

The Judicial Council of California is the constitutionally created policymaking body of the California courts. The council meets at least six times a year for business meetings that are open to the public and audiocast live via the California Courts Web site. What follows is captured live captioning, formatted and unedited, of the meeting of August 30, 2012. The official record of each meeting, the meeting minutes, are usually approved by the council at the next business meeting. Much more information about this meeting, the work of the Judicial Council, and the role of the state court system is available on the California Courts Website at <http://www.courts.ca.gov>.

>> Chair Canti: Good afternoon. This is the business meeting of the Judicial Council of California for August 30th, 2012. Welcome. The meeting is now in session.

As you know from the agenda, this is the start of approximately a two-day session or day and a half. So we'll adjourn this evening at approximately 5:10. And we will continue our public meeting tomorrow, Friday, at 8:30 for the second part of our agenda.

In addition to council members and new council members observing, there are also on the telephone Mr. Mark Robinson joining us by teleconference. As you know, and as I say at every meeting -- one of these days I'm going to stop saying it -- I remind council members that our council sessions are audio cast live. For the benefit of online audience and council members joining us by phone, please speak into your microphones so listeners and readers can follow the conversation.

For this two-day meeting, I do appreciate justice Miller and the executive and planning committee being willing to adjust what has become our public comment process to accommodate judicial officers who wish to address the council on a specific agenda item but are unable to attend our business meeting tomorrow, when the agenda item will be called. So that we'll be hearing from some of those folks today.

I'm also grateful, once again, to Ms. Matasantos, director of the State Department of Finance, for agreeing to open our meeting today with a budget update and discussion. We all know that every branch of government in California faces harsh fiscal realities and difficult choices. But I know that you all share in the belief that honest dialogue and cooperation with each branch will yield short and long-term solutions. So item 1 will be the presentation by the department of finance, the budget update, Ms. Ana Matasantos, to come to the podium. Thank you.

>> Ms. Matasantos: Thank you, Chief, and thank you Council for the opportunity to come speak with you a little bit today about the budget and changes reflected in the budget acts as well as our work together going forward. As you know I'm putting together the May revision; we -- the department of finance, as we discussed previously, undertook the effort of trying to get a clearer sense of the state of funding and the level of funding provided to the different -- the trial courts versus the review courts and the Judicial Council and the budget and get a clear sense of, you know, what had happened up until this point. And through that process we learned -- we saw and -- a clear sense of the work that you have done, the council, to figure out how to redirect and provide additional resources to try to provide as much stable funding as possible for the trial courts. And what we had seen in terms of the level of reductions to the other levels of the courts.

As part of putting together the May revision, in addition to getting a clear sense of what was the state of affairs from a funding standpoint and not only what was displayed in the budget, but

through subsequent actions, what was the real funding level provided to the different elements, we took a look at kind of where we were relative to implementation of trial court funding and the reforms of the late 1990s and subsequent changes in law; and looked at kind of what was the role of -- the role of reserves and what is now generally a state-funded program.

As part of that -- you know, as part of that review and as part of that work came the governor's May revision proposals. And the efforts reflected in the budget act to, number one, create a greater sense of transparency and provide clear level of appropriation, kind of a band -- abandoned the approach that had been used for a number of years of doing unallocated reductions to the judiciary and instead going to a position of figuring out what's the appropriate funding level that the legislature wants to provide for each category, for each level of the judiciary. The reserve policy going forward has been modified, looking at the legislature's judgment and the executive branch judgment about what -- what makes from our perspective greater sense in terms of continuing to work towards the state-funded judiciary and continuing to move forward on the goals of equal access to justice and eliminating some of the bifurcated structures that existed in the past. And doing that at a time that is, you know, very difficult for us to do that. That provided an opportunity to both not only do structural changes as well as try to figure out how to use available resources to reduce the effect of reductions to program the, even though we understand, as you've so eloquently talked about at different points in time, the difficult position that the branch is in and the difficult reductions that you're having to make to manage the level of resources that the legislature and the executive branch is in a position to provide at this time.

In terms of work going forward, it is part of the May revision there was discussion of creating a work group that we look forward to working with you on, to do more work on review of where we are. The budgeting structures, and the administrative structures relative to accomplishing the goals set forth in trial court reform and looking at issues of -- you know, the kind of -- where we are structurally, the level of funding provided; but also issues of consistency and whether our administrative structures are in place in a manner that's consistent with the goals of the Act. In terms of working together, we look forward to -- to continuing to develop, strengthen a good productive partnership, working with you on your priorities, your priorities for the branch, the level of resources that we have available, and working to manage, you know -- to manage together the work that we do to provide services to Californians in times of less resources.

So I'll stop with that and just answer questions and happy to look forward to having discussion with you.

>> Chair Cantil Sakauye: Thank you.
Judge Rosenberg?

>> Hon. David Rosenberg: Yes, thank you very much for being here. We all appreciate it very much.

I'm a trial judge. I'm also the presiding judge of my court. And I also serve as chair of the trial court presiding judges' advisory committee. So I talk to the presiding judges of the trial courts all the time. And I must tell you that my colleagues, the presiding judges and assistant presiding judges are starting to tell me that they are sensing a constitutional crisis. And those are

the words that they're using. We all care about equal access to justice. That's really driving a lot of what we do. I know it's driving what the governor and you are looking at. And courts are starting to hit the bottom. Now, this isn't about judges. This is about the people we serve. The public. We have close to 2,000 judges and commissioners and referees. And in my opinion, the minimum we have to provide is this branch is sufficient resources. And when I say 2,000 judges, I'm talking at the trial level. At the minimum we have to provide is the ability for those judges to have a courtroom and a clerk and reporter where necessary, and a bailiff. And the infrastructure so they can do their job.

I can't emphasize enough how we do need to view this branch as a co-equal branch. We are unique in government. There's only two other entities like us in this government. One is the governor's office, and the other is the legislature. We are supposed to be an equal branch. What makes us a little different is there's 2,000 of us. But we're all constitutional officers and we're all trying to do the job the legislature and the governor have assigned to us. In a way it -- the cut-backs that have occurred in the branch would be similar to giving the legislature sufficient funding for 100 members. There are 120 members in the legislature. And you wouldn't for a moment think of funding the legislature in a way that could support own 100 offices. Every member of the legislature has to have sufficient funding to do their job. Same is true for judges. And we're seeing court closures, we're seeing cut-backs in services. And we're on the midst, or at least the beginnings, of what may be a constitutional crisis if we can't do our job.

So I really look forward to this working group forming. I hope it forms sooner rather than later. Because I think we can do a lot to educate each other about what your needs are and what our needs are.

>> Chair Cantil Sakauye: Ms. Matasantos, I know we've talked about the same goals and access to justice, and understanding the priorities of the Judicial Branch for a Department of Finance and the administration. And I'm wondering if you've thought about or can tell now what it is you might need from us in order to achieve a sustainable, predictable, intelligent, ongoing ability to plan budget that serves the needs of the public, civil and criminal, in such a way that doesn't result in what Judge Rosenberg has described and what you know and we know is going on in the other 57 counties and the courts of appeal and the Supreme Court.

>> Ms. Matasantos: Thank you. I mean, I think in terms of going forward, I think one is the process and how we work together. The other is information in terms of working together. You know, I think regular exchange of communication and working together, which I think we do. But it's always -- it's always an area that we can do a better job on in terms of making sure that as we're putting together the governor's budget, as we're putting together the May revision and as we're working with the legislature on finalizing the budget, that we have a clear sense of, you know, needs, priorities, opportunities, if there are ideas that -- that you have identified that would be changes that we could be in support of that would help in terms of making things more efficient or prying opportunity for savings, being able to work together, you know, on those.

One of the things that we're always trying to better understand in finance is for example when we're looking at the construction program, for example, and we're looking at particular changes and new facilities, having -- being able to have the data and better understanding of, you know, how do you see some of those changes and some of those investments providing

opportunities in terms of savings, getting access to -- getting access to information, getting access to some of the data so that we can understand and try to make kind of apples to apples comparison is -- is -- as Judge Rosenberg speaks to, there are key things that are definitely going to be things that one has to have in the context of operating a courtroom. But getting a better understanding about what is driving the relative costs of those things from jurisdiction to jurisdiction, and getting a clearer sense of, you know, what are some of the things that provide and account for differences in -- in funding that -- the same type of unit of service and different jurisdictions and working towards that. I think, you know, the more that we can work together to have the information, to understand -- to understand the similarities and the differences, the opportunities for efficiency, ways in which we can be supportive of the goals and the work that you're trying to do, and we'll do -- we'll make sure that we are -- that we are clear and consistent in terms of being able to make sure that, you know, that you understand the -- kind of the broader fiscal picture that we're looking at.

These are, you know, the -- these are and continue to be difficult times. Our goal is to work towards a balanced budget that provides a stable level of funding, stable -- being stable, not necessarily being enhanced level funding that folks would like to see.

And how we can -- you know, so being able to -- to work through this together to make sure that we have information that gives us a clear sense of where are the similarities, where are our differences, where are we relative to accomplishing the goals of ending a bifurcated funding system, where are we relative to, you know, to -- I mean, are there things that we can do to -- to make sure that we -- that we understand where the opportunities for savings are, where the priorities and the needs are, and that we can work through that in the -- in the traditional budget cycle.

>> Chair Cantil Sakauye: And I think that we're well poised to be able to explain to the administration and the legislature, frankly, our needs and our priorities.

I realize that in terms of opportunities and efficiencies and data, that that will involve -- as I see it -- Judicial Council members and leaders potentially getting information from users to be able to refine some of the opportunities that we think exist, and then to discuss priorities, and then interface with you about how much of that is doable and accessible and what it is we can do to -- to enhance and to create a predictable, sustainable, intelligent judicial branch budget.

I have a question on the timeline. I know that we are looking at a November -- a very important November election. And then we're into January, where it is the building of the governor's budget. And then we're into May where we're looking at the revise after April. April's collection of income tax.

So in terms of as soon as -- it sounds like time is of the essence in terms of opportunities and efficiencies and the data you'd need to make decisions on that. Is that correct?

>> Ms. Matasantos: It is indeed.

>> Chair Cantil Sakauye: Thank you.
Judge Rubin?

>> Judge Rubin: I'm a Judge at San Diego County. Represent over a family will you court. I wanted to share with you a couple objections. Thank you for coming to address us. It's

significant that you would come and I'm sure you're doing this all over the state. I imagine the audiences, maybe more or less receptive. But we're certainly grateful that you are here.

Obviously I see a level of stress in the folks that come before me, as do all of my colleagues around this table that is very hard to explain to people in terms of we have children who are living in cars, we have -- before we can get to them because of the budget cuts, we just simply can't. And no matter how efficient we are at reorganizing, the branch contracts under the weight of the cuts, we simply can't cut any further in a way that doesn't jeopardize public safety and what have you.

And so I wanted to encourage you to continue talking to us about these very -- the very real impacts that these cuts are having on the day-to-day lives of the folks who we come in contact with.

I think we invite the public scrutiny because I think the more the public looks at our branch and what we do, the more impressive we become. We're very good about trying to keep ourselves out of the limelight but we're actually -- when people look at us, they're very impressed. As Judge Rosenberg stated, there are less than 2,000 of us dripping wet in terms of justices, Judges, commissioners and referees and yet there are 37 million people in the state. And we have been providing service to them notwithstanding all these budget cuts.

In any event I wanted to encourage you to keep this investigation up. My members are anxious that the -- the work that we do be understood at least. And it sounds like you're getting a fair -- a fair picture of that. And we appreciate that. Thank you.

>> Chair Tani Cantil Sakauye: Commissioner Alexander.

>> Commissioner Alexander: You talked about the statewide funding. From your perspective are you looking for things such as salaries being equivalent around the state, or what does the statewide mean?

Is it similar to an agency where there's regional differences but it's basically the same as oppose today county by County?

I'm not exactly sure what you mean by the statewide issue of the courts doing funding.

>> Ms. Matasantos: From my perspective the first thing I'm looking at is to partner with -- to partner with you, to understand what is. And to understand what are the -- what are the factors that are underlying what is.

But in thinking about, you know, a state funded, you know, judiciary, we look also at what are the structures we've created, the extent to which the structure is consistent with -- and the budgetary structure in the way in which funding is provided, and the way in which, you know, costs and things are managed is consistent with statewide judiciary system. There are a lot of the -- and we want to -- the first step is understanding what is. Understanding the data.

And in terms of where the other -- the understanding the data takes decision-makers and takes policy makers, and what the priorities are for the chief, the council. What the priorities are for the governor, what the priorities are for the legislature.

My job is to primarily make sure that I'm, you know, doing the analysis, understanding the information, and providing policy makers the opportunity to understand those and make the

policy choices as appropriate by the different branches.

>> Hon. Sue Alexander: The other thing is when you spoke previously, you had said something -- my understanding was in May -- it was even if we spend a dollar today, would save us \$5 three years from now, we don't have the dollar today.

Is that changing or are we still looking at we don't have the money now, so even if it would save money later and we could show an efficiency now that would result in savings, that's still not on the board yet because we don't have the dollar?

