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 website. What follows is captured live captioning, formatted and unedited, of the last meeting. The official record of each meeting, the meeting minutes, is 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 *www.courts.ca.gov*.

>> There has been a slight delay. The meeting will begin shortly.

>> This is the business meeting of the Judicial Council of California. I apologize for the tardiness. I remind the council members that the meeting is live with closed captioning.

>> For the benefit of those joining us by phone -- Justice Baxter, Presiding Judge Ellsworth and perhaps Justice Hull and the law nine audience -- please state your name so the readers can follow our discussion. Also, as you know, segments of the meetings are regularly videotaped for future posting on the California Courts website. Before we begin, I also want to welcome some of the newly appointed council members.

>> We have with us today Richard Blum, the chosen representative on council for the California State Assembly -- welcome.

>> Thank you.

>> [Applause]

>> In a few moments, I will administer the oath of office.

>> We also have newly appointed council members that will join us in December -- Judge Dean Stout -- welcome.

>> [Applause]

>> Next we have Charlene [last name indiscernible] Welcome.

>> To my right we have Mr. Mark Bonino, attorney, one of the representatives on council -- welcome, Mark.

>> [Applause]

>> We will not put you to work today. Soon, and as you know, there is much work to be done.

>> I also want to recognize by a show of hands the judges from the New Judges Orientation that I met with earlier. Welcome. I am glad you were here.

>> [Applause]

>> We will find you a seat. We will work on that.

>> I also want to thank the committee chairs -- Justice Miller, Baxter, Hull, and Matthai.

>> Since the first Congress in 1789, all that serve the people take a look old before undertaking the duties of public office. I will administer the oath of office from the sister branch of government in the Legislature. In September, I will be administering the oath of office to the newly appointed members.

>> Mr. Bloom, please stand and raise your right hand.

>> I, Richard Bloom solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the state of California against all enemies, foreign and domestic. I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California. I take this obligation freely without any mental reservations. For purpose of [indiscernible]. I will faithfully and well discharge the duties upon which I am about to enter.

>> Thank you very much.

>> [Applause]

>> I want to say that Assembly Member Bloom and all of our new members represent a variety of backgrounds. This will help with the benefit of all Californians.

>> I want to take a moment to commend this Judicial Council and former members of council from 2011 and some before who have done what I believe a great deal to improve transparency, access, and understanding of the role and the work of the Judicial Council, the branch, and the court system.

>> Real improvements with more open meetings and public comments and more efficient and accountable council committees. We have done many things to enhance our role as an independent coequal branch of government in the service of people to California. As I mentioned yesterday, we still have more to do on this front and I look forward to working with all of you on achieving this goal.

>> Our first item of business is the approval of the minutes of the April 25 and 26 meetings. I will have you take a look at those if you are not already and move for adoption.

>> I make a motion.

>> I second it.

>> Jim Fox.

>> Any discussion? Hearing none, all in favor say aye. If no -- opposed. Minutes are approved.

>> Next -- my regular report to the council summarizing my engagement in outreach activities since we last met in April which was April 26. I want to say that every month I meet with staff to plan and review my appointments and engagements. These commitments reflect the three key roles that the position of Chief Justice has under our Constitution. As the Chief Justice of California and of the Supreme Court and Chair of the Judicial Council. The last time since April, I think, reflects how these roles are integrated and relate to one another and interconnect. From the many meetings with the Governor and Senate pro tempore and speaker of the house on budget to swearing-in new Judicial Council and commission on judicial performance members, to the city high schools representing civic awards and delivering commencement addresses at law schools and meeting with bar associations, all of these activities, however, share a key goal and that is building public understanding and trust and confidence in our coequal independent judicial branch of government.

>> As Justice Sandra Day O'Connor has said, this branch has the power of the will. This power lies in the force of reason and the willingness of others to listen to the reasons. I believe a Judicial Council embodies that.

>> I am pleased that during this time, my and our reasons were heard in the Legislature and with the public. I continue to meet with the media to help share our reasons and met with the California lawyer magazine editorial board in April to discuss branch issues. I participated in radio interviews and yesterday with Justice Miller and Judge Jahr, we had a press conference to discuss the budget with a legal affairs correspondent.

>> The justices and staff of the Supreme Court attended the state bar annual dinner with the State Bar Board of Governors trustees in May, but due to budget cuts, the Supreme Court suspended its June oral argument session in Los Angeles and I along with Frank Maguire, the clerk of the Supreme Court, attended the annual Beverly Hills Bar Association luncheon to brief them on the issues facing the judiciary.

>> It was an honor to support law enforcement by participating in the annual California peace officers memorial ceremony at the state capitol. To meet the families and officers who protect and serve was especially humbling as the wife of a law -- retired officer.

>> May was also commencement season and I provided the commencement addresses for two California law schools -- UC Irvine and the University of Southern California Gould School of Law. These are harsh times for the branch and they are also incredibly different times for young graduates trying to join our profession. They were inspiring. They inspire me as future leaders of our branch.

>> This also began and ended with outreach opportunities that I personally am committed to through civic education and learning. To commemorate this year's law day theme realizing the dream and celebrating the 150th anniversary of the Emancipation Proclamation issued by President Lincoln. I was honored to speak with students in the core remember that my award for exemplary

service and leadership to the states law academies. These are wonderful educational programs in high schools that seek to engage high school students in learning and understanding their communities through the law.

>> I have said that the strength of our democratic institutions relies on the public's understanding of these institutions and I believe that we have to improve civic awareness, learning, and civic engagement in California. Through my civics initiative, your Constitution and the power of democracy, I have the inspiring and refreshing experience shared by some of my judicial colleagues of recognizing 22 schools throughout the state with a civic learning award for innovative civic program and commitment to civic engagement in their communities. I personally presented the top level civic learning board of Alexa was in three schools in partnership with Tom Torlakson, the state superintendent of public education. Three different high schools and different populations and different socioeconomic diverse cultures. The alliance -- Judy [last name indiscernible] Academy, and San Marino High School, and Golden Valley in Bakersfield. The students were passionate and well informed and willing to ask probing questions and they were willing to work hard for their communities. If our future is in their hands, I am feeling good about that.

>> This concludes my report to council. Will now ask Judge Jahr for his director's report.

>> Thank you, Chief. Good morning, council members. I refer to the regular written report in your materials for the array of activities that the administrative office has engaged in since our last meeting.

