AOC should continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability.

¹ See Judicial Council of Cal., *AOC Restructuring: Judicial Council Liaisons' Review of the Legal Services Office and Recommendations* (June 28, 2013), p. 3.

² *Id.* at pp. 2–3.

6. All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office.
 7. Given the recent retirement announcement by the current Chief Counsel, the successor Chief Counsel should be afforded the opportunity to implement the restructuring and the formation of the management team under the supervision of the Chief of Staff.
- At the June 2013 Judicial Council meeting, the council endorsed the liaisons' recommendations and agreed with the liaisons that modifications might be needed once these recommendations are implemented. It further directed the Administrative Director of the Courts to report back on implementation of the liaisons' recommendations by the end of March 2014.³

Methodology and Process

Restructuring within LSO has occurred as a result of the implementation of the liaisons' recommendations. As indicated below, six of the seven recommendations have been implemented, with one variance: (1) the LSO management structure has been modified; (2) the responsibilities of the Chief Counsel have been reviewed and clearly defined; (3) a process for periodically surveying court users of legal services is being put into place; (4) protocols have been developed for retention of outside counsel; (5) policies have been implemented to ensure appropriate oversight in the field offices for day-to-day accountability of LSO attorneys and staff in field offices; and (6) paralegals have not and are not currently employed by the LSO. Finally, although LSO works closely with other AOC offices with attorneys, the liaisons' recommendation that AOC attorneys outside of LSO who provide legal advice or legal related services that require a law degree should have a dual reporting relationship to LSO and their current office has not been implemented. As discussed below, for this recommendation, it seems appropriate to wait for the results of the pending classification and compensation study, which will expressly review the attorney classification.

Background on the Legal Services Office

The Legal Services Office provides a variety of services that historically, before state trial court funding, were provided by the counties and reflect the varying and expanded needs of judicial branch entities in today's environment.

Before trial court funding, the Legal Services Office comprised a small group of attorney staff primarily responsible for drafting council rules of court and forms and legislation, providing legal opinions to the council and the Administrative Director, and staffing council advisory

³ As reported to the Judicial Council in February 2014, because no Judicial Council meeting was held in March 2014, this report is being provided at the April 25, 2014, business meeting of the council.

committees and other similar bodies.⁴ Following trial court funding, the role of LSO expanded to provide to the superior courts legal services that previously had been provided by county counsels' offices. LSO began providing trial courts with legal opinions on judicial administration issues. The council also approved the creation of a Litigation Management Program in 1999, adopting rules of court assigning the responsibility to LSO for the management of all claims and litigation against the courts.

After the enactment of the Trial Court Employment Protection and Governance Act of 2000, LSO began providing labor and employment legal services. LSO's areas of responsibility continued to expand—for example, with the establishment of a unit to provide transactional and business-related advice and services. After passage of the Trial Court Facilities Act of 2002, the Real Estate Unit was established to provide the facilities-related legal work resulting from this legislation. Finally, LSO attorney positions were established in the field offices to better facilitate the provision of legal services to the superior courts.

The growth of LSO and the expansion of the services it provides have significantly changed in the past few years. Based on the council directives and other developments, LSO has ceased to grow and has been notably reduced in size. This and other changes are described in detail below.

Implementing the directives

In implementing the Judicial Council directives to LSO and the council liaisons' recommendations, the Administrative Director of the Courts and the Chief of Staff worked closely with the Chief Counsel and her management team. They have also benefitted greatly from advice from the Judicial Council liaisons to LSO and other council members.

The liaison report specifically addresses implementation of the council liaisons' recommendations to the Administrative Director of the Courts, which were endorsed by the Judicial Council. The report presents each recommendation and summarizes the actions taken in response to the recommendations.

Legal Services Office restructuring

As part of their review, the liaisons considered Judicial Council restructuring directive 107 and recommended the following:

LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.