>> Ms. Matasantos: We -- and one of the things that I -- that I should have mentioned in response to the chief' question was my bad not to mention, was that part of this and part of the communication and part of the understanding the priorities is understanding whether there is insufficient money to take care of the priorities, what are the highest priorities. How do we work together to make sure in the level of resources we do the best we can to provide the tools necessary for -- for, you know, for the branch to do its job and its business in terms of where, you know, where we are. And our budget situation, you know, as we know, as we talked about last time, you know, our -- our general fund spending is at levels comparable to where it was in -- in the 1970s. And our total fund spending is at levels comparable to where it's been during recessionary periods in the '90s and before. We continue to have -- we are in recovery. We are, you know, leading the nation in jobs recovery in terms of in this state. But our revenues are -- continue to be substantially lower than they were in 2007-8. As a point of comparison, our school districts are -- their level of funding, general fund support that we're funding is 9 billion dollars is below the actual dollars that they received in 2007-8. Our level of finding for a variety of programs is where it was in the -- in the 1980s.

On a -- in terms of the level of support that we're providing.

So the -- the resources that, you know, being in public service and doing this work during times of diminished resources is particularly important and particularly difficult.

And we -- you know, the -- as the chief mentioned, the November election is going to have significant impact in terms of our financial future. And -- but we are in a time of, you know, of limited resources. And we are in a time of continuing to manage through those. And based on some of the decisions of the past, we also have the circumstance where a significant portion of our budget is dedicated to paying back borrowing from the past. So this year for example we're spending about 5 billion dollars of our budget paying for prior budgetary programs and budgetary borrowing. And that's dollars that's not available to support program today, but it is money that is committed and has to continue to be spent to those expenditures.

So unfortunately we -- we are -- our goal in what we're working towards is stable. But stable is not necessarily stable in -- in lots of resources type of way.

>> Chair Cantil Sakauye: David.

>> Thank you, Chief. Ms. Matasantos, thank you for appearing before us. David -- I'm the Court exec in Santa Clara County. I think you heard from some of the other speakers from some of the other courts who have been able to implement technology to help them sustain some of the reductions. Unfortunately, my court being in silicon valley, we do not have many of the

technologies that are available that would really make positive differences. Not only in serving the community, but also just helping us operate much more efficiently.

We had put together some -- some changes that have enabled us to accumulate some savings. We are trying to move in that direction. I had a recent occasion to take a look at a document that was filed in 1912. And I'm embarrassed to say that we have documents today that look much like those documents.

And what we're planning to do, what we have been planning to do is implement document management to help us absorb some of the reductions. We operate very differently around the state, but clearly our objective is to, you know, try to serve the public as efficiently as possible.

But we need to capitalize on some of the advantages and some of the other courts have implemented, things that have worked. We've taken a little bit of the information from Orange County, document management. We're trying to implement that in our court. And the way we're able to do that is by putting together some of those savings and reinvesting in the future.

We are hoping to use some of that savings for e-filing and case management systems as well. And it is that savings that we've been able to put together to help us move forward and fund partially our courthouse.

So the -- the point that I'm trying to make is that we have different approaches to putting together our business plans. We're obviously looking to move towards the future, implement technology. And the position to eliminate the fund balances very much jeopardizes our ability to incorporate some of the changes that we've heard from your office and the legislature to operate more efficiently. This is an opportunity for me to express the importance, the good work that some of those savings produce in the long haul.

>> Chair Cantil Sakauye: Thank you. Judge Herman?

>> Hon. James Herman: Thank you again for coming. And I -- I'm speaking as the chair of our Judicial Council technology committee as well as chair of my court's IT committee in Santa Barbara County. And following up on Mr. Yamasaki's comments.

To put this in a very real context, I was formerly juvenile PJ in Santa Barbara for 30 years and my neighboring County, San Luis Obispo, their juvenile court was 30 miles from my juvenile court. And as a result of that we had families that would move back and forth across the county line. And sitting in juvenile court, it took me approximately a week and a half to two weeks to be able to obtain a file on a family that had moved back and forth across the line from San Luis Obispo to Santa Barbara County. Which created, frankly, not just a delay, but in many instances a safety issue in terms of the children that were at risk within the court dependency system.

Both our probation department and our child welfare departments, as well as our district attorney -- not both, it's all three -- were paperless in terms of the documents that they prepared. Those documents would have to be printed out at great cost in paper form, and then filed in our manila folders, which the surplus of which we kept in containers out in the parking lot.

Technology in terms of access to justice is -- is key. And the reduction of fund balances to 1 percent of the trial court level as well as 2 percent at the branch level is going to create major difficulties for those courts that have been essentially collecting funding in order to do the improvements to better serve the citizens and the court users of this state.

I guess my question to you would be when we burn through the 2 percent of the state level in terms of the courts that come to us with case management systems that have failed, and we exhaust that funding, where do we go to essentially save those courts so that the courthouse doors can remain open and accessible to our constituents?

>> Ms. Matasantos: The -- I mean, the reserve -- the reserve for emergency that the state has ask the available fund source when there is emergencies that require being addressed that go beyond what's been provided in any appropriation. So that -- that becomes the available fund source for any emergencies that arise during the course of the year that are beyond those that have been provided for in the -- in the branch-specific reserves that have been established.

>> I think our concern, if I may, is that in terms of specific allocation to support those kinds of infrastructure failures, we fall back on that 2 percent, 1 and a half percent in October, and then the remainder towards the end of the fiscal.

Once we run out of that funding, is there some mechanism where we can work with you to say, look, this is a critical situation that needs to be addressed?

Because my understanding is we're looking at about 27 million; is that right?
2 percent reserves.

>> Chair Cantil Sakauye: Right.

>> If the Los Angeles superior court comes to us, for example, their problem is going to be significantly bigger than Santa Barbara County, Plumis County, Judge Kaufman's county. It's easy to see how quickly those reserves could be exhausted in an emergency situation.

>> Ms. Matasantos: And the flipside of the equation is what are the reductions that we think are appropriate to be made. Right now in order to be able to put money aside and have money for a problem in an emergency that may occur.

In terms of the process, and the challenge is working through the appropriation process for understanding what are the needs, what are the priorities. Establishing the levels of appropriation provided. And then managing through those appropriations if emergency arise during the course of the year, there's the statewide reserve. If emergencies arise beyond that level, then the process is one where we -- you know, if we -- concur that it is an emergency that needs to be addressed at this time is to seek appropriation from the legislature. But generally the broader question is from our perspective was what's the role of reserves in the -- state funded program and what's the roles of reserves in setting I side dollars for a reserve at the time when in order to be able to balance the budget we're looking at deeper reductions now. And do we -- and that's the -- that's the that's the challenge.

>> Chair Cantil Sakauye: Judge Elsworth?

>> Cheryl Elsworth: Cheryl Elsworth from Riverside County. I spoke of the inequities of taking reserves and how it forces counties that have been fortunate enough to be Provident and work nothing terms of placing sometimes their employee benefits and their workloads ahead

of -- of -- not ahead of budgets and have changed things in order to be Provident only to have those swept.

I'd like to speak now to another issue. And urge you to -- urge the governor to convene this working group as soon as practicable.

Numbers are important. And that's what we're talking about is numbers.

But there's another nuance that is critical to understand. And that nuance or that reality that we have -- as judges deal with every day is very real and it talks about public access and safety and justice. And these are very real issues.

I think I can speak with some authority, I have been the chair of the Judicial Institute on Domestic Violence for the last probably 6 to 8 years. I've worked on self represented litigant task force as appointed by our chief. I've worked for a very long time in the area of family law and juvenile through the advisory group. I live in a county that is expansive in size and is under-judged and under-resourced. I have lived through two separate murders, suicide on the steps of the family law court and two different decades of the court.

I have seen closures of courts and services that have made people, poor people, minorities and others that are disadvantaged try to get on a bus to get services. These are real nuances, compelling nuances. And if necessary, a parade of individuals who have been adversely affected by the travesty that has been loaded upon the shoulders of the poor and minorities and the disadvantaged of our communities, then we can do that.

Because there are real people that can't get out of the domestic violence situation and live in fear and children that are terrorized because there's not a court near enough to them or bus money to get to where they need to be. That is a reality. When my neighbor says to me, in our County, we have to close a court. Or my neighbor San Bernardino says we have to close a dependency court in an outlying area. I don't know if that means that that young child will have to stay longer in that car, that you talked about, Judge Ruben, or whether that means that they will stay in a rat-infested drug den for a longer period of time. Or maybe in foster care because a parent has gotten their act together.

We are here living day to day in a community that is crying out for the services that only the third branch of government, not a state agency, not a department, can give reprieve. To those who are not getting access. And it will be on the backs of victims. I've lived through an era where Riverside County, we all but shut down everything but criminal. And I will tell you, it is not serving your community, it is not the kind of honor that you bring to the bench when you take your oath. Because it is obstruction, not access. And that's why we need this working group yesterday. And you need our nuance, not just the numbers. It's not about understanding how we budget. It's understanding on who we serve and how we do it.

>> Chair Cantil Sakauye: Thank you. Kim Turner?

>> Ms. Kim Turner: Thank you, Chief. And thank you again, Miss Matasantos. I want to echo what Judge Elsworth said. And I want to say you've heard today from many people around this board room the real stories, the real issues, kind of where the rubber meets the road. The victim, the litigants, the folks that are not getting access to our services as a result of the severe budget constraints under which we are all living right now.

I want to urge that -- I know we first heard about this commission or working group that the governor contemplates back in May. And I really want to urge that we get that working group off the ground as quickly as possible because one of the fallacies I think that is out there right now is that the branch has somehow not implemented the reforms that were contemplated in trial court funding. And while access to justice may look a little different from county to county and court to court, I would offer that, you know, with some education and perhaps some sharing of information that you may not have, that you would see the branch has made amazing strides in 15 years to try to implement that vision. And by putting together an inner branch working group or commission of some sort to take a look at these issues, to look at not just budgeting but also workload and caseload data and the many, many initiatives that we believe over the course of 15 years have really enhanced access to justice and have tried to bring into the big tent underserved constituencies that you will see that we have already done much of the work that -- that we are not good about marking on our own behalf.

So I really want to encourage you to try to go back to the governor and see how quickly we can get that work underway.

>> Chair Cantil Sakauye: Thank you. I have a question, sort of separate and apart from this. But I don't want to move off of this subject.

Is there anyone else who wants to speak to it? Then what I would ask is prior -- at our last meeting we did defer a decision regarding 59 million dollars. And it's allocation in terms of 29 million and 30 million. And we did receive a letter from you, it was mentioned earlier. But I wonder here in our public meeting if you're able to speak to the motivations behind your request to delay action on the 29 million dollars, even the 30 million dollars for that matter, that exist in the trial court trust fund.

>> Ms. Matasantos: Sure. Thank you, Chief. Two different -- basically we wanted to better understand the information, better understand if there were updated data relative to revenues, to a level of resources available. Whether there was a level of resources available to support that level of redirection and increase in the level of allocation provided to trial courts.

Through that work one of the -- one of the concerns that we had and one of the issues is that a portion of the dollars that had been identified had to do with an appropriation that had remained in the item as a result of an error. So when there were adjustments done to -- to move expenditures to the appropriate -- to the appropriate items, so move exponent it yours to the Judicial Council or wherever it was appropriate to be included, one item was increased and the other should have decreased commensurately and it wasn't. So a portion of the funds were not -- it was an error not the level of appropriation that was intended. For the second, it really had -- the second level of concern and the second issue identified is that, you know, from our perspective there are traditional cycles where we update all of the information and we have all of the relevant data, not -- not a snapshot of a particular data point. And -- and one of our concerns is making sure that -- that we have all of the relevant information to make sure that the level of program can be supported based on the available information. That we not only look at what's happening to -- what's happened to prior year balances, but we also look at, you know, are revenues coming in consistent with the level projected. Are there changes that are being made that are being implemented based on budget reductions or other reasons that are going to affect

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those revenues. And mean that when we came back in January, there were other changes -- there were some ups and there were some downs. And there were not sufficient resources to -- to make sure that even funding was provided. And we were concerned about whether or not we have the information to say, hey, these dollars really are available. And we didn't want to be in a position of coming to you -- in January and saying sorry, we have to look at mid year reductions based on other information that offsets this one data point.

So that's -- that's -- that's where we were coming from. And the reason why we -- we thought it was -- it was necessary to -- to delay any -- any reallocations until we have all of the relevant information. We know the level of resources that we've got, and -- and also we can make sure that there's not redirection of levels of appropriation that was included as a mistake and it was not part of the level of appropriation intended.

>> Chair Cantil Sakauye: Thank you. And I don't see any other questions. So -- but I have one last request. And it's not to put you on the spot; however, we are poised to move forward with the working group. Because we have some of the information in terms of needs and -- and priorities. And people who are willing to move forward on that working group. So how soon should we contact you about that?

>> Ms. Matasantos: We -- as soon as the -- as the legislature wraps up we'll be in touch about -- about working with you to convene that working group together. And begin the work of looking at things like workload metrics, staffing standards, efficiencies and other relevant data to figure out where we are relative -- so very, very, very soon is --

>> As specific as that may be.