>> I would like to briefly mention a couple of items from the report, but first I will share some information on an internal assessment which was initiated by the administrative office in the month of May. Working with each office in the organization we have undertaken to assess and prioritize the administrative offices entire portfolio of activities, projects, and programs. It is a major undertaking that will help us to ensure that our existing resources are directed to core functions and essential activities in our service to the branch and citizens of our state. We view this as critical to maximize the benefit of the organizational restructuring that we are now engaged in at your direction. We anticipate presenting a report and a series of recommendations to you for your consideration either at the August or October meeting of the council.

>> With respect to the written report, I would like to highlight that hellebore and you has successfully passed the 2012 eligibility review of the federal foster care program, ensuring that our state will continue to receive funding necessary to support almost 60,000 children currently in out-of-home care. The California Department of Social Services was recognized and has recognized our court contribution to the successful review and separately recognized the contributions of the administrative offices judicial resources and technical assistance project team in this very fine outcome.

>> With respect to our protective order registry, I am pleased to also tell you that this grant funded a system which deploys through our information technology services office and continues to expand. A total now of 28 counties use our protective order registry system that was deployed in

four more jurisdictions in May -- [indiscernible], San Joaquin, center, and Glenn. There aren't planned deployments for further jurisdictions by the end of 2013.

>> Just under 57,000 active orders are now available to 61 law enforcement agencies throughout the state and for those that have in any way, shape, or form have been involved in this pertaining to protective orders, I think it goes without saying just how significant it is that we can have this network of information from a multitude of jurisdictions available to branch offices and individual jurisdictions when the exigent circumstances come before them.

>> Also, I would like to highlight a new family law website for parents and children. This website is focused on children and teens, particularly as an educational website regarding family law matters to provide them with some support and assistance and orientation when they find themselves in homes that are being disturbed as they are substantially disturbed as we are aware and circumstances of divorce and separation. This website has been previewed for me and I think you will find it really is a user-friendly resource and something that could be of value to youngsters who are going through the kinds of adjustments that that kind of situation provides. The thing that is most interesting is that the work product that you will see when you view the website was actually generated as a consequence of the work of the Justice Education Society -- a nonprofit organization that supports the justice system in the Canadian province of British Columbia. Diane Nunn and CFCC to their eternal credit identified this site up and running in BC and obtained permission and approval to adapt it to our use and considerably less expense than would've been the case had we done it from scratch.

>> Shifting to another area within the report, as they worked to strengthen the independence of the judiciaries in advance the rule of law in their own countries as we know, judicial representatives from around the world continue to visit our courts. As well as our Judicial Council and administrative office to learn more about how the judicial branches in our country and our state function.

>> Indeed, most recently at the new judges orientation program, as some are aware, the Japanese judge who was on Fellowship to the University of California Davis went through the process. I had a chance to confer with him at some length and learn the differences between our systems. Some are pretty vivid. At any rate, these kinds of interactions are a surefire way to demonstrate how the system administers the rule of law. Recently, another such meeting occurred -- for participants from the judiciary of Bulgaria met with chief counsel Mary Roberts and representatives of LSO as well as CFCC and they provided an overview about the branch concepts of access and fairness and judicial ethics and education and compliance and family dispute resolution.

>> These also have another dimension. Every year, California judges and administrators are invited to other states and in some instances other countries to inform the development of efforts to devise judicial systems in those jurisdictions. You're probably wondering where Jody is this morning. I am proud to report that as the written report reveals -- as a part of the American Bar Association rules of court initiatives which is in place in over 60 countries, and I might add entirely at the expense of the American Bar Association, the Chief of Staff, Jody Patel, was invited to represent California at

an educational conference meeting in the country of Bahrain. This is an island kingdom that is off the east coast of Saudi Arabia and the Persian Gulf.

>> They recently created an [indiscernible] counsel. It was for this purpose that they consulted with the ABA to devise a conference for their judicial and governmental leaders to seek guidance as to how to go about their business.

>> Two days of presentations regarding administration, organization, and fiscal matters were set up and facilitated with the sharing of knowledge on how our judicial process which is been in place for more than 85 years works to support the needs of the courts and the public in our jurisdiction.

>> Other presenters invited by the ABA come from the judiciaries of several European countries. So, I suppose I can say that Jody is representing California in this venture, but in fact our entire country. Exposure for these countries, I think it goes without saying to our processes to help strengthen the independence of judiciaries in advancing the rule of law in other parts of the world. I should also tell you that while unquestionably in my judgment her contribution to this endeavor certainly is embraced within the administrative responsibilities that she has in our state, to the elected to do this work including the travel to and from Bahrain on your own time. I am grateful to her for representing us as I know she did in this kingdom.

>> This takes us to transitions. The last component of my report. I would like to acknowledge the leadership of two individuals who are departing our company and retiring. First, the Assistant Chief Counsel -- Bill Kasley. He has played an integral role in working with the council and the administrative office and court leadership in addressing major and complex high-profile legal and administrative issues. He has demonstrated the highest mission to fulfilling the commission of LSO and to provide legal service to the branch in furtherance of our mission to improve fair and access judgment -- I should say their judgment and access to our courts and our impartial judicial system. I always found his work to be of a very high caliber and he is that kind of disciplined thinker and analyst that we judges can identify so readily and are so pleased to welcome into the courtrooms when this occurs.

>> Now I would like to turn our attention to the retirement of our director of Judicial Branch Capital programs -- Lee Willoughby. As you know, Bill Guerin will join the AOC on July 1 as his successor. Bill has more than 30 years of public building leadership experience, primarily with the federal General Services Administration in Washington DC. And, as you also know, he has big shoes to fill. He will assume the leadership of a team of 57 professionals, architects, planners, engineers, inspectors, analysts, project managers, and administrators who comprise the bridge Judicial Branch Capital Program Office. It is my pleasure now to turn the focus back to Lee. He is here today and he is joined by his wife, Kathleen and his daughter, April. Their son, Adam, could not be here today. As all of you know, Lee graciously extended his retirement date at the request of our office. Not once, but twice, to facilitate the leadership transition. I understand that his wife, Kathleen, is here today to ensure that he doesn't defer again. [laughter] I have wonderful news to pass on -- this postdates the written report that I provided pertaining to the work of capital programs under Lee's fine leadership.

>> Just yesterday 4 bids of prequalified contractors were opened on the new Yuma City Center, County Courthouse project. Each of them was beneath capital program's estimate and each was beneath the DOL approved budget. A spade will go into the ground in August, Mary Beth.