⁴ The office's name has changed over the years. In the 1990s, it was designated as Council and Legal Services. Subsequently, it became the Office of the General Counsel, and in 2012 the office was renamed the Legal Services Office.

(Judicial Council of Cal., *supra*, at p. 2.)

Judicial Council restructuring directive 107 states:

E&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.⁵

Since the release of the Strategic Evaluation Committee report in May 2012, the LSO workforce has been dramatically reduced from the 75 positions referenced in SEC recommendation 7-72(a) to a workforce of 44 positions as of the date of this report. LSO attorney staffing has been reduced from 50 attorneys to the current number of 32 attorneys, exclusive of the Chief Counsel. The LSO management team currently consists of 6 members, excluding the Chief Counsel, as compared to 9 noted in SEC recommendation 7-72(a).

The June 2013 Liaison Report states:

Given the current staffing levels of the LSO workforce and the critical nature of the legal services provided by LSO, we believe that a 10-member LSO attorney management team is appropriate for this office. However, to ensure accountability and clear lines of authority for the varied legal services provided by LSO, it is recommended that the LSO should be restructured to create a new executive leadership team comprising the Chief Counsel and three managing attorneys who lead three distinct areas of service . . . Additionally, in accordance with council directive 107, we recommend that the position of Assistant Chief Counsel be reclassified as a managing attorney position. It is also recommended that one of the managing attorney positions be classified as a senior managing attorney to provide backup and support as second in command to the Chief Counsel. It appears appropriate that the managing attorney leading Judicial Council Services and Legal Opinions would be the best position for second in command.

⁵ SEC Recommendation 7-72(a) states:

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:

(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 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.

The new structure provides a three-to-one reporting structure under the Chief Counsel and shifts the responsibility for regular day-to-day management workload from the Chief Counsel to the managing attorneys. This shift of direct responsibility for LSO daily activities is an acknowledgement that the Chief Counsel should be involved in providing legal input and expertise to the most critical legal issues for the branch versus being immersed in routine LSO workload. This structure will require continuous communication between the Chief Counsel and the three managing attorneys to ensure that no silos develop in the office. Similar to partners in a law firm, the Chief Counsel and the managing attorneys should meet regularly to share information and make decisions on projects, priorities, and resources that further the goals of the office as a whole. (Judicial Council of Cal., *supra*, at p. 2.)

Under the new Chief Counsel, with the support of the Administrative Director of the Courts and the Chief of Staff, LSO has taken measures that have substantially implemented the structure proposed by the liaisons. The LSO attorney management team, excluding the Chief Counsel, consists of six members as of March 2014. The position of Assistant Chief Counsel was eliminated after the attorney formerly holding that position retired in 2013. As recommended by the liaisons, instead of hiring a new Assistant Chief Counsel, a managing attorney was promoted in 2014 to the position of senior managing attorney to provide support and backup to the Chief Counsel. Because of retirements, no other managing attorneys are currently employed in LSO. However, to provide the level and structure of leadership necessary to manage the office in the manner recommended by the liaisons, recruitment is under way for two additional managing attorneys. After completion of this hiring process, LSO will have an executive management structure as envisioned by the liaisons, with a Chief Counsel and three managing attorneys, one of whom is designated as a senior managing attorney.

LSO provides legal services in two primary areas: (1) services provided to the council, to the Chief Justice as chair of the council, and to the Administrative Director of the Courts and the AOC as the administrative arm of the council; and (2) services provided to the appellate and trial courts. LSO is currently structured to provide legal services in these areas by organizing its attorneys into six units:

- Rules and Projects Unit
- Legal Opinion Unit
- Transactions and Business Operations Unit
- Real Estate Unit
- Litigation Management Unit
- Labor and Employment Unit

In terms of LSO's management structure, the liaison report recommends that LSO be restructured into three areas of services: (1) Judicial Council Services and Legal Opinions (a

merger of the Rules and Projects and Legal Opinion Units); (2) Transactions and Business Operations (incorporating Real Estate into the Transactions and Business Operations Unit); and (3) Litigation Management and Labor and Employment (a merger of the two formerly separate units).