>> Next Tuesday?

>> Ms. Matasantos: That's very, very soon.

(Chuckling)

>> Chair Cantil Sakauye: Thank you. Any more questions?

Again, we are grateful that you're here, knowing how busy you are in the capital and providing this information and being accessible to us. You've been accessible to us, not only in this meeting mere in this public forum, but also when we've made a request to meet with you and share information. And we continue to work and build on that partnership.

Thank you.

>> Ms. Matasantos: Thank you very much.

(Applause)

>> Chair Cantil Sakauye: Next on our agenda we have approval of the minutes of our meetings from June 20th through June 22 and our July 27 meeting.

>> Move approval.

>> Chair Cantil Sakauye: Judge still moves approval. Do I hear a second?
Second by Judge Rosenberg. Any comment?
Hearing none. All in favor of approving the minutes, say aye?

(A Chorus of Ayes.)

>> Chair Cantil Sakauye: Any opposed?

(None.)

>> Chair Cantil Sakauye: Matter carries. Next following our tradition recall agenda of council meetings is my regular report on activities since our last meeting in July.

But first before I launch into that, I'd like to welcome the 9 incoming members of the Judicial Council whose terms begin in September, who are with us at this session as observers. They also attended the new Judicial Council member orientation yesterday. And that was topped by -- taught about their peers and colleagues who will spend the next several years with on Judicial Council.

As you know, about a third of council turns over in new memberships every year. And this practice allows for a broader participation of Judicial Council -- with branch leaders. And new members also bring fresh perspective to our discussions. So we welcome you.

And each year more than 400 judges and justices volunteer. As you know, to serve on the council advisory committees, the task forces, the working groups, the commissions. And they work alongside many of our justice system partners, state bar members, also experts in the field. And this is where a lot of the work that percolates up to council begins.

These are where the ideas form that you see through proposals for public comment, and that potentially come before the Judicial Council either as proposal for a statewide policy, or a best practice. And as we know, together, council members and these advisory committee members, do not present and represent any particular constituency or viewpoint. There's no single agenda. But all share in the commitment to equal access to justice throughout the state.

And working together as you know, includes disagreeing. And it also means working together to a resolution.

So as new branch leaders join the council, current members return to their day jobs absent the Judicial Council binders, we want to acknowledge those departing Judicial Council members, this is their last meeting. We had an opportunity to briefly say good-bye to them at lunch. But I do want to mention their names on the record here. And they are the honorable Terry Friedman, who isn't with us today. Ms. Marion Krinski, David Rubin, Ms. Kim Turner, the honorable David Wesley who couldn't be here today. And the honorable Erica Yu. I want to have a round of applause for all the hard work --

(Applause)

>> Chair Cantil Sakauye: Thank you. I also want to mention the three current members who came in and filled less than full terms when they were first brought on. And who have agreed to serve as additional terms notwithstanding the challenges they faced in coming into those incomplete terms much that's justice Judith Ashmann-Gerst, David Rosenberg, and David So. Thank you for your commitment to the council on state access.

(Applause)

>> No standing ovation?

(Laughter)

>> Chair Cantil Sakauye: After three years. After three years.

>> Okay.

>> Kick you out the door.

(Laughter)

>> Chair Cantil Sakauye: Since our last meeting I've had a schedule of meetings with court leaders and legislators as well as different appearances at public forums and before various bar organizations within California and also outside of California. I'll mention a few highlights. In June I had the pleasure of addressing the California district attorney's association summer conference. And I provided them with a view from the Supreme Court of California.

In July along with Jody Patel, she and I attended a conference. I attended the conference of chief justices and she attended the conference of court administrators. And it was a joint conference in St. Louis, Missouri. And following many conversations with my peers at that conference I can report that judiciaries throughout the country and the territories are all struggling with the issue of adequate funding for the court systems. I also had the pleasure of swearing in our 26th Supreme Court clerk administrator, our choice. That's Mr. Frank McGuire. He's begun taking up many of the responsibilities on the advisory committee who had been previously occupied by Fritz Hulrick. We approached Frank McGuire for the first DCA.

In August I was humbled to be honored by the ABA commission on women in the profession with the Margaret Brent women lawyers of achievement award. And on the education front I had the measure of joining our new judges at the Witkin College. I delivered the trainer lecture. I was also recently a panelist with justice Maria riff ya and some other leading lawyers of the bay area at a bar association of San Francisco mentoring women lawyers event.

And most recently I had the pleasure of visiting three local courts and interacting with the judges, the staff and the bar that was in Eldorado County, Stanislaw County and Napa County. Jody Patel was able to accompany me on most of those visits. I enjoyed my time with those judges and staff. We had a great behind the doors discussion and interchange of information.

Also had an opportunity to converse with the bar association to talk about their needs and how they see the judicial branch.

And also I have to say quite impressed with all three courts and what they're doing to meet these devastating cuts to the branch.

I also want to thank the bar associations that made those visits possible and practical.

Finally, I want to commend Justice Brad Hill, who is chair of the JRRWG, Judicial Recruitment and Retention Working Group, as well as Judge David Rubin, president of CJA. And also staff at the AOC, that's Curt Trial and Casey Treni, as well as staff at CJA, Mike Balot, for their year long effort in hey dressing judicial pensions. And most recently adds to this great team I want to commend the following people for their work in the last few days and weeks really in trying to get a handle on the fast moving and largely conceptual pension refund reform. And those are presiding Judge Rosenberg, presiding Judge Edmonds, as well as Justice Miller, as well as Jody Patel, as well as Judge Jar. A number of people came together at a time when things were fast moving to get in and talk to the right people about the pension plan. And as you saw, the joint press release by CJA and the Judicial Council, we understand certain things about that bill, we're waiting to hear more. And of course you can read in the paper what the speaker said today about his intent. And that body's intent in passing that legislation to avoid impact on current sitting judges.

So that's a great example of collaboration. Long term. The last minute delivering tremendous results.

In a nutshell that concludes my report.

Next we'll hear from Jody Patel, the interim director of the AOC.

>> Jody Patel: You've got my interim report. Should be in your package. There's a couple highlights for you. For the first time included in the administrative director's report is an AOC staffing component, I believe it's -- it should be at the beginning of the report that you already have. And it will reflect that at the end of July, that we at the AOC currently have 837 staff. And this is information that we will continue to update the council on from here on forward. And in the future our plan is to also add some budgetary information.

So that we have the council fully informed with regard to where the AOC stands from a resource perspective.

You may have also seen an article -- I believe it was in the daily journal about a week ago. That talked a little bit about our space reduction activity here at the AOC. And not to repeat what was in that article, but as a result of some space consolidation and elimination of space and subleasing space, a significant amount in this facility here, it equate toss an entire floor, the 7th floor as well as 2/3s of the 8th floor, all of which will take place within the next six months, we will have achieved just under a 30 percent rent reduction at the AOC that will allow us to continue to support AOC operations and services on behalf of the council, the courts as well as the public.

I had the pleasure a couple of weeks ago, along with Judge Rubin from CJA as well as Judge Kaufman who was liaison to the superior court who had their grand opening ceremony of the newly constructed 3-courtroom courthouse. Beautiful facility. This is a project that was completed with our -- the assistance much our office of court construction and management. It was completed under budget. And I believe the court is extremely pleased with this incredible

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facility and -- and Judge Kaufman and Judge Rubin can chime in on that. But it was absolutely stunning. And I appreciated the opportunity to go there.

In terms of some good news, the California courts protective order registry, I believe the council is aware that we have deployed this system to 21 counties. We recently entered into an MOU with the Department of Justice, who is providing grant funding to allow us to expand that protective order registry to ten additional courts by -- during the course of this fiscal year. So we should have that completed by the end of this fiscal year.

So those are just a few of my updates.

And the remainder of the update is in my written report. And I know you're going to hear a lot more about some of the other changes that will be occurring here at the AOC tomorrow in your public meeting. So thank you.

>> Chair Cantil Sakauye: Thank you, Jody. We're hear from Justice Baxter, chair of PCLC.

>> Hon. Marvin Baxter: Thank you, Chief. The policy committee has met four times since my last report to the council at its June 22nd meeting. Once in June, once again in July, and twice in August. And we took positions on behalf of the Judicial Council on six separate pieces of legislation. At its June 28th meeting policy committee revisited AB2442, which creates the California hope public trust, which would have had the amount to take control of state-owned property, including Judicial Branch property. And after opposing the bill, ultimately, after a number of subsequent discussions on the matter, we ended up taking a neutral position when the author agreed to amend the bill to exempt the vast majority of judicial branch property from the reach of the bill.

And at the same meeting in June the policy committee took an opposed position on AB1913. Which would authorize persons on post release community supervision to apply for bail. And during the pendency of court revocation proceedings, among other things, and ultimately that bill was held in the senate appropriations committee, and I'm pleased to say it is not moving forward.

Additionally at this meeting an update on the status of mortgage foreclosure bills and the budget was provided as an information matter.

At the July 26th meeting an informational update was provided on a potential proposal arising out of Fresno, relating to video appearances in traffic and truancy matters to address the closures of seven Fresno branch courts. And also an overview was provided on SB210 relating to release of certain defendants on their own recognizance.

At its August 16th meeting, the policy committee took an opposed position on SB 210 on the ground that the bill is unnecessary, creates additional work for the courts, and inadvertently creates grounds for review of the Court's bail determination.

The committee also considered AB2076 relating to fees for court reporter services, which the committee previously acted on at its April 12 and June 14th meetings. The policy committee acted to support the cleanup to the budget trailer bill language regarding the fee for court reporter services lasting less than one hour, and took no action on the remainder of the bill because the bill's procedural posture at the time did not necessitate a position on the remainder.

The committee also voted to take no position on AB1875 related to time limits for depositions in certain civil matters.

And at the August 27th meeting, the committee acted to take no position on SB1186 relating to early evaluation conferences in access-related disability lawsuits.

Finally, the governor signed into law the following Judicial Council-sponsored measures: Senate Bill 1574 regarding e-discovery, and assembly Bill 2683 relating to notice to creditors in claims regarding decedents' estates.

Tomorrow is the last day of the 2011-12 legislative session. The governor will have until September 30th to sign or veto bills that are sent to him.

And that completes my report, chief. Thank you.

>> Chief Justice Tani G. Cantil-Sakauye: Thank you, Justice Baxter. We'll hear next from justice Miller, executive and planning.

>> Hon. Douglas Miller: Thank you, Chief. The executive and planning committee has met 11 times since the council meeting sat in regular session on June 22nd. In person on August 9th, by video on August 21st, by e-mail six times and by telephone three times. In the course of those meetings, the committee set the council's agenda for the July 27th and the August 30th and 31st council meetings. And also approved the reports as ready for council consideration.

The committee reviewed the strategic evaluation committee report and the hundreds of comments that we received at both of its two-day meetings, both on August 9th and by video on August 21st. And we will have those recommendations for the council at our meeting tomorrow. They appear as Item J.

Also at the video conference meeting the committee had received several hundred nominations for appointment to the council's advisory committees. And we reviewed those. And we have made recommendations to the chief justice for her consideration in that appointment and selection process.

The committee selected a judicial nominee to serve on the board of state and community corrections to succeed Judge Jar, who the council appointed, if you remember, at its June meeting, but who resigned from the BSEC in early August so that he could take this new position as administrative director.

The committee, as you see in your consent items for tomorrow, the committee recommends that the council appoint Judge William R. Pounders, retired, to that board. He's a retired L.A. superior court judge. And that will be item H on the agenda tomorrow.

Also, I'd just like to take a moment and indicate that tomorrow morning we will hear from five council members as part of item I, which is the first agenda item for tomorrow morning. And they will report on their ongoing activities and our ongoing responsibilities as liaison members to both trial courts and to the AOC.

That's been part of our outreach efforts to the trial courts, and also our educational aspect to oversee and learn about information concerning the AOC divisions. And as all of you know, you've been assigned to different aspects of that.

The first program, which is to the trial courts, allows, we believe, for increasing that transparency that needs to take place so that the local courts know more about and have an access to information about the council and the policies. And then also for accountability for the council to the courts.

And we will hear from council member the tomorrow with regards to visits to 16 different courts during the past few months.

They will also provide information to us about their role with regards to the AOC and the support that that provides to the council for the development of policy and how those policies are implemented and the direction that takes place in that regard. And they will make those reports at our meeting tomorrow morning.

And that is the report for executive and planning.

>> Chair Cantil Sakauye: Thank you, justice Miller. Next we'll hear from justice Hull, from rules and projects.

>> Hon. Harry Hull: Thank you, Chief. In light of justice Miller's report concerning E and P where they have met 11 times since the last meeting it gives me pause to report that we have met once.

(Laughter)

>> Hon. Harry Hull: On July the 27th. We have however been doing a lot of thinking and a lot of planning.