>> [laughter]

>> Yesterday, also, the Department of Finance's capital outlay staff agreed to approve the San Diego project preceding to bid. That is, of course, the $550,000,000.71 courthouse facility. Each of these advancements had to fill in is that occurred yesterday. They are valuable to our capital program and it is somehow just and proper and fitting that they should occur one day before we had an opportunity to honor Lee as he enters retirement.

>> In fact, at this juncture, I would invite Lee to join me and the chief here at the front of the room for a presentation of a Judicial Council resolution.

>> Lee, October.

>> [Applause]

>> -- Lee, come over.

>> [Applause]

>> In recognition of nine years of public service dedicated to establishing and managing California's state court facilities program, we honor Lee today. During his tenure, more than 500 court facilities were transferred from county to judicial branch ownership and management. Authorization was obtained during his tenure for a $6 billion capital construction program. The new courthouses have been built and another 35 projects are in different stages of planning and construction. All are significant achievements in which he has placed an integral leadership role. He leaves a legacy of courthouse building that will stand well long past any of us.

>> The program needs help to build from the ground up, I might add. It will continue to support the council's goal to provide adequate, safe, and accessible court buildings for court users and those that work in them every day.

>> I would like to present this resolution with the assistance of the Chief and in gratitude to your service to the branch.

>> [Applause]

>> I want to say, Lee, that when I came here in 2008 as a member of council, you were one of the first people I met. We had an opportunity at dinner where I could hear about all of your experiences. Internationally, building across the world. I was impressed then and I am impressed now. I continue to be impressed by the work that you do and all you've done for our buildings. Best wishes on your retirement, Lee. And congratulations to your family.

>> [Applause]

>> I just want to thank you -- during those early dinners before you begin the chief, you were so interested and supportive of the program. So, I thank you. I thank the members of the council. You have all been supportive. I want to thank Judge Jahr -- and [indiscernible] who has learned our business. I thank you for that.

>> Mostly, I want to thank the people that have worked on this program. I think we have people that have put their hearts and talents to work and this is a remarkable accomplishment. Most, I want to thank my wife of 35 years for her support and encouragement and my daughter -- I used to give my daughter advice and now she gives me advice. [laughter] Thank you all. I wish you all the very best.

>> [Applause]

>> Chief, that was a happy conclusion to my report.

>> Thank you, Judge.

>> Next we will hear from internal chairs --

>> Thank you. I am -- Justice Baxter asked me to deliver his report. I think he is on the phone listening in. Policy Committee met three times since the last council meeting taking positions on behalf of the Judicial Council on step 17 -- 17 separate pieces of legislation. I will highlight those that were on the discussion agenda. Other committee actions can be found in the minutes posted with the Judicial Council agenda.

>> On May 2, the PC Lieutenant acted to oppose 65 related to supporting SB 794 dealing with [indiscernible] challenges.

>> They also took an amended position on [indiscernible] dealing with firearms and voted to take a no position on AB 1313 regarding judgeships.

>> On May 16, the committee took a position on AB 560 concerning sentencing. They also took his report on the amended position on AB 805 regarding bail.

>> On June 13, minutes of that meeting will be approved and the next time the PC LC means -- the committee considered AA B6 55 relating to court reporters salaries which the committee previously acted on in its April 18, 2013 meeting and took an opposed position.

>> PT Lieutenant also opposed SB 260 dealing with sensing. At the same meeting they took a support if funded position on SB 513 relating to diversion programs and devoted to support SB 717 relating to search warrants.

>> Our Judicial Council sponsored proposals continuing to move through the legislative process and Justice Baxter will keep you informed of the progress of another bill of interest to the judicial branch. The Senate is scheduled for summer recess beginning July 12, with recess scheduled to reconvene August 12. The Assembly, on the other hand, is scheduled for recess beginning July 3 and reconvening August 5 for the final push of -- before the session concludes on September 13.

>> Thank you, Chief.

>> Thank you, Judge Herman.

>> We will next hear from the planning committee -- the Executive and Planning Committee has been very busy since the last meeting. The primary role is to set the agenda for each of the meetings as well as to oversee certain tasks delegated to us by the rest of the Judicial Council. I want to thank the members of the Executive and Planning Committee and again I want to take time to do that -- for being always available on such short notice -- usually over the lunch hour late in the afternoon. Helping us to set the agenda and review the volume of draft reports which are prepared by our able and hard-working staff. I did want to take a minute to personally thank and acknowledge each of those members. Again, to tell you how much I appreciate your hard work and your dedication. It would be the vice chair -- judge [last name indiscernible] as well as Judge Baker, Jackson, Kaufman, McCabe, Moss, Rosenberg, attorney member Edith Matthai and David [last name indiscernible] Thank you for all you do.

>> The committee has continued the oversight of the council directives based on the recommendations of the strategic evaluation committee. We have relied on valuable input from the three strategic evaluation committee members. The Chief Justice appointed these to the council. Judge Wachob, Ellsworth, McCabe, and again on behalf of the council and behalf of GMP, I want to thank each of you personally and tell you how invaluable your assistance and service and comments have been as we continued this important responsibility of overseeing that the Judicial Council directives based on your report are implemented.

>> Thank you, thank you.

>> We met at least four times since the last meeting on April 25. I wanted to highlight a few of those items that we discussed. I also want to make sure that staff will post my written report online after this meeting.

>> First, language access is vitally important to the people of California and to the Judicial Council. In that light, the committee approved a short-term task force to recommend to the council options for using all or a portion of program 45.45 funds for interpreting services. We are also asking the task force to recommend how we can coordinate efforts to expand court interpreter services in the state. Cost reduction in the core facilities program continues to be a priority. For this reason, the committee was pleased to approve a proposal from the cost reduction subcommittee of the core facilities advisory committee. I think the longest committee name of all. This is to establish working groups to analyze and examine more ways to cut costs or become more efficient in how we build and operate our courthouses.

>> Justice Jeff Johnson chairs that subcommittee and Justice Brad Hill chairs the advisory committee. Thank you to both of you and to your committees for your ongoing work on behalf of the branch and the people in California.

>> One update from the committees involves reports by the administrative director regarding the resources needed to follow through on the work of the Trial Court Funding Workgroup report and the funding allocation methodology adopted by the council at our last meeting. That report should be ready by August. As Judge Jahr indicated today, he and his executive team are in the process of reviewing the process. This will be beneficial to us in that regard and we look forward as E&P members and council members to hear the recommendations in the August report.