The liaison report further recommends that the new units continue to serve both client groups—the appellate and trial courts along with the Judicial Council, Chief Justice as chair of the council, Administrative Director of the Courts, and AOC—with the responsibility of supervising attorneys divided between the two client groups. LSO is in the process of restructuring its activities into the three organization units described above. Once the full complement of managing attorneys is in place, each will manage one of the combined units. After careful consideration, however, the Administrative Director and Chief of Staff support a variance from the liaison recommendations with respect to the supervisory-level responsibilities. Because the quantity of legal work performed for the courts differs from that for the Judicial Council/AOC clients and because of the need to provide clients with specialized skills and knowledge in the individual subject-matter areas, LSO will continue to be structured along subject-matter groups rather than client groups. The purpose of this structure is to provide better service to clients by providing them with immediate access to supervisors and attorneys with subject-matter expertise specific to the legal issues and inquiries presented.⁶

The liaison report further states:

It is intended that the Chief Counsel and the three managing attorneys hold overall management responsibility, with the supervising/senior attorneys charged with carrying out senior management’s directives for the specific subject matter and client assignments. The level of experience and precise classification for these supervising/senior attorneys should be determined as a part of the internal restructuring and reviewed as a part of the classification and compensation study.

The report’s additional recommendations regarding the management structure will be implemented once the managing attorney positions are filled. As indicated in the report, the level of experience and precise classification for the supervising/senior attorney structure also partially depend on the classification and compensation study.

Role of Chief Counsel

The liaisons considered Judicial Council restructuring directive 115 and recommended that the role of the Chief Counsel and the expectations for that role, along with the areas of responsibility, should be clearly defined to reflect the new organizational structure.

⁶ See Attachment A for an organization chart showing this management structure.

Judicial Council restructuring directive 115 states:

E&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.

As part of their report to the Judicial Council, the liaisons included an attachment clearly defining the responsibilities and role of the Chief Counsel of the Administrative Office of the Courts.⁷

The description has been adopted and specifies that the Chief Counsel is chief legal advisor to the Judicial Council and to the AOC and office chief of the AOC Legal Services Office, which provides comprehensive legal services to the appellate and trial courts. It adds that the Legal Services Office has two major areas of service: legal advisor and counsel to the Judicial Council and legal advisor and legal services provider to the appellate and trial courts. In these capacities, the Chief Counsel has responsibilities that are enumerated in detail.

Survey of users of LSO services

The liaisons considered Judicial Council restructuring directive 120 and recommended that, to ensure that the appropriate level of client service is provided, particularly in the area of legal opinions, a formal procedure be developed and implemented in LSO to solicit client feedback.

Judicial Council restructuring directive 120 states:

E&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.

In response to this recommendation, a draft survey has been developed to ask court users for their evaluations of and suggestions for improvements to legal services provided by each of the six LSO units.⁸ Because of workload issues and staffing concerns, it is anticipated that the survey will be distributed to the courts in late 2014 as a pilot. If the survey proves useful and courts do not find it overly burdensome, LSO will continue to survey the courts on an annual or biennial basis.

Use of outside counsel

With respect to Judicial Council directive 122 regarding the use of outside counsel, the Judicial Council endorsed the liaisons' recommendation that (1) the use of outside counsel is appropriate for specialized areas of law and litigation; and (2) protocols for LSO's use of outside counsel

⁷ See Judicial Council of Cal., *supra*, Attachment A (a copy of which is attached to this report as Attachment B).

⁸ See Attachment C for a copy of the draft survey.

should be strengthened to ensure that outside counsel is used in the most cost-effective manner. That directive states:

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to order an independent review of the Office of the 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.