(Laughter)

>> Hon. Harry Hull: The rules and projects committee met during the lunch break chaired by Judge Yew of the counsel till meeting. The rules and projects committee recommends approval of this proposal which is Item E on today's consent agenda. RUPRO is preparing for a series of telephone meetings on September 6th, 10th and 12th. On those days the rules and projects committees will consider 26 rules and form proposals and circulated for public comment during spring cycle and one technical rule amendment that did not circulate for comment.

If recommended for approval, the proposals are expected to come before the council at the October 26th business meeting. I should add that we are I can making every effort to do this year what we did last year and substantially limit the rules and form proposals, largely confined to those that are required by statute or to conform to the law.

In addition, the rules and projects committee will review and discuss suggestions from advisory groups and some individual members of advisory groups for changes to rules and forms that could result in significant cost savings or efficiencies for the courts. Including suspension or repeal of certain rules.

Possible changes as I've noted would include the revision of rules or forms, the suspension of rules -- or the outright repeal of rules. The rules and projects committee asked advisory committees to submit ideas for changes that would provide quick, effective relief for the courts and the committee has received responses from six advisory groups thus far. The appellate judiciary committee, the civil and small claims advisory committee, the criminal law advisory committee, the Elkin's family law implementation task force. The family and juvenile law advisory committee and the probate and mental health advisory committee plus some courts including Los Angeles county superior court. And we look forward to a thoughtful and

productive discussion of those suggestions at the upcoming meeting. And I should add also that we intend to go beyond simply those committees and task forces for which we have supervision and intend this fall to reach the trial courts and court executive officers for whatever ideas that they might have on the same subject.

In any event, I'll report on the outcome of RUPRO's consideration of those suggestions at the next council meeting. Thank you.

>> Chair Cantil Sakauye: Thank you.

Next we'll hear from Judge Herman on the technology committee.

>> Hon. James Herman: Thank you, Chief. I want to start out by really throwing out some thank yous to extremely dedicated staffers. Jody and Curt Sutherland, of course, and Mark Desmond, the director of the information services division of the AOC, Rene Hatcher, Virginia Sanders-Hines, Jessica Cravin, all of whom have provided extreme support in a very stressful period from -- of down-sizing and other -- other issues since the March meet being and since the June meeting.

I also want to thankless butler who is no longer with us and chaired the project management office for the CCMS project, and wish him well. Any guess as to about where he's ended up?

Not Orange County.

>> Tylor Technologies.

>> Hon. James Herman: A name you may be familiar with, the case management vendor who's one of the vendors that courts are looking at here in California. And he's been able to join his family in Atlanta. That's been a long period of time since he was able to live with his family. So we wish -- give him -- extend our best wishes to him.

The technology committee, the judicial branch technology initiatives working group chaired by Judge Moss, and we have over the course since the June meeting met with many of the stakeholders in technology; the judicial -- the court executive officers, the information technology leaders, the steering committee for judicial branch technology initiatives working group. And we continue to meet on a regular basis. And I'll give you some of the highlights of the interaction we've had with the various technology stakeholders. The technology committee has met four times telephonically since our June meeting. And we just had an in-person meeting this morning.

I'm -- I meet weekly along with vice chair Justice Ashmann-Gerst, Judge Moss, who chairing the technology initiatives working group, Judge Kaufman, previous vice chair as well as key members of staff to keep a weekly update in terms of technology issue within the branch. We also meet regularly with the steering committee, for Judge Moss' group as well as the full group. The committee is collaborating with other committees and groups related to technology including the sustained users groups that's plotting where they might move in the future in terms of leveraging their relationship with -- with sustained -- they're with an intensive effort in the end of June and early July around leveraging the external components of CCMS and this effort was halted due to funding restrictions by the legislature.

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And we've also been finalizing and -- the results of the trial court technology needs survey. Judge Moss, who as I said chairs the judicial branch technology initiatives working group distributed an announcement to all of the presiding judges, court executive officers, court IT officers, requesting participation in four technology-identified work streams. These work streams were identified in conjunction with trial court information technology managers and included short term critical technology needs project the for the judicial branch that are already in progress being planned or need to be addressed. And the work streams include the technology, vision and road map, the CCMS V2, V3 maintenance issues relative to the V2 V3 courts. Case management request for proposal that is a master request for proposal. And E-filing, electronic filing. 15 courts in the AOC with over 30 volunteers are actively participating in these work streams. In late June and early July there was extensive work related to leveraging the external components of CCMS. And a total of 45 volunteers from 31 courts and 14 from the AOC participated in that effort.

The -- there was the creation and standup of the e-filing working group which will assist the council by making recommendations concerning uniform rules on the electronic filing and service of documents in the trial courts and the focus of this working group efforts will be on assembly Bill 2073. AB2073 was a bill that was brought by Orange County. In order to authorize courts to mandate e-filing. And we worked with the author on that particular bill, and Orange County will be the pilot court for e-filing. In the meantime the legislature has directed us to report back within 18 months and to prepare a rules that relate to mandatory e-filing at the discretion of individual trial courts. That effort is well on its way down the pike.

Justice Bruiniers will chair that committee and in order to make sure that that committee is closely linked with the technology group, I will act as vice chair of that committee.

The court technology needs survey, the results of trial court technology needs survey -- and that was a survey proposed by Judge O'Malley has been distributed to presiding judges and court executive officers with the results of 51 courts that responded by August 6th. And this survey is really a template in terms of the go-forward operations and goals of the technology committee.

In terms of the results of that survey, six courts have urgent case management system needs, indicating a need to replace their case management systems within 12 months. And that's 12 months, not as of today, but 12 months as of the date of the survey. 22 court also need to replace one or more case management systems within the next one to five years. 16 courts are in discussions with vendors to replace their current case management systems, and three other courts are in the preliminary stages prior to contacting vendors.

35 courts are interested in participating in a trial court consortium to collectively negotiate contracts with private case management system vendors currently operating in California. 33 courts expressed an interest in AOC implementation, assistance with e-business services. 38 courts have expressed an interest in having the AOC negotiate a branchwide license agreements. The majority of courts believe the Judicial Council should set standards for the courts that is technical stand arts for the courts and for vendors. The courts believe that the Judicial Council should determine how the funding of technology project the will be secured, which is obviously a big challenge to us in the coming year. The courts do want to be involved in the development of branchwide technology strategy. Which I think is an important feature of the working group that's chaired by Judge Moss. Electronic access and exchange of information would service most often identified as important to stakeholders. Stakeholders meaning lawyers want e-filing, the

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courts themselves want and need document management and e-filing. So that is a technological priority in terms of access.

The AOC is working with the case management systems in San Luis Obispo. Which of course you remember what the council provided for that court in terms of financing for case management at our last meeting.

San Luis Obispo as you recall was going to be an early adopter of CCMS and we helped them with procurement of a new system. They developed a request for proposal and case management requirements that can be used by any court or vendors -- four vendors responded to the RFP and demonstrations took place at the court on August 16th and 17th. Fresno, which has a V2 system for part of its caseload parse pasted in the vendor demonstrations to help San Luis Obispo and help prepare them for their upcoming case management system replacement. And San Luis Obispo, four vendors have responded to the RFP and they're moving now on to the financing phase and they hope to have a vendor selected by late September.

One of the court-sponsored work streams is working on a branch-wide case management system RFP which all courts can use as a template in terms of getting responses from vendors for local case management systems.

On a look-forward basis on October 24th, 2012 the tech committee will be hosting a technology summit that's the day before the next council meeting. And the stakeholders that will be involved will include and woken be limited to but will of course include CTAC, include their representatives from court execs, from appellate e-filing, which is a committee that's chaired by justice Ashmann-Gerst, our co-chair, as well as representatives of the sustained user group. And other stake holders that we interact with relative to technology and finally, our committee will be incorporating into its work plan the recommendations from the SEC that relate to technology. Many of which, by the way, have already been accomplished because many of them related to CCMS.

Thank you, Chief.

>> Chair Cantil Sakauye: Thank you, Judge Herman. At this point we're going to hear item 2 and take our lunch break after the completion of item 2. So I invite to the panel desk --

>> More food?

>> Chair Cantil Sakauye: I'm sorry. In any event, no break, lunch or otherwise, until after presentation of item 2. Welcome Judge Blake, welcome Judge Perluss.

>> Richard Blake: Good afternoon, chief. Thank you for giving us this time. We are here to provide a report and an overview of the work of the California trial court state court forum. I am deny in -- Dennis Perluss, second appellate district in Los Angeles. I'm co-chair of the form. To my immediate right is Judge Richard Blake, who is the chief Judge of the -- the Smith river trial cord and the ring ranch tribal court and further to our right is Jennifer Walter, supervising attorney for families center and the court. Who along with other members of the center provide staffing to the forum.

The -- the forum was created in May 2010 by chief justice Ron George and continued by our current chief. The reason we're here primarily is that in January of this year we provided a report

of our activities to justice Miller and E and P, and the basic response was two fold. One, gee, we didn't even know you guys existed, and secondly, you're doing a pretty good job here, and remarkably in this -- in this time, although it's the last slide that we're going to present -- you're doing a pretty good job with grant funding so that you're not taking money from other programs that the state is doing.

It would be worthwhile if you explain to the entire Judicial Council what it is that this forum is doing, what the nature of the problem is that caused the forum to be created and continued by our current chief and what some of the things, the initiatives that you're taking to trial to deal with the problem. So that's why we're here.

We have a short presentation. We have a couple of video vignettes to help illustrate some of the problems. Perhaps even generate a little conversation among the members of the council about whether they see on the vignettes and to talk a little bit about some of the proposals and initiatives and accomplishments of the forum.

Judge Blake?

>> Judge Blake: Good morning -- good afternoon, I'm sorry. Good afternoon, chief. Good to see you again. My name is Richard Blake, I am the chief Judge of the Hoopa Valley tribal court. Interestingly enough I'm also a tribal member of the Hoopa Valley tribe and Yurok and of decent. My brief overview of tribal communities, I'm hoping what I will be able to do is give you some information on the tribal communities located around the state of California. As you may or may not know, the state of California has -- is the largest -- has the largest number of native Americans of any state in the United States with 12 percent of the total native population residing here within the state of California. Not all -- I mean -- and having the lowest land-base of tribes, reservations, a majority of those -- of those communities are -- tribal members are from other tribes outside of the United States.

The -- as you can see, the -- currently 109, that's questioned. It could be as high as 111. But at this point 109 federally recognized tribes and 78 groups petitioning for federal recognition within the state of California.

720,000 California citizens identify themselves as American Indian or Alaskan native. Or both -- both or -- and as you can see 12 percent of all American Native Indians or the Alaskan nation reside within the state of California. Which gives the state of California the largest population of natives in any state in the nation.

And my -- as you see the next one is the -- the tribes can be -- range in size from five tribal members to as large as 5600 tribal members, which I would believe to be the Yurok tribe in northern California. My tribe that I come from in Hoopa, as of last Monday, we have 2,400 tribal members. And being the -- we have the largest land base, 144 square miles of land for the Hoopa valley Indian reservation. The tribal court systems that are represented in California currently, the California -- has 20 tribal court systems throughout the state.

Fortunately I represent three of those by myself. So -- it does mean that there's 20 tribal judges. It means that there are 20 tribal courts. The numbers of tribal courts has doubled since the inception of the tribal state forum. I know that when we begin I believe that there was 11 tribal courts. You can see that it's doubled just about doubled in size since the -- since 2002. But the inception of the tribal state forum has only been since 2010. The Court typically serves 39 tribes. It doesn't necessarily mean that every tribe has their own court system. There are tribes

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that opted into a collaborative, if you will, of -- of tribal courts -- tribes that have made the decision to -- to band together for -- for fund reasons or for the convenience of if they only have one or two cases that they need to have heard at one point, that they -- that they could save on the financial responsibility of developing a court system for themselves. The tribal courts have various types of jurisdictions that we exercise. My court in Hoopa, we practice over 70 areas of law. With the exception of adult criminal.

The tribal court directory is available at the website that we have listed here. And additionally Jennie has developed a very wonderful map -- Google map of the tribes located within the state of California. And -- I'm sure she's going to show you.

This is the speed that the Internet works at in Hoopa.

(Laughter)

>> I could almost draw you a map quicker than it --

(Laughter)

It's worth the wait. The areas that are ballooned actually list the different tribal court systems around the State of California. If you highlight those, it will give you a brief snapshot each of the Tribal Court systems in California. Ironically enough, some of the bordering states -- I mean bordering Tribal Courts operate in two jurisdictions. My court in Smith river deal with the issue in California and Oregon. I know there are tribes down on the southern California boundaries that deal with both California and Arizona. And California and Nevada. So the issues get even broader and more complex if those bordering tribal communities.

>>> The situation is, there are Indiana tribes that are sovereign. There are 20 sovereign judicial systems, Tribal Courts in the State of California. There's the state court system and overlying all of that is the federal court system. There are issues of jurisdictions. There are issues of gaffes in jurisdiction. There are issues of resources. And paramount are issues of cooperation -- recognizing the problems, recognizing the issues in the macro sense. Our former Chief Justice established it in May 2010 and it's continuing under the leadership of the current Chief. The forum has both state court members and Tribal Court judge members. The state court members are the chairs. In one instance the Vice Chair of the advisory committees this council that deal in sub-Stan turf law areas and access to justice that are of concern to the Tribal Court community.