>> I would like to close with an acknowledgment of the Chief Justice and others for their effective advocacy they have accomplished on behalf of the branch during their recent state budget cycle. Again, thank you for your efforts. They are sincerely appreciated by the branch. Chief Justice spoke moments ago about the commitment to transparency about the work that has to be done in this regard. For the last six months, the chairs of the Judicial Council and I have been discussing procedures to increase our transparency while remaining cost effective and protecting privileged conversations such as litigation to choose and security issues and real estate negotiations and the delivery process necessary for the creation of court rules and other aspects of the important works of our committees.

>> I was on a media call about the branch budget yesterday. The Chief Justice and I gave a commitment to work as fast as we could in this regard. To provide information back to the council and to the branch. This is a commitment that we both made and that we hope E&P will follow through on. Thank you, Chief.

>> Thank you, Justice Miller.

>> Next we will hear from Dr. Judith Ashmann-Gerst.

>> They met twice and communicated by e-mail or forms proposals five times since the April 26 meeting. We considered and recommended approval of Items A 1 to 8 on the consent agenda and Item C on the discussion agenda which you will hear about later. I would like to briefly discuss Item A 7 which is response -- to number 79. His directive was referred to [indiscernible]. I quote -- evaluate relaxation of mandatory education requirements to allow the administrator of the courts and the court executive officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.

>> Item A 7 proposing an amendment. This would give the authority to grant a one-year extension of time for AOC staff to complete their education requirements and if an extension is granted, then the discretion to extend the compliance time. In addition, this would delete the requirement that AOC employees must complete at least half of their continuing education hours to live face-to-face education and instead give the administer of directors is question to determine the number of required hours of [indiscernible] -- live face-to-face meeting.

>> They decided it was important to propose an amendment directed at the staff immediately because the compliance time or AOC employees and -- ends in six month on December 31 of this year. Wipro will continue an amendment to the rule related to trial court employees later this year because the compliance time does not end until December of 2014. To assist them in considering an amendment to the rules related to trial court improperly education -- Justice Hull asked the trial for presiding judges and the court of executive officers to give him their reviews on relaxing the requirements for trial court staff to allow greater discretion and flexibility in the use of employees.

>> Obviously, this relates to time off for away from the court during these very tight budget times.

>> I understand that Justice Hull has heard from several courts already and he along with Justice Robert Dondero who chairs the governing committee will attend the advisory committee and the court executive advisory committee to hear more and to discuss this further with the court leadership. The administrative presiding justices were also consulted and they indicated that they did not need any type of a rule change at this time.

>> Item capital Avenue -- later in the calendar -- id. F -- this deals with new judge education requirements. Thank you, Chief. That is a report.

>> Thank you.

>> Next we will hear from the Technology Committee chair -- Jim Herman.

>> Thank you. The JC TC has held two meetings on May 20 and June 10. One was with -- I want to thank the Technology Committee members -- Judge Kaufman, Moss, Jackson, Ashmann-Gerst, and Edith Matthai. They were approved -- they approved recommendations to RUPRO to implement Assembly Bill 2013. The rule and forms authorizes the course to win lacked a rule mandating electronic filings for representative parties in civil cases. The rules were developed by the [indiscernible] working group appointed by the Chief Justice and reporting jointly to JC TC and the advisory committee both SeaTac and Small Claims Advisory Committee proposed adopting these and this is the discussion and action item for this afternoon. It is on the council agenda. On the May 10 discussion items, this included an update on the core technology advisory committee's inventory and progress in relationship to their annual plan. Also an update on the inclusion of additional courts in the California court protective order registry and Judge Jahr reported on that so we will not report further on that.

>> I also wanted to bring the council of the date on the technology planning task force authorized by -- appointed by the Chief Justice to develop a technology plan -- a governance structure and eight technology funding strategy.

>> JC TC members -- the vice chair of this committee and the judges participate on the task force and all three have met regularly since the last council meeting. Last week, the task force and the [indiscernible] met for an assessment and the task force I am pleased to report is on track to meet the January [indiscernible] met for an assessment and the task force I am pleased to report is on track to meet the January 2014 timeline for completion of work set by the council. We also have

check in regularly with the California technology agency soon to be the California technology department. The executive branch in recognition of the importance of technology to government. We will keep them abreast of the project and that is the conclusion of my report, Chief.

>> I could.

>> Next we will hear from five judges and council members for their liaison reports to counties. We will start with Judge Stephen Baker.

>> Good morning, Chief, and fellow council members. I am liaison to Tehama County.

>> Prior to that I went to lunch with their CEO and in their facilities down there. This county has 4.3 authorized physicians -- positions in the NASA possession they are deemed to need 5.9 judicial positions and when I showed up in Tehama County, I pulled up in front of the courthouse and parked in a shady spot. I walked into the courthouse and I did not have to go through any weapons screening facilities. I walked straight into the CEO's office and met with the judges. These are new judges to our branch. They have less than two years experience. Despite this, they had sophisticated understanding of the issues facing our branch. Due to the size of the court, they are all a jack of all trades. The demographics of Tehama County -- is 30 miles south of Shasta. They have about 65,000 people. It is a small place. Currently they have 4 facilities -- they have a shared courthouse with the County. We have a state-owned facility which does have weapons screening.

>> They have a facility in Corning which is closing in just a few days. They have a juvenile justice facility as well.

>> Like most countries, they have been badly affected by the budget crisis.

>> In the last five years their staff has been reduced from 44 down to about 34 people. They likened this to an episode out of the Twilight Zone where all the lights are on but nobody is home. They have reduced employee wages and benefits and they reduced their hours. Currently, they run public hours from 8 PM to 4 PM Monday through Thursday. And 8:30 on Friday. The staff and judges are there much longer.

>> The Corning facility serves the south end of the county. This will close in just a few days. It is a facility that has been open for a number of years.

>> Those are the bad news issues from Tehama County.

>> The good news is that they will be getting a new courthouse in that county. They hope to move in, in December of 2016. The drawings are expected to be done this fall.

>> They have concerns about the end product with the new courthouse facility deemed to be a restoration project. They are variant is the asked about moving into the new facility when it has been completed.

>> They are pleased about the new budget allocations methodology. They will benefit greatly from the new methodology. They hope council will continue to focus on appropriate funding in the future.

>> In closing, the biggest concern in Tehama that the judges express is for the computer system. Getting updated systems and case management systems that they can use. They are enthusiastic about electronic filing. As mentioned, this is on the agenda as Item C. They will be happy about that.

>> Of course, security is a concern. The main courthouse does not have weapons screening at this time.