The liaisons undertook the review of the use of outside counsel and reported back to the council as follows:

Based on our experience in the legal field and after conferring with colleagues, we conclude that the use of outside counsel is appropriate and in some cases mandated, providing valuable legal resources for the varying needs of LSO relating to specific subject areas or broad-based branch initiatives (i.e., courthouse transfers). Outside legal counsel provides LSO with sufficient flexibility to meet the changing needs of the branch in an efficient and cost-effective manner.

(Judicial Council of Cal., *supra*, at p. 10.)

The liaison report also concluded, once it was confirmed that there was a legitimate need to use outside counsel, that a full study of past expenses would be extraordinarily time-consuming and would provide little benefit. Because the goal was to be certain that future expenditures are warranted, the liaisons recommended placing the responsibility for the retention and monitoring of outside counsel with the managing attorney in each area of practice. The liaisons added that (1) there should be written justification for the retention, and the managing attorney should be responsible for ensuring that the hourly rates and time spent are reasonable; (2) at the close of representation a short client feedback report should be obtained, and the managing attorney should evaluate the service provided from LSO's perspective; and (3) an annual report on the use of outside counsel should be provided to the Judicial Council.

Thus, the liaisons recommended that LSO develop:

- A structure in which each managing attorney is responsible for the approval of and justification for using outside counsel based on the area of expertise needed or resource requirements.
- A means for conducting an examination of the cost-effectiveness of using outside counsel versus potentially hiring attorney resources based on specific projects and the duration of legal assistance needed.
- A checklist that must be completed before initiating a contract with outside counsel to confirm that no internal LSO resources are available for the subject-matter area.

- A means of following up with the courts that receive services to gather their input on the services provided by outside counsel through an e-mail questionnaire or survey. This information would be used in tandem with input from the LSO attorneys assigned to the respective cases to identify if the outside counsel should be used for future cases.
- A means of regularly (every 12 months) surveying the market to ensure that what is being charged is appropriate and the rates are appropriate.

The liaisons also recommended that the Administrative Director provide to the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch an annual report on the use and cost of outside counsel for the committee's consideration and reporting to the council.

In response to these recommendations, the LSO protocol for the retention of outside counsel has been amended to require managing-attorney approval of the hiring of any outside counsel. Under that protocol, the managing attorney (1) reviews the recommendation to hire outside counsel and the expertise of the counsel suggested, and (2) confirms that no internal resource is available for the particular subject matter. The review and approval by the managing attorney are recorded in each file. In addition, on an annual basis, LSO will review the annual attorney fee surveys prepared by various organizations to ensure that the fees charged by outside counsel are appropriate and reasonable. LSO also will send to each court a survey after the conclusion of any significant litigation, arbitration, or proceedings before the Public Employment Relations Board, asking for the court's assessment of the specific legal representation provided by LSO and outside counsel.⁹ The survey results will be used in an annual review of the use of outside counsel to ensure the delivery of quality and timely legal services. The LSO also will provide reports on the use and cost of outside counsel to the Advisory Committee on Financial Accountability and Efficiency at the request of the committee.

LSO attorneys located in field offices

In response to Judicial Council directive 117, the liaisons recommended that the AOC continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability. That Judicial Council directive states:

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.

The liaison report states that, after reviewing the activities of LSO attorney staff located in the Sacramento and Burbank field offices, the liaisons believe that it is appropriate to have staff in

⁹ These surveys will be prepared for the individual case and tailored to the type and nature of the representation.

these locations. The liaisons commented that such an arrangement is consistent with the staffing of many government agencies and private law firms.

LSO has followed the recommendation of the liaisons and continues to house attorneys in field offices. Doing so allows more direct communication between LSO attorneys and the courts in their regions.¹⁰ In addition, as recommended by the liaisons, to ensure oversight in the field offices for day-to-day accountability for off-site staff, LSO management requires staff in the field offices to report any absences both to their supervisors and to a designated local staff member, who would enter the appropriate information into the LSO calendar system.