There are Superior Court judges from a number of the counties where the Tribal Courts work. And there's a representative of both the attorney general's office and the governor's office who deal with Tribal Court and Indian tribe matters. We have a number of 13 I think at this point, judges from across the state. The initial meeting came together, on the forum to discuss how independent judicial systems can effectively function in a way that serves all of our constituents, all of our stakeholders. One of the things that we learned was that -- although in no small part because of tribal custom -- Tribal Courts often look different to those of us on the state court side from who we're used to seeing. The procedures may be somewhat different. Ultimately the values, that is assuring access and assuring a fair outcome that's respectful of all the participants

is the same in all of these systems. So the forum set out to try to identify areas where having at this statewide level leaders from both the Tribal Courts and the state system come together to talk about problems, working with a devoted staff here at the okay, at the center, to address some of the problems -- here at the AOC to address some of the problems.

The concern is to respect each other but also to recognize where we could help reach other. One of the primary goals was to share information. In that regard, the various information websites that we've created to state court judges and staff of state court judges are now widely available to the Tribal Courts, and the Tribal Court judges. So forums and educational programs that have been posted on line can benefit us not only in the state system but also in the Tribal Court system. Perhaps the best way to show you what the nature of the problem is literally to show you what the nature of the problem is. So we have a couple of vignettes.

[Video]

>> Officer, excuse me, this man is following me and that's a violation of a restraining order I have against him.

>> That paper is worthless. It comes from a Tribal Court, not a Superior Court. How do I know this is a valid order, ma'am?

>> You can call the court clerk and they can tell you that it's valid. It has a judge's signature, and the court stamp right there.

>> Well, I have to call it in to find out if it's valid. Would you please wait over here?

>>> In this vignette, you see one of the actresses there is our own judge Christine Williams. The interesting thing about that vignette is that I actually had a case like that. I actually had a case and one of the things that brings this home to me was I issued a protection order in my court in Hoopa. Within probably 12 hours from issuing the order, I was at home. I live in a small community, and I heard a knock at my door a little after midnight. I went to the door, opened it up to a lady standing there who I had recognized had been in my court earlier in that day. She was severely battered and had informed me that she had taken her order of protection and it was served upon the batterer and that the sheriff's deputy in our county refused to accept it as a valid order because he did not recognize that order as valid. I assured her that that was a valid order, and although it did not -- it did not -- I mean, did not prevent the salt from reoccurring within my community. The assault from occurring within my community. The so the protection order that you see in the vignette, the basis of this is that the batterer is indicating to the officer that that order is not valid because it is issued by a Tribal Court. So our question -- our question to you is whether or not you felt -- you feel that that order is valid or if it is not valid.

>> That's a question? [Laughter] .

>> It's valid.

>> It's valid.

>> It is valid. 18UAC, 2265 says -- provides full credit for each other in protective orders and prior registration is not required for enforcement and the officer should enforce the order and give [Inaudible] Full credit.

>>> The difficulty, however, is that notwithstanding that those orders are titled to full faith and credit, not only under federal law but under the family code. If an officer tries to check on her or his computer, unless they see in one of the systems that they're used to looking at that the order has been registered, there's a reluctance to enforce it.

Now some of that can be dealt with by education, but now as of July 1 of this year, there's a rule of court which the council adopted which we at the forum want to take at least some small measure of credit and responsibility for. But, ultimately, adopted by the council that allows the Superior Court, local courts, to adopt at the request of tribal government a protocol by the registration of fax or e-mail of a restraining order shadow by -- of a Tribal Court which deal with getting the order into a computer system. In addition, the -- the California court's protective order registry, CCPOR, now includes -- I believe both the state orders and the Tribal Court orders. So someone who accesses law enforcement -- an officer who accesses is going to be able to see those orders and hopefully be able to provide some measure of enforcement and protection.

>> And as a result of that, when we -- when -- at Hoopa we did the training on CCPOR, we saw orders that were issued out of my court and in that so we were able to verify that those orders were valid and any law enforcement agency would be able to do so. Before we go on to the next vignette, as I looked around the room I realized that I had forgot to acknowledge one of my prior co-chairs and that's justice Harry Hull. I want to acknowledge that he was a prior coach of the forum.

>> Thank you, Judge Blake. I was going to make the comment that I was a member after your presentation. And because of the potential for conflict with my voting membership of the council, we felt it was appropriate that I resign. But it's good to see you and -- [Inaudible] And Justice Purless again. I found my time on the council very enjoyable and delayed to me the very important work of the forum. It's one of those experiences in life, we move along and because we're not exposed to particular subjects or items, all of a sudden your eyes are open and you realize that there are problems, there are efforts afoot that are very, very worthy. Again, on the difficulty of the restraining order enforceability, I'm pleased to see that you, we are making progress on that. Unfortunately, I also have the thought as you were describing it that the recognition and enforcement of restraining orders is another unfortunate victim of our financial inability to go forward with the CCMS because it would have made the dissemination so much easier than it is now. But thank you for the acknowledgment and for the short time I was on the forum. I enjoyed it.

[Video]

>> I see from your papers that you're seeing a protective order to keep your husband, Mr. White, away from the family home. Is that correct?

>> Yes, your honor, he's been harassing me.

>> I'm a tribal member. She's not.
The house is on a reservation.

>> He's been harassing me both on and off the reservation.

>> [Overlapping speakers]

>> That would be my response too.

>> The written description I have of the vignette is judge looks puzzled. [Laughter] But none of us called upon to be the judge is able to be to look puzzled, we can look puzzled but we need to issue a ruling. Can we issue a ruling a tribal member from his tribal land?

>> I take it this vignette had a state court technology.

>> Yes. I'm sorry. This is a state court judge.

>> That's why he looked so troubled.

>> That's right. That's right. Would you issue the order, Judge Rosenberg?

>> You're asking me?

>> Yes. Of course. After a hearing.

>> Well, of course after a hearing. [Laughter] After fairly hearing both sides of the order, right?

>> And research.

>> Well, trial judges don't have -- and does anyone have a different view? Judge [Inaudible] .

>> We don't have jurisdiction over that

[Overlapping Speakers] .

>> That in fact is the right answer. A state court does not have jurisdiction over tribal lands. Putting aside criminal court jurisdiction.

>> That's the order that Judge Rosenberg was referring to. [Laughter] .

>> Oh, yeah.

>> We would have reversed it.

>> I never saw the volume of Rosenberg on Native American law.

>> That's right. The -- when Jenny presented the same vignette in a different forum, with state court judges who deal with domestic violence, there was again a vision because these orders are not uncommon. Although they are illegal. But -- which is why, you know, justice Miller and justice hall and I have jobs, right? Because we want to do it. Angela?

>> Just out of curiosity, sometimes courts will issue orders that people have to stay away from international borders, you know, for some reason, in criminal cases. For example, could a Superior Court in an emergency situation issue an order that provided that that person is in the county at that time and not on the reservation, so he's present in the courtroom, that the person not get within a mile of the board of the reservation?

>> Ironically enough, I did an exclusive hearing in Hoopa. We had a non-tribal member who -- that was continually violating the laws and orders of the Hoopa valley reservation, and they handed down a directive that once there's a hearing that the party was to be -- was to be excluded from resided from being on the Hoopa Valley Indian reservation. I issued the order and he decide he did not want to abide by that. He continued to come back to Hoopa. I dropped the order. We filed it as a foreign judgment that he was not allowed to be on the reservation. The district attorney picked it up and put it -- the judge then put it in the court order, there's a term and condition of his release that he can -- is not allowed to be on the Hoopa Valley Indian reservation, when he came back a second or third time, they gave him time for the violation.

>> The problem that remains from the family court vignette once you recognize that the Superior Court doesn't have jurisdiction to issue the stay away order, is what do you do? You have a petitioner before you who -- I ail assume for the sake of the hypothetical has made a factual showing and -- for a stay away order as we would consider it in state court. The court is without jurisdiction to give her the primary kind of protection of what she needs to allow her to stay in a home and not to be harassed by her Indian tribe member.

The Tribal Court has jurisdiction to issue -- I mean if there is a Tribal Court on this reservation and it's governing body has extended it to include the jurisdiction over domestic type matters than that court would have jurisdiction. But it's not at all clear what a Superior Court judge should or could done within the canyons of ethics and in order to protect the victim in court. Those are the types of problems that the forum is trying to deal with. Some of the the problems and solutions are fairly obvious. You try to develop access to the information about the protective orders through a computer system. That's a pretty obvious problem and a pretty obvious answer. What you do here is not nearly as obvious. And those are the kinds of problems that we're working on. We're not going to show -- we had two other vignettes. One of which

dealt with issues in juvenile court, delinquency and issues of jurisdiction. Only slightly on point I commend to you the recent decision from WB junior which dealt with the applicability of the Indian child welfare act and the delinquency or the lack of applicability to delinquency.

And we had a vignette on traffic issues. And the question of whether or not the Superior Court or the Tribal Court has appropriate jurisdiction over various kinds of traffic offenses merging into the issue of driving under the influence, which is certainly a traffic offense of sorts, but raises the question of what is civil regulatory versus criminal which is of importance for the ability of the Tribal Courts to exercise jurisdiction. In the interest of time, we just leave you with the fact that domestic violence may be the easiest -- the easiest identifiable issue, but there are in almost every areas of law, mental health and probated, there are issues of the concurrent overlapping and sometimes conflicting jurisdictions. But we want to spend a few more minutes of your time to talk a little bit about the accomplishments other than in the domestic violence area.

>> Quickly get through these so you can get have your news slide. There you go.

>> Okay. In talking about the accomplishments of the forum first, I wanted to speak on behalf of the several Tribal Courts across the state of California. I have to say first off the first accomplishment is that we're here. We're all sitting here around this room and that we're talking about tribal state issues, and that's accomplishment -- with within itself. One that -- as I talked -- I was at -- in Reno over the weekend at the national council. And for those of you that know justice Thorn, Bill Thorn, he said that he attended school here in California and he thought this could never happen, but we're all living proof that it does happen and just a little bit of cooperation goes a long ways.

The education opportunities that have incurred since the inception of the tribal state forum has been phenomenal not only for the tribe but for the state. Not only do we learn about the state systems but the state systems are learning about our Tribal Court systems and how they operate. They may all not look the same, may in the all operate the same, but I am telling you our goal so accomplish the same task that each one of us has set out to do to make sure that justice is done equally and fairly across the board in our communities.

The forum has also become a national -- has also gained national attention in Jeff ways. The -- we recently -- at the April conference located in Blue lake in humble county shared a spokesman or a meeting with the -- similar possum. And at the national council meeting this weekend, I had a gentleman contact me from the Mississippi band of Choctaw Indians who also wants to make such a presentation to the Chief Justice in the state of Mississippi so that they're able to begin working on issues that are common across the country. My -- my vision was one that we all -- that we all end up here. That we're going to be able to talk about into issues in common and that we would come to some type of -- some form of resolution. If my day ended tomorrow, I would say we're successful. I would say we've accomplished that. There's more to do, there's always more to do, but I am saying that the accomplishments that I have seen thus far, I think, far surpass what I envisioned that they would be at that point. .

>> Looking forward, what the council can anticipate from us, we the forum, and working with several of the advisory committees have prepared a legislative proposal to permit the -- an easier mechanism for enforcement of civil judgments from Tribal Courts. Now, a civil judgment, monetary judgment in a lawsuit for example, is treated in the same manner and under the specific CCP provisions as a judgment from any foreign country. And the proposal we've prepared expands from money judgments to include other types of civil judgments and would create -- if ultimately adopted -- a procedure that I think of as a hybrid between the way that the sister-state judgment can be recognized and a foreign judgment is enforced. We're also working towards the Legislature in authorizing tribal customary adoptions. That's an adoption under tribal law and which parental rights are not terminated. There's essentially a several-year period in which the Legislature has authorized dependency courts to approve those types of adoptions.

The judicial council has been directed by the legislation to prepare a report on how that's doing, and we anticipate working with the appropriate council folks to make sure that that's done in a timely fashion. Not on our slide, but something that anybody who has spent time in a dependency court, or looking at dependency cases will be excited to here, we're working on E notice and [Inaudible] Cases to eliminate the many failed and unsuccessful efforts of having all the right earths on the piece of paper that gets sent and ultimately is the ground for reversal of a dependency case. We're busy. We hope the proposals will be coming to the council in the fall. .

>> In addition to the, to that information, one of the -- one of my other appointments was to the California State federal judicial forum. And being appointed by the Chief Justice. And you'll find in your information a resolution adopted June 1, 2012. You'll see the -- this resolution was adopted June 1, 2012. I am going to -- I want to read it to you. Whereas the California State Judicial Council is committed to direct and personal communication amongst judges of the California State federal and Tribal Courts concerning matters of mutual interest and concern. Whereas the state federal Judicial Council is committed to coordinating with the California tribal State Court Forum to explore and develop methods to use scarce judicial assets so as to benefit the three systems in Native American systems in the state. Whereas the state federal Judicial Council acknowledges the importance of judicial information -- as a tool, foster understanding and maximize resources. And California State federal Judicial Council in collaboration with the state tribal, State Court Forum, will identify opportunities to share educational resources and encourage the development of judicial information, programming, and materials, on federal Indian law and its impact on federal, state, and Tribal Courts in order to improve their process and outcomes for the anyway alternative Americans citizens across the State of California. God bless you for doing that. Seriously, good job.