>> We had a great discussion about politics despite the fact that this is a very young bench. I was impressed by a sophisticated understanding of the issues and challenges facing the branch. It is a very intellectual group and a very enthusiastic group. I am sure that we can expect to see them on advisory committees and maybe on the council Tehama in the future. This is the county where our friend, Judge Dennis Murray comes from. They have a great consciousness about statewide issues in Tehama County. You will remember that Dennis was a very active member of our council before he retired. He still continues to be on assignment in that county.

>> They are very inspired by our Chief. Her vision and leadership. Of course, the newer judges relatively recently went through the program. They were very impressed by the warm welcome that you give to these folks. They are big fans of yours. They were very inspired also by the visit in this liaison program and they promised to stay in touch with me on issues of statewide importance. This concludes my report.

>> Thank you, Judge Baker.

>> Next -- Judge Jim [last name indiscernible] Thank you, Chief.

>> I visited the Riverside Superior Court on May 24 and I met with the presiding judge, Mark Koepp and the assistant judge, Harold Hopp, and executive officer Sherry Carter and most of the officers of the superior court who are engaged in a training session at the Marietta courthouse. I found them to be an engaging and intelligent and thoughtful group. As we all know, the Riverside Superior Court is a severely under resourced court. The population and work load has expanded in a much faster rate than most of the courts in California. They are 2.2 million people residing in Riverside County. According to the AOC judicial work load analysis of December 2012, they had a total of 76 judicial officers and should have had 138 judicial officers, which is 62 fewer than what they should've had based on their workload data.

>> They had a deficit exceeding $20 million and had to lay off employees. They had to cut hours. They had to close courtrooms and courthouses just to make ends meet.

>> Currently, they are down 5 judicial positions that are authorized and funded. While the number of vacant positions may not seem like a lot in LA, it represents approximately 10% of their allocated judge workforce which is half of what they should have based on their workload.

>> Riverside is a large and somewhat rural county that is been hard hit by the recession. And the dramatic cuts in the judicial budget.

>> In the last five years they have had to close three courthouses, namely Autrey, Corona, and Hawthorne and recently they had to close the [indiscernible] facility, resulting in long travels for their residents to obtain judicial services.

>> There judicial officers are a hardy bunch. But, they have fears that because they have done an incredible job struggling to keep their heads above water for so long that somehow our sister branches of government will think that this workload is now doable. And that this will be the new norm. They are concerned for their staff in handling the caseload far above their capacity. They are appreciative of the support they have received from the AOC and the Judicial Council. They did have questions and concerns and some criticisms. The judges wanted to know why, despite the fact that they are severely under resourced they must wait five years or more for more equitable funding under the new funding model. They wanted to know whether at the end of the five years they would be capped at 50% of the historic model and 50% of the new model or they would continue to receive additional funding.

>> I gave my opinion that the unanimous agreement of all the council members and the recommendation of the advisory committee that recommended this funding model -- we all recognize the struggle to balance equities and prepare course for the significant shift in judicial branch allocations. Accelerating the process much faster would not provide those courts that would receive less funding with adequate time for adjustments. They wanted to know how much additional new funding revenue the judicial branch would need to receive an order to provide 100% funding under the new allocation model.

>> This was a question I was not qualified to answer. Fortunately, I knew that this question was coming. I asked Judge Earl for her opinion. I was told it would be Judge Earl. While the new funding model will help Riverside, it alone will not provide complete restoration for severe cuts that they have felt over the last five years. Or the significant increase in caseload.

>> There was some concern on the part of several of the judicial officers that the Judicial Council may be slightly tone deaf in his decision to approve a telecommuting policy when courts across the state are letting employees off.

>> I explained that there was some disagreement in the boardroom over this subject. In my opinion, my decision to permit the telecommuting policy to move forward was because the new policy was much more restrictive and provided greater oversight than the previous ad hoc policy.

>> In addition, the new proposal required approval by the department head and the administrative director for each individual employee who requested it. Also, this proposal was adopted as a pilot

project that required the AOC to provide the council with periodic reviews including the one we recently received. I filed report must provide a justified business model continuing the policy after one year.

>> The Riverside judges asked the council to seek assistance from the executive branch by having the governor expeditiously fill the five judge vacancies as soon as possible. They are also asking for help in priority assignments from the assigned judge's program and staff support to assist those assigned judges.

>> Lastly, it was pointed out to me that they have 29 open special circumstances potential death penalty cases in the county with only 55 authorized judges. They also have a need for the creation of complex civil courts to process their caseload. I would ask this council and the AOC to provide the Riverside Superior Court with any assistance that we can. In closing, I want to say that first when I retire as a judge in four or five years, I would be honored to sit as an assigned judge with this group of dedicated officers. Lastly, I hope they will allow me back in their county now that LA has enticed their incredible executive officer, Sherry Carter, to work for LA's team. That concludes my report.

>> Thank you.

>> I now invite Judge Jacobson to report on San Francisco Superior Court.

>> Thank you. Judge Cynthia Lee invited me to visit on June 11, 2013. I had a very good visit with her. She gave me most of the afternoon. I will follow the good news bad news scenario. I will start with the bad news. The budget reductions have absolutely and deeply harmed San Francisco Superior Court. In September 2011, they closed 11 courtrooms and laid off 67 employees including 18 commissioners. The staffing in fiscal year 2008-2009 was about 585 members. They now have 413. The clerk’s office runs on reduced hours. The clerk’s office used to be open from 8:00 a.m. to 5:30 in the afternoon. Now it is 8:30 a.m. to 4:00 p.m. Their IT budget has been cut by 50% and they are struggling with an obsolete case management system and absolutely cannot afford a new one.

>> In terms of one of the more direct aspects of access to justice, they had a very well developed and sophisticated self-help program. They previously had 2 self-help centers. Both ran five days a week full time. They had one devoted to family law matters and one for all other types of cases. Now they have one self-help center open and it is open three days per week. Pursuant to these layoffs, about half of the self-help staff was laid off. They are no longer able to provide one-on-one assistance in divorce cases.

>> They are no longer able to offer help -- self-help on unlawful detainer cases or credit card dispute cases.

>> They are no longer able to offer self help and guardianship or conservatorship of person. They are no longer able to offer self help on stepparent adoption cases or grandparent visitation cases.

>> They have long multiple waits to file papers in the clerk's office or simply come in and pay a traffic ticket when it is time for the clerk's office to close at 4:00 p.m. They have to tell many people in line to come back tomorrow. People who have already waited for hours.

>> They are anticipating approximately 1,200 new parole revocation cases per year. They have no new resources and they are struggling to find a way to absorb the caseload.