Use of paralegal classifications

The LSO liaisons reviewed Judicial Council restructuring directive 112 and stated that they did not identify a specific need for a paralegal classification. That directive states:

E&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.¹¹

In their report, the liaisons state that paralegals in private law firms are typically used primarily for high-level administrative work and very minor legal-related work. Given that LSO already employs administrative staff to support LSO attorneys with administrative tasks, the liaisons indicate that to pursue the creation of a paralegal classification does not appear appropriate at this time.¹² Consistent with the LSO liaisons' recommendation, LSO does not employ paralegals.

Dual reporting

The liaison report discusses one other recommendation for LSO. That recommendation states: "All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office."¹³ On this recommendation relating to attorneys within the AOC, it seems appropriate to wait for the results of the classification and compensation study. That study will expressly study the attorney

¹⁰ See Judicial Council of Cal., *supra*, at page 11.

¹¹ SEC Recommendation 7-72(f) states:

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:

(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.

¹² See Judicial Council of Cal., *supra*, at pages 11–12.

¹³ *Id.* at page 3.

classifications and should provide useful information to assist in any efforts to redefine or change the relationship among the various groups and types of attorneys working for the AOC.

Policy and Cost Implications

LSO's mission continues to be to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the AOC. The restructuring of LSO will result in efficiencies and savings from, for example, the conversion of the position of assistant chief counsel into a senior managing attorney position and will continue to require a commitment of effort (for example, for staff and courts to conduct and complete user surveys).

Relevant Strategic Plan Goals and Operational Plan Objectives

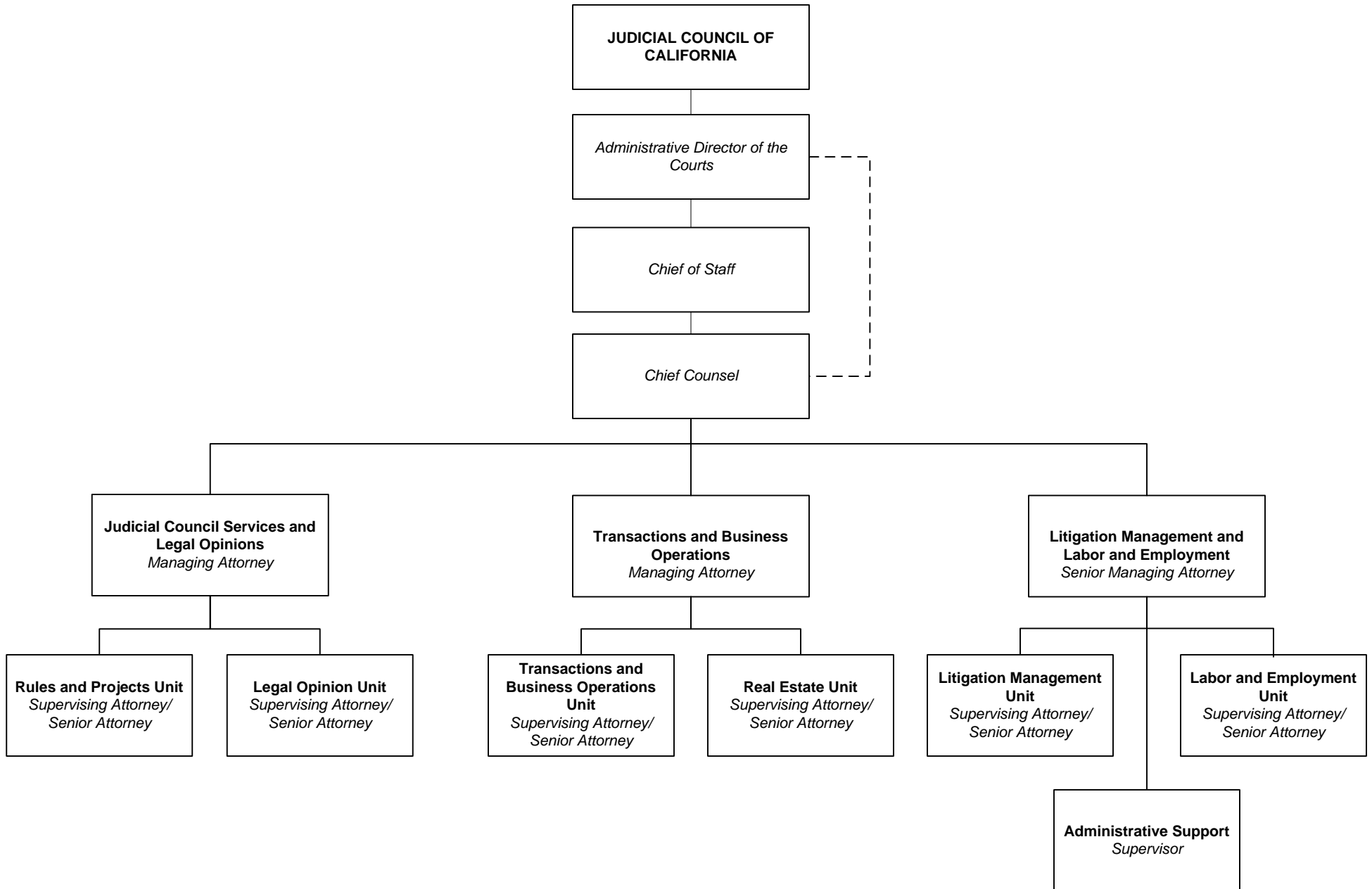
Judicial Council strategic Goal VI.C.1 ("Provide a high-quality administrative legal infrastructure to provide consistent, comprehensive legal support and counsel to the courts").