>> Finally, if we can -- on -- we hope funding -- fund something not completely in place, but we anticipate the planning is in place, but the funding is not quite yet, there will be spokesman in collaboration with the symposium -- that's attended by a number of the Tribal Court judges, members of our forum, and judges from a number of the counties where there are Tribal Courts and we're going to be talking in -- the very first programs are in overview and a primer for those who are not familiar and then there's much more sophisticated discussion of the issues and the solutions we have.

We have invited at least a few of the members of the Judicial Council to attend, but I would encourage anybody who on the council who thinks they might be interested in attending and would like more information on the symposium to contact either Richard or me or Jenny Walter at the center because we would be delighted to have a real Judicial Council presence at that symposium. With -- with that, if there are questions, the final slide will show you where our funding comes from. But if the -- if there are questions, we would be happy to entertain him.

>> On behalf of the council, I will be attending. I've send the invitation, and I will be there for the two-day symposium

>> Terrific. We're pleased that you will be.

>> Justice Miller.

>> I wanted to thank you and comment you for your presentation. And as you indicated at the beginning, when you appeared before P and P at the annual agenda, and I don't want to speak for other E and P members, I at least didn't even know you existed and I was so impressed with your presentation and the scope of your work and what you do that I felt it was important that you come before the council and I'm sure all of them are aware of it, but I wanted to make sure that -- the great work that you do was presented to the council and since our meetings are open to the public that it was streamed and broadcast to whomever may be listening. I just feel it's another example of an area of importance that we have council support, that you have AOC support, and that you continue in your work. So, thank you very much

>> Well, thank you for the opportunity to be here.

>> Tani Cantil-Sakauye: Thank you.

[APPLAUSE]

I just want to say one thing. Judge Blake and I were in New York listening to a symposium on school discipline and expulsion and the connection between that and the road to the juvenile justice system and the road thereafter to the criminal justice system. We spent time, and on the agenda tomorrow there will be a presentation by justice Huffman who also joined us at the forum to seek a California summit on the issue. So the work continues. I look forward to our relationship continuing. Thank you Justice Purless, Judge Blake, and Jenny.

>> Thank you.

>> Thank you.

>> Tani Cantil-Sakauye: At this time we're going to take our 15-minute recess. We'll be back in session 3:45. Thank you.

[Break]

>> Tani Cantil-Sakauye: -- Judicial Council meeting. Thank you. On our agenda. This portion of the Judicial Council meeting is leveraged at public comment. We have several requests for public comment at this meeting including a judicial officer whom we'll hear first. And several of our colleagues have asked to speak to item judicial branch on tomorrow's agenda and that's the report and recommendation of the strategic veals committee report. As you also know, we generally reserve a public comment time at the beginning [Inaudible] Agenda items for members that affect the administration of justice and we reserve time for public comment about specific discussion agenda times at the beginning of each item presentation. We're doing that a little bit differently today. And written comments are also included in council member's materials and they're posted on the Judicial Council -- on the California courts website.

>>> I would like to invite to the podium now to speak to item J, I believe, Judge White the Superior Court of California County of Sacramento. Judge White?

>> Thank you, Madam Chief Justice and members of the council. Since we last met, and commented on the Strategic Evaluation Committee report and recommendations was invited and almost a fourth of California's judges weighed in. By July 24, some 471 comments were filed with the council and of these 407 favored total or near total implementation of the SEC recommendations. 271 called for immediate mediation. The thrust of my remarks today is focused on the responsibilities of this council to be sure that the SEC report is implemented and to suggest that while many of the aspects and sections of the SEC report are endorsed by E and P, those which involve invest lifting it seems to the alliance, to which I speak today, are [Inaudible] Pitched the AOC to look into and report back and that raises a concern such as we've expressed before, before this body. I will go back a little bit of on the history of council and suggest to you that this council has not historically stepped up to its responsibilities.

When people express concern that we're going to foot -- drag, study, and restore the recommendations and defer to the AOC for guidance, some of you were offended and spoke out and wrote on this that anyone would predict inaction or -- I want to take a few minutes to say why hundreds of judges are skeptical that the council will see the need and find the will to unhorse the AOC. For years on end, the council as a body as exhibited no interest whatsoever in controls AOC. Examples of this failing abound. I want to cite a couple. Among the discrete example the CCMS, state auditor's report, the Pegasus report, and, of course, read the SEC report. Judges are rightly concerned about the lengthy saga of AOC mismanaging major projects and -- the fundamental blame does not fall on the amp OC. If fails scale on the council. A effect example was the AOC's Office of Governmental Affairs -- attempt to insert an amendment -- to move that authority to the council way as essentially the AOC. If it weren't for to judges who got word of this from capital sources, this toxic language could easily have become law. As it's proponents well knew, budget trailer bill language often flies under the radar. This sneak play was either authorized or was not.

And while a member or members of the council may have been in the loop, the council itself

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was not. If the council did not authorize this duplicity, then it was perpetrated by one or more rogue employees at or near the top of the AOC. Council actually committed to judicial independence would have got to the bottom of this, and among other actions terminated the at-will employees who were responsible. Instead, the council did nothing. At least two of the apparent perpetrators as recently revealed in the news report received pay raises when trying to up end the trial courts. This is evidence that the governance model is broken. Within more example, who can the council in a collapsed economy in which a week doesn't pass without courtrooms closing and employees being laid off conceivably justify pay raises for AOC employees. Truly these must be denied until we stop triaging public access.

For the AOC spokesman to characterize them as non-raises and merit salary adjustments and nothing different from what county governments and trial courts are doing is wrong on two counts. First, it's a non sequitur. Just because they gain such raises its nothing to do with the AOC. Second it's not true. These are raises. Two years ago I ended such raises in the Sacramento Superior Court because our highest priority was keeping the courts open. And I think most courts have done the same but not the AOC which continues giving raises and has more scheduled for 2013. The AOC's highest priority is not keeping courts open. It's time for a reality check and time for the council to actually super-intend the AOC instead of the other way around.

>> Tani Cantil-Sakauye: You have one more minute, Judge White.

>> Thank you. Trying to stay open and do justice. The SEC report identifies many of the failings but the foundations is a council, not elected the courts and not representative of the courts. Because the failings are a product of a flawed governance model it's the council itself that must be researched, it must be democratized nothing more, less nothing less. For once please listen to the judges of the state and actually hear what they're saying. Do not presume to second gather their public comments and dismiss the hundreds calling for full or immediate pledge ace of the SEC recommendations. The judgment of the [Inaudible] Committee is no substitute for the collective chromosome of several hundred judges handing action. Do not insult them by embarking on another study of the study because it will require for all other recommendations that involve the actual lift.

>> Tani Cantil-Sakauye: Judge White, your time is expired.

>> Thank you madam Chief Justice. Thank you members of the council.

>> Tani Cantil-Sakauye: Thank you. Next we'll hear from Cher, I believe it says Mason? Thank you. Los Angeles Judicial Court Judicial Assistant.

>> Good. My comments are specifically about the effect of these budget cuts and layoffs and everything else that's happening from a clerk's county. I'm a court clerk in Los Angeles Superior Court. I'd like to start with saying that the relationship between the judges and the clerks has been severely affected by this whole situation because we have a very close relationship and now

it has been thrown into the mix is a lot of job responsibilities that have been added to the courtrooms specifically. And even more specifically to me. My job is already overburdened. I already do not have enough time in the day to complete the tasks that have been assigned to me and now we throw into the mix further cutbacks and I'm dealing more and more with frustration and attitude from attorneys, more combative procures that come into the courtroom, a lot more complaints, and I'm sure you're aware, they can't complain to you. They try to shoot the messenger.

It's become very frustrating to us and we feel that the system is starting to implode, and we're begging you guys to do something drastic about fixing the situation. I believe it was judge Ellsworth that said it, it really has a huge effect on the public. When I can't keep documents moving and signed orders being processed and moving through the system, it has a huge ripple effect up there and it comes back at me in the way of frustration, for the delays, through the things not moving at all and coming to a standstill. For the first time in 16 years as a clerk, I have a significant backlog in my courtroom. I work a general jurisdiction civil courtroom and I have never had a backlog like I have now and it's very depressing to leave work every single day at 6:00 pm., not getting overtime, don't tell anyone, judge Elias, and you're still not done. They're still on the calendar for the next day and the next day after that. It baffles me because when the cuts happened, we lost a lot of entry level positions, student workers, people who made a lot less money than I do but now I'm doing file reconstruction in my courtroom, I'm making Xerox copies, I'm stapling all the copies of tentative rulings, all things you pay a judicial assistant salary to take care of instead of a student worker or a transplant worker, we call them OAIs for Los Angeles court.

The other thing affecting my workload, and I am not sure if anyone is aware of this. The loss loss of the court reporters is a huge loss in my day. We're in trial a lot. When I don't have a court reporter I, I don't have live note. I can no longer get up and walk in chamber to take an important phone call, talk to a messenger, file documents with one ear on a trial. Now I have to sit with both ears on a trial. I don't have live notes, I don't have a record that I can check if somebody claims I missed an exhibit or misspelled a witness' name or mis-referenced a deposition that was read into the record. I have no record anymore. And that has actually had an effect on my work day. The loss of the court reporters and the fact that there's no record. And I'm baffled as to how I'm supposed to collect a \$30 fee for a hearing that lasts less than an hour. 28 [Inaudible] On a calendar, we whip through it. I don't understand how I'm supposed to stop through the hearing and convince someone to get out their credit card and wallet because I don't have a cash register in the courtroom. I don't know what I'm supposed to do in the courtroom when I get it. These are all things that have affected my job.

One other issue. Everyone is talking budget and how to fix thing, my perspective, I realize I'm much lower on the totem pole but there's a huge disconnect in the courtrooms between the judges and the clerks and keeping work moving and to me that's management. My understanding, and I'm sure judge Elias will correct me if I'm wrong, our ratio is one to 4.25 employees. When you look in the lineup for Los Angeles similar court we do have some departments that have two employees and two supervisors and there's even an employee, one employee, she's her whole

department, she has two supervisors. One of those supervisors only manages her. And if you guys want to verify somewhat -- that, you're more than welcome to do that, she's sitting right here, Karen Norwick. She's her own department, two managers, two supervisors paid at a much higher salary than me and her to supervise us and she's one person in that department. For years we have not understood why there are not more cuts at management or as people retire and attrition happens, why those positions are not just cut out completely.

Seems that there are andirons around rules and they do seem to get filled. they have a different job title or housed in a different office, and I'm sure we're not the only county experiences this.

>> Tani Cantil-Sakauye: I'm sorry to say your time is expired. What you describe for us is heartbreaking and we're working on it. Everyone here has -- every judge here has a trial judge background, and thank you for working as hard. We just hope it won't have to be as long. We hope to come up with a solution, Miss Mason.

>> Thank you. Keep us in your perspective.

>> Tani Cantil-Sakauye: Yes. Thank you. -- Karen Norwood out of [Inaudible] Court.

>> Thank you, Chief Justice. Judicial Council. This time I'm going to talk a little more human note. Thank you judge Ellsworth. I really appreciated your comment also. I'm part of Riverside County. We had layoffs on June it's 15. It was very devastating for a few people. One of -- I say one of my best friends died the night before on the dioxide at LA Superior Court because basically for months he was so overwhelmed and feel anxiety and stress because he thought he was going to get laid off. This person was laid off the last time. We got his job back. So he died of a heart attack. We had several casualties on that day. There was a young lady in small claims that was driving home and she was upset, I'm assuming, and got into a car accident and was burned over 70% of her body.

This is what layoff does to court employees and other employees around this State of California. Not only that, last week, I was walking through the hallway, a client came up to me -- because I had on my badge -- and said, what's going on with these courts here? Do we have to have a riot in the court to get something done. That was kind of devastating to me, so if you see me without my badge, it's behind my back because I don't want to answer those questions. I came to you today to just impress on you to think about and try to remember -- keep the courts open. The courts are not just for the employees, they are for the public. Our public is suffering a lot, not only in your court but all the courts throughout the state. This is my plea for you today, and I thank you for listening to me.

>> Tani Cantil-Sakauye: Thank you, performance Norwood. We hear you. President of the Bar Association is here

>> Thank you. Good afternoon. Madam Chief Justice and your honor, thank you so much. My name is Robyn Lewis. I'm the president of the Riverside County Bar Association. As you may

recall, I appeared last month with my colleague Keira Klatch. We spoke about the dire consequence -- being the most under-resourced county if not the most under-resourced county. We provided you with a multitude of specifics to remind you that Riverside is not receiving a fair share of the Judicial Branch resources. Our courts have been everything to be fiscally possible and to first-hand for aid in times like these. We have worked with limited resources that we have been given. Unfortunately, with the reserves being virtually wiped away we can no longer be silent about the inadequacies and funds.