>> The civil law motions are overwhelmed by the volume. There are no resources available readily to help with that.

>> On the flip side, the good news. They are engaged in a process to establish the filing. Presently, they have up and running e-filing. They are targeting e-filing for civil and the target date is June 2014. It appears that they will be on time and within budget with the existing resources that they have. Although they have had substantial layoffs, they managed to hire 27 temps and use them effectively to deal with backlog of defaults and they have substantially cleared the backlog and they have used the temp help in an effort to keep their Keyfile -- e-filing program on target.

>> They have a mandatory case management program. They are getting a lot of help from the local bar association from volunteer attorneys. The result of this is that they are tending to get their civil cases out to trial on -- and they have good success with that.

>> They are making efforts to establish a new veterans' justice court. One-stop shopping concept.

>> Judge Lee reports that they have good relations with their justice partners with the DA's office and the public defender and the probation department and with court-appointed attorneys. And with the civil bar.

>> In conclusion, it was my impression that this court is benefiting from Judge Lee's good leadership. I will now close with three quotes that I wrote down as I spoke with her.

>> First, she said that we are making efforts to rebuild moral responsiveness and openness in the court.

>> Second thing that stuck with me -- she stated we may be underfunded, but we are still moving ahead. We are trying to do more with less.

>> Finally, and this is certainly a window into Judge Lee, she told me that this institution will not die on my watch. That's my report on San Francisco County.

>> Thank you, Judge Jacobson.

>> We will hear from Judge McCabe.

>> Chief and members of the Judicial Council, I have 2 reports. To keep within the timeframe, I wrote them so I will not deviate. The first is from the Madera court and the second will be from

Fresno. I know that Sharon Morton is watching me to make sure I get it right. I will start with Madera. On March 8, 2013, I met with the court officials at the facility. The Madera court presently consists of nine judges and one subordinate judicial officer, a commissioner with one vacancy. It has an authorized position under 8159 which has yet to be undid for build -- under Norville. Fiscally, they have a budget of $6.5 million. The present year's revenues are $2.7 million less than they were in fiscal 2011 and 12.

>> The fund balance is approximately $631,000 which is a reduction from $3.3 million in 2011/12 and $3.6 million in the 10/11 fiscal year.

>> They were one of the severely underfunded courts that received money in the year 2005 and six through 2007-2008 before it was discontinued. The current funding level is equal to the funding they received from the county in 1996/97 fiscal year. Staffing has been relatively maintained. The schedule 7 a filled positions in fiscal year 2010 and 2011 was 102 compared with the current 97. The court system consists of facilities located in the city of Madera and Bass Lake. The courthouse has experienced fires in the last several years which have caused significant damage to the facility. Use of portable trailers in a compacted configuration which had interconnecting twists and turns rival the Winchester Mystery House but serve their purpose for the operation of the court.

>> However, the outward appearance from certain vantage point resembles more of a prison than a courthouse. The defendants are led down the same narrow hallway traversed by judicial officers and staff. The furnishings in the jury room consists of plastic lawn chairs which are not very comfortable.

>> A once used storage room approximating 8' x 16' was converted into a staff break room. The CEO, secretary, and other employees were responsible on their own time and money for installing tiles and painting and adding a counter and other fishing work before bringing in a table and chair.

>> Apparently, watching PBS's "This Old House" pays off.

>> [laughter]

>> A janitorial closet approximating 4' x 20' was similarly converted into an office for maintenance. The use of every available square foot of space has been accomplished. Storage of the court records are maintained throughout the courthouse facility and older documents are stored across the street in the historic jail, using the jail cells and shower room.

>> The jail facility leaks in the winter when it rains. There is a mold and mildew smell and herds of cockroaches roam the secured [indiscernible]. Thankfully, there is hope for the Madera court. A new, four-story courthouse is being constructed across the street from the Madera facility at a cost of $100 million.

>> At the time of my visit, the steel framing was nearly complete. Construction is scheduled to be complete sometime in the second quarter of 2014. An area of concern voiced by the court involving the construction of the new courthouse was that there was nothing budgeted for transition. Or start

up costs. Specifically, costs to move from the old courthouse to the new: janitorial, security, mail, phone system, etc. These were not included in the construction budgeting process. Given the severe fiscal erosion experienced by the court, the lack of funds present financial barriers to Madera's operation in the new facility. Concerning technology, Madera is a managed court. They do not have IT personnel. Instead, AOC contracts for services for such courts.

>> In the case of Madera, this consists of a weekly visit on Thursday for both the courthouse which is an hour's drive away and Madera.

>> If problems arise on any day other than Thursday, which is almost always the case, they usually but not always must wait. For example, the family law commissioners laptop crashed and she was unable to do the Department of Child support services calculations. Each DCS as case had to be taken under submission until the laptop was repaired. The court expressed his thanks to Jody Patel for her assistance in a crisis.

>> Madera believes they can satisfy its IT needs by hiring full-time employees at a lesser cost currently being expanded by AOC on its behalf for IT purposes.

>> To say the least, a once a week IT service is not sufficient and certainly won't be once the new courthouse is completed and they have relocated and are in full operation.

>> Madera is on a sustained case management system. Like many other courts, it too is planning to obtain a new case management system to begin e-filing at the paperless or paper on demand system. The caseload for the court in fiscal 2010-11 was 31,000 total filings averaging 3,500 cases per judicial officer for a total of approximately 31,000 dispositions. The statistics for fiscal 2011 and 2012 are not yet final.

>> The court is accustomed to reallocating its resources. Although the judicial officers handle their individual cases, they also coordinate with the division supervisors by shifting cases between themselves to complete the day's work. Staff routinely shift to where the work is needed. Judicial officers draft and type their own opinions.

>> The CEO and CFO have no secretarial support. They are responsible for their own support work.

>> Furloughs are used once a month as a team rather than an isolated approach; this is utilized to maximize production. The Madera court is a standard bearer for frugality. The court is appreciative of the invaluable assistance it receives from the AOC. War rally is high, but the staff -- war rally five, but the staff maintains strong relationships.

>> These systems can take comfort in the efficiencies employed by its court on their behalf.

>> The next is for the Fresno court.

>> On Saturday, April 6, 2013, I met with the judicial officers and CEO and assistant CEO for the Fresno Superior Court at their annual working retreat in Carmel, California.

>> Notably, the expense was born individually by each judicial officer except for the cost of the administrators which was covered in the courts budget for the workshop.