Attachments

1. Attachment A: LSO organization chart
2. Attachment B: Role of Chief Counsel of the Administrative Office of the Courts
3. Attachment C: Administrative Office of the Courts, Legal Services Office, Customer Service Survey



Attachment A
Legal Services Office



Attachment B
Role of Chief Counsel of the Administrative Office of the Courts

The Chief Counsel of the Administrative Office of the Courts (AOC) is chief legal advisor to the Judicial Council of California and to the AOC and director of the AOC Legal Services Office, which provides comprehensive legal services to the AOC and to the appellate and trial courts. The Legal Services Office has two major areas of service: **legal advisor and counsel to the Judicial Council** and **legal advisor and legal services provider to the appellate and trial courts**.

I. Legal Advisor and Counsel to the Judicial Council

The role of legal advisor and counsel to the Judicial Council encompasses the legal services provided in support of the Chief Justice as Chair of the Judicial Council, the Judicial Council and its committees and task forces, and the AOC as staff agency to the Judicial Council.

In this capacity, the Chief Counsel is responsible for the following:

- **Judicial Council Legal Support**
 - Provide legal advice and briefings to the Chief Justice, the Judicial Council, and internal council committees on matters of importance to Judicial Council business.
 - Provide legal support and staffing of Judicial Council internal committees and council advisory committees.
 - Provide legal review of rules, forms, standards of judicial administration, and jury instructions for Judicial Council consideration.
 - Provide legal review of legislation and regulations for legal and programmatic impact in collaboration with the AOC Office of Governmental Affairs.
 - Provide legal support to the Chief Justice in evaluating and making recommendations on petitions for coordination of complex civil cases.
 - Facilitate filing of local court rules with the council and authorization by the Chief Justice of alternative effective dates of local rules.
 - Interact with other branches of government and external entities (e.g., Attorney General's Office, Commission on Judicial Performance, State Bar of California State Bar, Secretary of State, California Fair Political Practices Commission, etc.) on wide range of judicial administration legal issues.
 - Participate in meetings and conferences as the legal representative of the Judicial Council, AOC, and the judicial branch, as appropriate.
- **AOC and Administrative Director of the Courts Legal Support**
 - Provide legal advice and briefings to the Administrative Director, Division Chiefs, and Office Directors on legal issues affecting AOC programs and