Obviously, the allocation or reallocation of resources is a complicated issue, one that needs much time and investigation, and we're not asking you to do anything right this second, we know you have your hands full. But there are things that can be done in the short-term to help struggling counties such as Riverside and San Bernardino better than a Dino. We have stunted what we think is a creative way for the Judicial Council to provide relief. If adopted, it will benefit not only Riverside but other under-resourced counties such as San Bernardino, San Joaquin, just to name a few. I want to mention the proposal again. The use of the allocation of AD159. As many of you know, it authorized 50 new judgeships based on demonstrated judicial need in each county determined by court filings and workload standards by our Legislature. Based on that rubric, it was determined that Riverside and San Bernardino were in most need with each county being allocated seven judgeships.

However, every position was unfortunately never funded. And it was our understanding that the Judicial Council has a budget of approximately \$26 million for AJP funding and Riverside -- our considerate no-longer pay for the staff that's necessary to pay to the assigned judges. The impact from nothing being able to utilize -- courtroom closures and consolidation of much needed departments. The proposal in a nutshell is this. We're asking you consider allocating AJP money to pay for retired judges with the accompanying support staff using the allocation of judges set forth in AB159. If implemented, the statewide assigned judge fund could be used to temporarily fund the temporary positions. They could cover the cost of judges and their support staff and there would still be a significant balance left in the Judicial Council AJP budget to provide assistance to those courts not identified in AB159 as most critically in need of additional resources. I'm back again today because this was discussed last time I was here because I wanted to point out one thing that was not addressed in our original comments.

Note two on page 16 provides for a limitation on funding for staffing with respect to the budget. Specifically the limitation appearing to be for funding for staff for no more than three judicial officers on assignments. The language is somewhat vague, we believe that the limitation is per county and not statewide. For your convenience, the Riverside County Bar Association submitted additional written comments which set forth the limitation in greater detail. I have provided you with a cost summary with generally and by county, see that the proposal leaves a significant balance in the APJ budget. I understand that each of you is in a difficult position and every county is requesting more funds but our request is different.

We're optimistic that the Judicial Council will revisit Riverside, this proposal does not just benefit our county, if adopted it benefits every other county that is under-resourced. We hope

you consider our proposal to temporarily fund the AB159 judgeship to help the court in our, and other counties like it. Helping to keep our head above water. Thank you for your time and your attention

>> Tani Cantil-Sakauye: . Thank you Ms. Lewis. Eugene Kim. County Bar Association

>> Good afternoon. My name is Eugene Kim and I'm a board member with the San Bernardino county board association. We oak the statements made by Robyn Lewis. The proposal is a practical and reasonable resolution for some of the -- I'm here to provide a different county on that solution from a policy as well as a more practical side. Obviously, San Bernardino is suffering significant deficits with respect to judicial resources. And from a policy perspective, you can just take a look at the sheer numbers. The population of San Bernardino and compared to Orange County, and Los Angeles county. San Bernardino having two million roughly in its population, Orange having 3 million, and Los Angeles 10 million, if you do a straight comparison of population and judicial resources you will clearly see that San Bernardino is underfunded. Now that has several practical impacts which is why I'm here.

We've heard from judges. Judges have expressed to us concerns that for -- for I guess not simple but for Child custody issues not on the next party basis it would take four months before he get a hearing and that's just -- it's an egregious amount of time and that's been going on since November of 2011. In addition to that, we have had to reduce the budgeting and the staff members and the self-heavy -- in the self-help center. That's relevant because the people in the self-help center do a lot to help ex-pa indict and make the judicial resources available. -- without it, they'll file improper forms and briefs and it delays the judicial process. Those are some practical considerations that certainly everyone should consider. Now the other thing that San Bernardino has that that's unique so some of the other counties is it's geography. It's sheer size. The underfunding of judicial resources has a disparate impact on San Bernardino because it's so large. It's 20,000 square miles, Los Angeles County is 4,752 square miles and Orange County is 8948 square miles.

So you look at the large -- you look at the large population based on how far it's spread out, and then you look at how inadequate the staff, the judicial funding staff is in San Bernardino. The big bear court had to close down, the Chino court will be closed down as well. These all have significant impact, and bar stow, and needle, they need to come over to San Bernardino to hear conservatorships, guardianships, as well as probate matters. That may not sound like a big deal to drive for attorneys but certainly for those that are representing themselves, it has a big impact. To be forced to drive down from bar stow, from needles, all the way to San Bernardino, being [Inaudible] Without having legal representation for these significant issues obviously is a significant -- has significant impact for the county of San Bernardino. In the end, we just ask that everybody seriously consider the proposal submitted by Robyn Lewis and we ask that San Bernardino county be accorded with sufficient funding in the future. Thank you.

>> Tani Cantil-Sakauye: Thank you, Mr. Kim. Justice Hall.

>> Thank you, Chief. Very quickly, for Mr. Kim and the other speak, for the compelling matters, we struggle with this almost daily, not almost, daily. I only hope that you can convey your same compelling messages to your local legislators because we need their help and we're not getting it.

>> Tani Cantil-Sakauye: Thank you. Next on our agenda we will hear item 3, Judicial Council Hamilton. This is a status report. No action. Judicial Council Legislative Priorities. Welcome, Curt.

>> Thank you, Chief. Good afternoon. As you all know, we're zeroing in on the final hours of the legislative session. The Legislature will wrap up at midnight tomorrow night. What that means is this is the time where a lot of exciting things can or cannot happen. This is the time where there are bills that are gutted and amended and new ideas pop up and old ideas pop up and it's literally watch by the hour if there are efforts to get some provision that may ultimately impact the courts into legislation so I will say that our crack staff is back watching every move as it's playing out on both houses and both floors as they're trying to go through literally hundreds and hundreds of bills in this remaining few hours.

As you recall, the primary legislative priority for the council this year was the budget and you've all had plenty of reports now on the outcome of the budgets, so I won't spend any time on that, but I did want to quickly give you a couple of updates on legislation as it's moving by the minute off the floor. And then talk a little bit about the issue of the day on pensions. A couple of bills that I want to make sure folks understand where they're at. AB1481, that's the trailer bill cleanup and the provision that was included in 1481 was the jury fee provision. As recall, part of the budget package that we had worked on in putting together \$50 million in new fees for trial court operations included a new approach for jury fees that essentially moved those up in time and made them nonrefundable to generate about \$11 million. After a month or two of implementation, that ended up, I think, having a un-foreseen impact because it was focusing on fee paid by each party.

So working with the plaintiff's bar -- the fence bar, I think we came up with a proposal that really focusing on one fee each side and we're quite assured that we have a level of confidence that the revenue will be impacted. So that would still generate \$11 billion. That bill has gone to the governor. AB1477 is a budget bill follow up. The only particular issue of note in there for us is you've heard the discussion about the \$29 million error in the budget bill that's being fixed in that budget bill. That's on the assembly floor right now and concurrent. AB2073, congratulations to Orange and the effort that they've been working. That's the pilot for E-filing in the Orange court but the direction for the council to develop a ruling for statewide and it's been sent to the governor as well. AB2442, justice Baxter had mentioned, has been an interesting bill to work on. That's the hope trust. It would essentially create a body that would look at all state properties, make a determination whether they are underutilized. If they are underutilized, they can be brought in, managed by the hope trust, and the revenue generated would go to higher education.

So we spent a fair amount of time working with the author and with the sponsor of the bill,

SCIU, to get some amendments to exclude Judicial Council facilities -- although we didn't get a blanket amendment, we're pretty confident with the amendments that did make it in that most court facilities will not be included within that. Interestingly, that was a bill that had been dead, held up on the appropriations committee suspense file and that's one of those that just popped off again. So it was moving, so fortunately we did have the amendment. That bill just went to the governor. AB1875, that's the deposition time limits bill. That got negotiated through the course of the year. We wanted to make sure that there were minimum impacts on the courts and the hearing on those--there are several exceptions built into that. That bill has gone to the governor.

AB2078, the court reporter fee, there were some exceptions and would allow to retain that fee, that one did get held on the appropriations suspense file so it's not moving. Just a couple other issues that were hanging out there. This is one where you've really got to watch the issues, and that was [Inaudible]. You've all been reading the up ins about the interest in sequel reform. There was discussion about big changes to sequel but one we were concerned about was potential amendments to AB900 from last year that essentially gave original jurisdiction in specifically defined projects to the court of appeals bypassing the trial court. There was talk about expanding that to include some additional projects. That ended up not happening and leadership announced that they were not interested in doing any sequel reform this year, but they're going to come back next year and take on -- I think sequel is a broader package so it could have some impact.

Another bill that was moving, SB1186, that was follow up from the ADA. This was the bill to curtail the litigation generated by the ADA. There had been some letters from U.S. senators saying that we need to get a handle on this and if the state doesn't, so we were involved in the negotiations on that. That bill is on the assembly floor and I think we have some provisions and extensions of time for the courts. So those are some of the major issues hanging out here in the last few days. I wanted to mention now pensions that the Chief had referred to a little earlier and the efforts that were happening on that. There were discussions that came up last year about the need to get to pension research, and then a number of bills introduced this year. The conference committee put together to look at during a major pension reform. The governor had a major 12-point proposal that he put out this year that he was hopeful that he could get the Legislature to go along with.

As often happens with big packages, big issues, you don't really get them done until there is the pressure of the time line in the last few day and true to their practice, that's how this one happened. There was a little murmuring that perhaps this would get done before the recess in August. There was some language that was being shared, they couldn't reach an agreement, so it didn't happen. There we -- then after they came back to try and reach some agreement and ultimately the governor announced on Tuesday that the administration had reached an agreement with the Legislature on a pension-reform package.

And Tuesday evening, 6:30, as I recall, the conference committee was pulled together, language handed out to the public -- not in print language but actually just ledge counsel language -- to look at. Conference committee debated that for an hour or so, and then passed it out with only

democrats voting for and republicans staying off of the bill. That, because it's a conference report, that sends it directly to the floors. There's two -- there's a two-day period that it's got to be sitting on the floor, so that means it's got to be heard tomorrow before midnight and it's essentially an up or down vote on the bill. So there's no chance for amendments to be happening on this bill. It is a single bill. There's some discussion whether there would be multiple bills.

I think the governor was insistent that it would be a single bill, single package, that come out of conference, and that bill now is AB340. I thought I would just take a couple of minutes to talk a little bit about the impact on trial court and state Judicial Branch employees and Judge Rubin if you want to take a minute and perhaps talk a little bit about the JRS provisions. The major restructuring in the plan really only applies to new employees but there are some key provisions that do apply to current employees. The primary impact for current employees is in provisions that seek to get equal cost sharing. So 50/50 cost sharing in the normal costs for employees and employers based on which vary by formula.

And there are some specific limits on these provisions that make them subject to collective bargaining, so ultimately the local level these will be collectively bargained but come January 1 -- the equal sharing has to be in place in those plans. For state employees and the Judicial Branch, there's a provision that states that it's the standard, whatever that might mean, that state employees equally share in the costs as well that includes some language about requiring adjustments in the retirement contribution rates. But the timing and the calculation is not specified, so one of the many areas in which there is room for, I think, further clarification.

Some other changes impact current and new employees include requirement that employment related felonies would lead to a forfeiture of pension benefits as well as a waiting period of 180 days before post retirement service can take over and begin. New employees would be subject to a new pension plan structure that would apply across the board to virtually all nonpublic safety employers and that would include counties that contract with CalPERS or their 337 county counties, and JRS remain in their own system and wouldn't be included. But the new plan would have a formula now. So this is new employees after January 1, '13, would have a formula of 1% at 52, 2% at 62, and a maximum of 2.5% at 867. So clearly an incentive to try to get ...

>> The new plan would have a formula now. This is new employees after January 1, '13 would have a formula of 1% at 52, 2% at 62 and so a maximum at 2.5% at age 67. An incentive to try and get longer employment. The major provision that the governor had put out and had pushed for for most of the year with a hybrid plan. The legislature was never supportive of that proposal. The compromise was essentially a salary cap, that is an eligibility to receive benefits up to -- or pay on benefits up to 110,000. You hit the cap you pay Social Security up to your cap after that you no longer have any contribution. So that's 110,000, actually 110,100 dollars for employees that participate in Social Security. That gets adjusted, interestingly, by consumer price index.

>> Any income that's above the cap wouldn't be part of the defined benefit calculation and would not be subject to retirement contributions. There's always provisions for new employees limiting what can be considered a base salary. This is no longer being able to build. Year-end increases on your last year benefits, so including sick leave, vacation leave, so forth. In the calculation. So let me just say that this bill is an extraordinarily complicated bill to understand. Again. It was put together really late. It is hard to know exactly how much is intended vagueness and I think there is intended vagueness built into this bill and how much might have been less than careful drafting at this point. But again, there's not an opportunity to get the bill amended. It will go for an up or down vote. But we will continue tracking and working with the stakeholders on understanding better. I think we are getting something out to you all, and the courts on the non-judicial employees, court employees, and we've got out, as mentioned, with CJA and the Council a description there. So I'll stop and Judge Rubin, if you want to talk about where we're at on JRS and then I just have a quick closing comment.