>> The Fresno Superior Court consists of 42 judges with one vacancy and seven subordinate judicial officers, each commissioners. It has 4 authorized positions under AB 159 which are not funded or filled.

>> Fiscally, the court's annual budget is $51 million. The present year's revenues are $10.7 million less than the fiscal year 2011 and 2012. The fund balance is approximately $5.5 million which is a reduction from $9.1 million in fiscal 2011 and 2012 and $12.9 million in fiscal 2010 and 2011.

>> Staffing has been reduced significantly in the past few years. The schedule 7 A filled positions in fiscal 2010 and 2011 + 550 compared to the current 410 -- a reduction of 140.

>> The court system consists of the following facilities: the main court is located in the city of Fresno. Due to the budget impact, it closed the satellite courts in the cities of Coalinga, [indiscernible], Sanger, Selma, [indiscernible], and Kingsburg. And all in fiscal year 2012 and 2013.

>> Fresno continues to be the only court on the aging B2 case management system and like many other courts has begun planning to obtain a new case management system and the new creature. Technology needs in addition to the declining funding from the state continues to be a high priority for the court.

>> Technology may be the single greatest tool to stave off the decline in services due to an erosion of funding.

>> It is important and can't be stressed enough.

>> The caseload for the court and fiscal year 2010-11 was 211,000 filings averaging 4,300 cases per judicial officer and 168,000 total dispositions.

>> The Fresno court has sought with the Judicial Council's recent approval and has obtained an innovative pilot project to leverage technology to maintain access to justice for its citizens in the outlying area of the county.

>> With the closure of the satellite courts, citizens facing great distances of 70 miles plus in one way from calling this to Fresno to access to justice -- some citizens neither have the means or the time to take away from work to travel to Fresno to attend court. The recently approved project permits traffic trial participation by a video appearance at remote sites provides an option for litigants to participate without traveling to the city of Fresno.

>> Presently, Coalinga, using its former courtroom and Mendota using its council chambers has set up and tested audiovisual capabilities. A demonstration was provided and I was impressed with the high quality of the picture and sound through court call.

>> The audio is of such high quality that simultaneous interpretation was and is possible with the system. The on-site screen has a four way split screen showing the court and each party table and the witness. Notices are posted to publicize this function.

>> The cost is minimal and approximately $300,000 per site.

>> -- $3,000 per site.

>> A cost savings will be realized given the savings of officer travel time and mileage.

>> The court has set guidelines for eligibility of video appearance. This includes if a litigant must travel more than 15 miles to the city of Fresno, they are eligible to appear and participate at either the Coalinga or Mendota facility.

>> The litigant has the option to appear in person or by video at one of the sites. Three -- law enforcement also has the option to appear in person or by video at one of the sites.

>> Four -- the interpreter appears with the defendant at whichever site is chosen by the defendant.

>> Five -- exhibits are scanned by the city officials at the site directly to the court while in session.

>> Six -- the minute orders are e-mailed to the report site for the defendant and for law enforcement officers.

>> Overall, the equipment is impressive and should be effective to minimize impediments at least for traffic cases. These have been created by the adjutant shortfalls and resulting in closure of the satellite courts.

>> I discussed with the court the new funding methodology being proposed by the funding methodology subcommittee. Concerns were voiced about the slow implementation of the new model. Specifically, 10% for the fiscal year 2013 and 2014 and the dire need that the severely underfunded courts are in which are seeking an infusion of money as soon as possible.

>> However, they understand that the resulting effect would suffer further losses to the funding under this new model.

>> A desire to obtain information and a better understanding of the U.S. Bureau of Labor Statistics was also raised.

>> I question was raised whether there were efforts to democratize the council. It was pointed out that the council currently has one member from the Central Valley which, next to the Inland

Empire has experienced both massive population and adequately case load growth and due to the neglect by the historic funding pro rata allocation system, induced severely underfunded courts.

>> A representative council of the state's regions was the stated objective of the inquiry and desired action.

>> Finally, inquiry was made about the strategic evaluation committee recommendations adopted by the council in August 2012 and whether the implementation was on track ahead or behind schedule. As I expressed before, I believe the implementation timeline for some of the recommendations was and is overly optimistic due to the fiscal restraint.

>> In all, the Fresno court is diligently working to meet the needs of its citizenry with the given resources. Innovation and technology and a desire not to be satisfied with the status quo have stemmed some of the effects of funding erosion. They are eager to work with the AOC and other courts to create innovative ways to fulfill their constitutional duties and responsibilities. Fresno County citizens should be proud of their judiciary.

>> I note that the following information has been taken by a Fresno court concerning the fiscal crisis. Steps taken include closing outlying court locations -- 10 courthouses in one of Mr. to building.

>> They have laid off six reporters and two secretaries. Mandatory furloughs of 96 hours for all employees for the last three years.

>> Voluntary furloughs up to 96 hours for all employees for the current fiscal year.

>> Frozen vacancies currently at 20%.

>> Increased revenue collections to the implementation of an FTB collection program and civil assessment avocation process.

>> They instituted a time to pay be an increased the installment fee.

>> Reduced operating expenses by 25% from fiscal year 2010 and 2011 -- two 2011 and 2012 and 20% from 11 and 12 to 12 and 13.

>> They implemented 37.5 hour workweek for court reporters.

>> 35 hours effective July 1.

>> Freezing promotions and freeze in step increases. No negotiated salary increases for 2 years.

>> They eliminated bilingual pay and reduced court reporter work week to 35 hours. They re-classed employees to lower classifications. They eliminated tuition reimbursement programs. They allowed employees to log out of health insurance.

>> They eliminated personal days off and eliminated Lincoln's day holiday.

>> Reduce annual leave accrual and institute a For new employees.

>> Renegotiate lower tech contracts -- when you're only now.

>> Reduced log book renewal and reduced janitorial service from five days to three days per week. Eliminated County Park and security contracts and transitioned off County payroll.

>> Steps that they will need to take if the fund balances are swept – lay off 30 additional staff just to operate without a deficit, lay off 70 additional staff to purchase the case management system.

>> They will need to have money to buy the system estimated to be between $5 and $7 million.

>> Reduce clerks' hours and possibly close another 4 courtrooms.

>> In all, the impact is closing outlying courts and this impacts the rural residents and the justice part is that it cannot process the criminal and traffic cases in the manner they have previously without a case management system resulting in a catastrophic constitutional violation.

>> The vacancy rate will go up to 42%. They cannot institute mandatory furloughs for employees in 2013-2014 due to limitations with their retirement board and they will have no court reporters and civil and family law and probate.