- operations and on legal issues affecting planning, development, and review of AOC programs and policies.
 - Identify legal and risk management issues and collaborate on developing and implementing strategies for addressing issues.
 - Collaborate with other AOC offices on legislative, fiscal, facilities, technology, and other matters affecting the judicial branch to develop strategies for implementing new requirements and responding to emerging issues.
- Chief Counsel Administrative Activities
 - Manage the AOC Legal Services Office, including planning and directing work, providing legal policy direction, providing for internal staff development and training and succession planning, and participating in recruitment and selection of staff.
 - Provides general direction on the office’s priorities, policies, and operations.
 - Manages the Legal Services Office budget and resources; develops and implements strategies to meet increasing workload demands with limited resources.
 - Establishes and implements performance and development plans for direct reports.

II. Legal Advisor and Provider of Legal Services to the Appellate and Trial Courts and the AOC

In this capacity, the Chief Counsel provides direction and oversees the following programs and activities that provide legal services to the appellate and trial courts and to the AOC:

- Labor and Employment:
 - Responds to labor and employment issues in collaboration with the AOC Human Resources Services Office (HRSO), as appropriate.
 - Provides legal advice and guidance to minimize risk of labor disputes and employment litigation.
 - Provides legal advice in addressing sensitive personnel issues.
 - Assists HRSO in managing legal aspects of investigations of internal complaint of discrimination, harassment, retaliation, and other similar complaints, and advises about complaint resolution.
 - Drafts personnel policies to ensure compliance with applicable law and to avoid litigation.
 - Upon request, advises trial courts regarding labor relations matters (MOUs, labor relation rules, progressive discipline, personnel actions, etc.).
 - Provides ongoing support to HRSO in addressing labor relation issues for trial courts.

- Upon request, provides legal advice and representation for trial courts in labor arbitrations and complaints before the Public Employment Relations Board.
- Litigation Management:
 - Under the direction of the Administrative Director of the Courts and consistent with rules of court, manages and administers the Judicial Council's Litigation Management Program.
 - Staffs the council's Litigation Management Committee, which oversees claims and litigation against judicial branch entities in which the likely exposure is \$100,000 or more or that raise issues of significance to the judicial branch.
 - Handles claims against judicial branch entities, making recommendations to the council's Litigation Management Committee for settlements at or above \$100,000.
 - Manages litigation against judicial branch entities, including selecting and directing outside counsel retained to represent judicial branch entities and making recommendations to the council's Litigation Management Committee for settlements at or above \$100,000.
 - Provides annual litigation reports to the Litigation Management Committee, the Judicial Council, the appellate and trial courts, and the AOC.
 - Manages affirmative litigation on behalf of the courts and AOC.
 - Provides for representation of courts and AOC at administrative law hearings and judicial proceedings.
- Legal Opinions:
 - Upon request, provides legal advice and opinions to court leaders on judicial administration issues.
 - Provides statewide legal advice and guidance to court leaders on issues of statewide importance.
 - Upon request, provides legal advice and opinions to AOC leadership on wide range of issues affecting the judicial branch and judicial branch entities.
- Real Estate and Transactions and Business Operations:
 - Provides legal services and support for court facilities-related transactions, including acquisition, construction, renovation, operation, and maintenance of court facilities.
 - Provides legal services and support for solicitation, contracting, and procurement of goods and services, including technology transactions.

- Provides legal advice on issues related to procurement, risk management, business administration, and operational initiatives.
- Provides legal advice for compliance audits under federal and state law.
- Provides legal advice on leases, contracts, and other documents requiring approval of the Administrative Director of the Courts.
- Oversees the selection, management, and evaluation of external legal resources/outside counsel retained to augment transactional services by the Legal Services Office.