>> Thank you, Curt.

>> As Curt has described this has been a very long process. I'm going to probably be necessarily vague. But I want to start with thanking Curt and his staff and Tracy Kenny for their amazing work. Dave Rosenberg, the chief, Brad Hill, who is not here, Doug Miller, for all of the long hours and difficult work. We have been working on this for over a year. Our strategy has been to educate the folks in the capital about the unique aspects of judicial retirements. Things started to percolate, I get a call to go up to the capitol. I get a call from the chief at 3:30 that things are not contained. Of course, I'm a plan and the weekend was very active. By the end of the weekend, it seems like things were contained.

As Curt described it, the language comes out at 6:00 in the evening, we are there at 6:30 in the evening. We get it by the way the same moment all of the legislators got it, including the author, who in a stunning, I think for all of us in the audience, kind of a moment of candor -- how can you after two years bring this to us at 6:00 when the hearing starts, and we have to go through 38 pages of language who then said, I haven't seen it either. But forward we went, we looked through it and found that the bill was crafted kind in the wee hours of Sunday morning and on through 'til Tuesday when the department of finance kind of gave its final language. The agreements were reached for different labor groups, including judges, and we found that the bill is complex and has lots of areas of nuances and by the end of the hour hearing, it was CJ's and I think Curt's position as well that this was a bill that needed further study certainly as it affected judges. There were some things that seemed more clear than others. We looped back the next day with legislative staff to confirm that the intention of the parties to have the judges for very, very, very good policy reasons, judges that were judges prior to December 31 of this year, excluded from some provisions, to make sure that intention was carried out -- took the position that it was a complicated bill and they need to study it, too, to make sure the administration, the legislature and everyone's understanding was being carried out effectively. We've had more conversations yesterday afternoon and into this morning which were reflected in the article and daily journal with comments made by the speaker's office and others which put me in a better mood today than I was yesterday or the day before. People who were on the conference call could hear.

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We have not heard the feedback on this. We of course want to get that before we make any further plan. I can say that it was anticipated -- we talked to the staff, they fully anticipated -- there are groups who are going in there who felt like the understandings they had reached with the administration and legislature were not reflected perhaps as clearly and starkly as they wanted to see in the language of the bill. They were anticipating to clean up some loose ends. It is open whether or not we actually have any loose ends and we are -- I am very confident that no matter -- to make sure we actually need any clean-up at all. Otherwise I'm confident that certainly by January this will be in place just as everybody thought it would. You should just know that you have in the Judicial Council's staff tireless folks who are working in OGA and at CJA, I'm tireless, I'm working as hard as I can. I seem to fatigue a little earlier. Certainly at some point at 10:00 at night, I'm ready to call it and he's just getting ready to go.

So, anyway, I hope that clears it up as much as I'm prepared to do right now. But I really want -- I also want to say this, I fight for judges. But I want everyone to be clear in this room that I am mindful of the very difficult and profound hit that other folks in our courthouses will be facing as a result of this pension reform. You know, one thing that is lost of course -- JRS, too, was reformed 20 years ago, a lesson that doctors tell us is never be first, and we have now learned that. 20 years later they are coming back to get us again. We are mindful of what everybody else is going through. No matter what, you're in our thoughts.

>> Any questions for me or Curt?

>> I would just add, the long and the short of that is we have a pretty firm understanding that the entire intent was that there is no equal sharing for JRS 1 or JRS 2, but for appointees after January 1, '13, there would be equal sharing and that is not an insignificant increase by any means --

>> No. To be clear. JRS 1 judges are looking at a 36,000 dollar increase to their contribution annually, JRS 2 judges are looking at a \$12,000 increase annually. I was trying not to get too -- there are many kind of big ticket features in this plan. I think we're in good shape. I did want to say that why I'm in a much better mood today. It seems like everybody is prepared to stand by all of the understandings, with that, it is clear we will get to where we need to get.

>> And one other thing, judge, I'll just say to be clear, that the -- judge's programs is not impacted by the other changes that would affect other current employees, so the waiting periods and so forth. So that part is clear we're pretty solid, the language takes care of any concerns we have on (Inaudible) --

>> I think we're talking about our nuances in language, I think there was perhaps other wording that would have avoided some of the concerns that we have, but really we believe the bill will do exactly what it says it is going to do for current JRS 1 and 2 judges and so we are confident in the end of the day it will be fine.

>> Thank you, Judge.

>> Two things real briefly.

>> Here we have Curt and Tracy Kenny fighting for our benefits when their benefits are being -- I can't tell you how much I appreciate that, that is just fantastic. When people say that AOC needs to be gutted and all of that. We would be shooting ourselves in the foot. We need these people. I know what David went through a little bit more than most people do. He's done a great job -- it demonstrates that when the Judicial Council and the CGA and the staff work together, that we can be very successful and I think that's something we need to build on. Everybody who was involved in this AB-340. I say thank you very much.

>> It was a team effort. I have to tell you, all of the judges in this room and I think actually everybody in this room who is a branch employee owes a great branch of debt to Kenny, she is quick, boils it right down, she tells you exactly where to focus, she was wonderful.

>> Too bad we were not permitted to be at the table during the course of the drafting of this legislation, because I think any questions would have been resolved with the expertise of Tracy and Curt, and that's the disappointing thing, and in contrast to the process that we're going to be going through, you know, in terms of the SEC report, which will be open and deliberate and thorough.

>> Chair Cantil Sakauye: Judge Rosenberg.

>> My hat is off to Dave Rubin and Mike and the CJA folks as well as Curt and Tracy and all of the OGA folks who are working hard on this.

>> You had mentioned that -- good work on that as well, by the way. You had mentioned that most of the court facilities are out of that loop. That implies that some court facilities might still be in the potential scope of the hope trust. Do you recall as you sit here today which court facilities might still be captured in that net?

>> I don't recall the specific, but I think somewhere around four or five potentially could be, and the process that's set up within the bill is before there was actually -- the trust would have the authority to take the property, it has to go back to the legislature. So we would have a shot back both with the board of this newly created trust, should the governor sign this bill, and secondly would have another shot at the legislature.

>> You say four or five, you mean total?

>> Total.

>> Okay.

>> Yeah.

>> Facilities, that's right.

>> And the really -- you know, facilities are neither courthouses, property that would be used for courthouses that are not parking, that would -- that the state owns that would potentially be subject -- (Inaudible)

>> Only four or five, but the bad news, they are all in Yolo County.

>> I forgot to mention that.

>> Both on the policy committee when the matter was initially submitted to the policy committee, the language did not pass muster, and there was concern that it should be tightened up and as a result, they, working with Tracy, did tighten it up, and so I wanted to make sure that we're recognized for their contributions.

>> Thank you, justice. If I may, kudos to Curt and Tracy, especially on that matter. You know, at the very get-go, it was a scary prospect at the very beginning, and what it has come down to, what we were worried about is whether or not because of the closures that we're all going to be facing and more closures in the future that those would be at risk. So we wanted to make sure that no county who had to be subject because of the budget cuts to lose their courthouses that that would be lost. Tracy really was the artful master and Kim of course, really, really, tightened that up to make it clear that if it is a court closure that that's not subject to this. Again the properties that are possibly at risk and not guaranteed at risk -- it was really a great job by OGA staff.

>> Chief, if I might, not to be in the mutual admiration society here. I do want to really recognize the efforts that Judge Rubin had made in the time that he spent over the course of the whole year and even before with this -- and we actually had a little fun a few times on this, camped out in either Mike's office or in our office, or in the hallways and again, Mike, the able representative for CJA and the work that we had and we were making our visits arm and arm on this. So it was a strong positive message that we were able to convey and I do want to point out to -- thanks to you, chief, for being available at all times, all hours, for meetings, and calls, and rushing over to the capitol for conversations and meeting there. So this truly meets, I think, all of the requirements of a group effort that I think in light of, you know, the potential scope of what was being considered in statewide for every employee, every public employee and public entity, that this, I think, was an outcome that was probably as good as we could see. We could hope that it will hang that way. And chief, if I might, as this is the end of the session for us, and has been noted, we've got -- (Inaudible) the office of governmental affairs, who tracked the bills, who carried the legislation that sponsored by the Judicial Council and worked those through, opposed the bills and all of the sensitivities that go along with that in opposing them and trying to work out solutions. The thing you don't see is literally daily, the hundreds of bills that are amended that our staff goes through, literally, every one of those to look to make a determination on whether there is going to be an impact on the judicial branch, because as you might guess, there is not only complete candor in legislation on who might be impacted, and so literally they

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spend hours and hours just watching daily and particularly when we get down to these last few weeks when amendments are coming fast and furiously. So they really, I think, chief, do a great job for the Council and for the courts on ensuring that we are protected to the greatest extent possible on legislative outcomes. Thank you.

>> Chair Cantil Sakauye: Thank you, Curt. Next, we'll hear from Justice Miller and John Larson, on the strategic and operational planning for the branch. No action item, at least not yet.

>> So I had this nice long speech prepared and as I walked up, I had to walk over there, outside of the gauntlet, because everyone was telling me to hurry up, don't take too long and we won't. One of E and P's responsibilities is to ensure that we have as a Judicial Council and a branch a strategic plan and an operational plan. As many of you know and especially as the new members know, we're out of cycle. We were supposed to have already started the process this year for creation of our operational plan and then next year for our six year strategic plan. I think as most of you know, we, about a year ago, with the judge's assistance, we began the process at our June meeting of coming up with the operational plan. Even that day things were a little bit hectic and we weren't able to spend all of the time that we wanted to. In march of this last year, we had a large contingent of people in leadership positions and the Judicial Council and advisory committees in the branch scheduled to appear here in San Francisco where we would begin that process with the branch stakeholders, but as we began to look it he expense of having all of those people flown here and spend the time here, we realized it wasn't the best way and the proper way to spend our few dollars, and so we cancelled that meeting.

Then what we decided was is that we wanted to come up with a way, and John will talk about this just for a moment, I don't know how to do it and I'm hoping he does. We wanted to come up with a way that would increase the number have the opportunity to participate in coming up with our operational plan and our strategic plan and hopefully come up with a way that was far less expensive than what we had begun before and much more expansive with the hope we could offer it every judicial officer and court individual and branch-wide stakeholders, that's the process that we're going through right now.

>> We hope to be able to report back to you at the October meeting of what process we have come up with and then hopefully start with both, we're thinking of doing this somewhat different and unique and doing both in operational and strategic plan at the same time.

>> I hope I didn't take too much of what you intended to say.

>> It will just make this even shorter.

>> But as Justice Miller said, the goal as he has articulated it is that to engage in a planning process this time that is broad-based highly inclusive and at minimal cost. We started on that road for the march meeting, we started to use and exploit a lot of the technology that is available through even online surveys, being able to synthesize those surveys, we have been able to develop already a limited access website so we can in a way build a community, an online community, if you will, of all of the stakeholders that can be a part of the planning process, and

even in the orientation yesterday, there were some really good suggestions about how to go about making it inclusive and broad-based and bringing in different audiences and different people that have a stake in the plan.

We've also discussed -- it is a fairly broad -- authority that the Council has that's delegated to the committee as Justice Miller has mentioned having a combined strategic and operational plan. There's nothing that says those couldn't be together and also perhaps have it on a shorter duration, it is really, at least in my experience, and I've been -- I had occasion to reflect that I've been at the AOC for 13.5 years. So this is unprecedented environment for me in the planning area in this environment. But, you know, it is a cliché in a way, but it is an opportunity. The plan that we were on the road to reflecting on and developing, even a year ago, is not what will probably result from this process.

So other ways that we can work for reaching audiences, again, is through exploring some of -- maybe even some live interactive -- the fact that we broadcast meetings now may be a way of bringing in other people. In October, we'll be having an update on the developing process and in December the plan is to develop more significant time at the Council meeting to planning.

>> That's our report and thank you.

>> Thank you, we look forward to doing that, we appreciate that. Thank you.

>> This concludes our agenda items that were scheduled for today. We will stand in recess and begin again tomorrow at 8:30. Judge Rubin.

>> My 60 seconds at the end

>> Not coming tomorrow.

>> Please take 90 seconds.

>> I'm not going to be here tomorrow as I go to watch AB 340. So I wanted to take a minute to say it publicly, first of all, it has been an honor and to be on the Council and working with all of you. I wish that other folks in the branch would listen in on these meetings and see what a wonderful group of people this is. What incredible work that you are doing and guiding the branch through difficult times. I want to thank the brief for our support. Miller has been wonderful in helping us. A great ambassador from the Council and all of the staff who last minute made my hotel reservations and Jody, and Curt for that are support as well. Thanks, everybody, it has been a wonderful year, I'll see you around the branch and thank you. Actually you're trading up really with the new president coming in from Sonoma County, so thanks everybody.

>> Great job, David.

>> Thank you.

[Applause]

>> The meeting is adjourned.