Attachment C



**Administrative Office of the Courts
Legal Services Office
Customer Service Survey**

The mission of the Legal Services Office is to provide quality, timely, and ethical legal advice and services to the Chief Justice, the Judicial Council, council advisory committees and task forces, the appellate and trial courts, and the Administrative Office of the Courts (AOC).

To assist us in this mission, the Legal Services Office is forwarding this survey to administrative presiding justices, presiding judges, appellate court clerk/administrators, and court executive officers. Your responses will help us serve you and others better. Please feel free to ask others in the court who work with the Legal Services Office to complete this survey as well. We appreciate your time in providing this valuable feedback.

Please return the completed survey by **Month Date, 2014**, to:

Legal Services Office
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, California 94102

Person completing survey:

Name: _____

Court: _____

Please identify your position with the court:

- Administrative Presiding Justice or Presiding Judge
- Appellate Court Clerk/Administrator or Court Executive Officer
- Other position (*please state your title*): _____

The following questions relate to the services provided by the six units within the Legal Services Office. Please provide answers for those units whose services you have used in 2013 or 2014.

Attachment C

Labor and Employment Unit

Attorneys in the Labor and Employment Unit provide legal advice on labor and employment law issues, manage employment-related claims and litigation involving courts and the AOC through the Litigation Management Program, manage arbitrations and Public Employment Relations Board charges and complaints under collective bargaining agreements, and provide training on rights and obligations arising under labor and employment laws.

If you had experience with the services of the Labor and Employment Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Labor and Employment Unit:

Legal Opinion Unit

Attorneys in the Legal Opinion Unit provide legal advice to the courts, the Judicial Council, and the AOC on court administration issues and assist on special projects and the drafting of proposed legislation and rules of court.

If you had experience with the services of the Legal Opinion Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

Attachment C

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked “Disagree,” please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Legal Opinion Unit:

Litigation Management Unit

Attorneys in the Litigation Management Unit manage the program for investigating and resolving claims and lawsuits involving the courts, the Judicial Council, and the AOC. They select and direct outside counsel in providing legal assistance to courts, judicial officers, and employees named as defendants or respondents.

If you had experience with the services of the Litigation Management Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

Attachment C

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Litigation Management Unit:

Real Estate Unit

Attorneys in the Real Estate Unit provide legal services related to the acquisition, construction, renovation, operation, and maintenance of court facilities throughout the State.

If you had experience with the legal services of the Real Estate Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

Attachment C

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked “Disagree,” please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Real Estate Unit:

Rules and Projects Unit

Attorneys in the Rules and Projects Unit staff Judicial Council advisory committees and draft proposed legislation, rules of court, and forms for the committees and the council.

If you had experience with the services of the Rules and Project Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attachment C

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Please provide any additional comments you have about the Rules and Project Unit:

Transactions and Business Operations Unit

Attorneys in the Transactions and Business Operations Unit assist the appellate courts, the trial courts, and the AOC with contract and procurement matters by drafting contracts and solicitation documents, negotiating the terms of transactions, and providing legal services and counsel on transactional matters, the Judicial Branch Contract Law, and resolution of nonlitigated contract disputes.

If you had experience with the services of the Transactions and Business Operations Unit during 2013 or 2014, please indicate the extent to which you agree with the following statements:

	Agree	Disagree	No Comment/ Not Applicable
The attorneys I worked with are competent and knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I received a response and assistance in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am satisfied with the quality of the legal services provided by the attorneys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you marked "Disagree," please provide further information to assist the Legal Services Office in improving its services to the courts.

Attachment C

Please provide any additional comments you have about the Transactions and Business Operations Unit:

General Questions

Please provide any additional suggestions you may have that would improve the provision of services by the Legal Services Office:

Are there other or different services you would like the Legal Services Office to provide?

Please provide any additional comments you have about the Legal Services Office:

Information about the Legal Services Office can be found on Serranus at
<http://serranus.courtinfo.ca.gov/programs/ogc/>