>> With all this good news, it was a pleasure meeting all of them. Even though I have given you the dire portions, I found each of these courts to have a determination not to be satisfied with where they were at and giving out how to get from here for. The citizens of California, particularly these counties, should be very proud of each of these courts. With that, thank you, Chief.

>> I could. Next we will hear from Judge Mary Anne O'Malley -- reporting on Alameda and Sonoma.

>> I have a picture. You will be happy to hear only one court, Chief.

>> I would like to say that I will be attending the family justice center courthouse's ceremonial groundbreaking for Santa Clara and that is Tuesday, July 16. I have been invited to that and I would be happy to share that with them in celebration with them.

>> On April 17, I had the good fortune to be able to visit Judge Hardcastle's neighborhood. I met with the presiding judge -- René Chouteau and the deputy Cindia Martinez. They gave me a tour of the facilities and they discussed how their court was adjusting to the budget cuts and I met with the other judges in a beautiful family law courthouse that the county or the court had built in a private partnership, and it is a gorgeous facility that was under budget and planned well and it is a gorgeous facility that accommodates all of their family law needs.

>> This is a –very, very well run court. They are fiscally responsible and they are innovative in all the aspects of their court operation facilities. They presented me with a binder that I have with statistical data and operational structure and the court employees and challenges within an aging Hall of Justice. The facility issues in Sonoma County for the Hall of Justice pose health dangers as well as dangers to court users as well as the staff working within the facility. I will talk about that in a moment.

>> They also provided me with a disc of photographs that I will show in a moment. This is taken of the courthouse. Let me get to those.

>> The construction folks behind the cannot answer this question because they are ineligible to do this because they probably know the answer. Five dollars to anyone who can tell me what this is.

>> It is not mold.

>> [participant comment - no microphone]

>> Let's try a few more.

>> Is it [indiscernible] an insect?

>> Now I will zoom in -- what does that look like?

>> Termites -- thank you.

>> This pile is about 18 inches high. It is below the manager's desk in an office. It comes up annually. If it doesn't, underneath this manager's desk, they pop up elsewhere. The county has tried for years to be able to stop this termite infestation and it just keeps coming up. I took the pictures and ran. [laughter] I can honestly say that I didn't stop in that office. It was springtime when I met and it was probably -- I said it's right over here -- I said it's time for lunch. [laughter] In someone's workplace if you can imagine.

>> Now I have to go back. We have more -- I am not giving you any more money.

>> Judge Hardcastle can help me with this. This is a big stain on the floor. It is in the civil division.

>> It expands over here.

>> [showing pictures]

>> We all love to see this in our workplaces. This is a recent asbestos mitigation. This was a sewer pipe 10 feet under a concrete floor that broke; now they are trying to fix it.

>> Lovely.

>> I ran by this place, too.

>> Wait, there's more.

>> This is not the roof tile. These are leaks. These leaks, through several floors. I am also told that there are some toilets up here. This might account for the color.

>> The construction folks cannot answer that question either. They did have some damages with these toilets and leakage.

>> This is a huge leak that occurred and the county has yet to identify the source of this leak. If you see here -- this is a waterline. This is how high the water came up on this cubicle. This damage: the ceiling tiles, and floor, and computer equipment, and court files, and court documents.

>> It saturated the whole area. They would not let me mention the M word.

>> The mold word.

>> Lovely.

>> [showing pictures]

>> Bear with me, Chief.

>> These are electrical panels that were damaged.

>> This is a transformer on the roof that consistently gets damaged and so this is the way to stop that.

>> Again, damage to the electrical panels which is scary. I will talk about an incident in one courtroom that happened.

>> I will leave us with the termite hell so we can remember what we are dealing with here.

>> Sonoma court has 23 judicial officers. They have 20 judges and three commissioners and one authorized but unfunded AB 159 Judge Shipp.

>> They have a 24% vacancy rate -- 50 vacancies for a court this size is unworkable.

>> In addition to that, with regard to the cuts and things that it happened that they have had to adjust to, the public has to wait three times longer for document processing. Processing judgments is now 4 months.

>> Child custody investigations are no longer conducted and time required to complete conservatorship investigations has doubled to 16 weeks.

>> Wait time for mandatory child custody mediation is 12 to 16 weeks -- four times longer.

>> The wait time to process adoptions and termination of parental rights and guardianship has increased to approximately 4 months. Long lines of the counters and delays in service and traffic in the collections unit are wrapped around the building.

>> They have 8 facilities and 1 capital construction project that has been delayed to 2014. They are not on the list because they need nice changes. They are on the list because they are in desperate need of a new courthouse. This would be the criminal courthouse project. The existing Hall of Justice, as you can see, is falling apart. In courtroom 1 there is a constant mechanical noise. The county can't pinpoint it so the judge has to live with it. It is a constant loud humming throughout the entire day.

>> In April, courtroom 7 had an electrical explosion which cut off power to the adjacent locations. The way to the Hall of Justice is dangerous because of the manner in which they have to transport inmates to court. They do it through crowded hallways with items and witnesses and jurors and emotional family members. Especially worrisome for the transportation deputies is when transporting gang members for hearings and trials. Judges have to use public hallways to get from their courtrooms to their chambers. This can be a concern after you have sentenced someone to a long sentence and leave out the same door as the family members.

>> Weapon screening is inadequate and nonexistent for the entire first floor of the Hall of Justice. This is used by jurors, staff, accommodates traffic court, and one criminal department.

>> The criminal department on the first floor requires additional deputies to prevent the escape is because the door opens directly to the outside. The entire second floor is open to the public view and several years ago a bullet was fired through the glass.

>> With all of these obstacles which makes working in the facility very difficult, these folks come to work surprisingly every day with a smile in their face. Except maybe the manager with the termite hell.

>> [laughter]

>> I have to say what a fabulous group of judges. What innovative initiative that they took out -- we talked about this before -- Allan Carlson mentioned this -- the continuances. How it would impact the work of the court staff and the funding of the court. The judge has made a concerted effort to minimize continuances and they have had great results. They have less work for court staff and matters are resolved sooner and more efficient court time and money saved.

>> That is just to name a few of the positive results.

>> They wanted to bring to your attention and to the members of the council that they are concerned with the 1% fund balance that we are left with. Their court is using a 20-year-old legacy UNIX case management system including criminal, family, the bill, and juvenile. The traffic case management system is more than 20 years old and it is running on an AF 400 mainframe. I don't know what that means. It doesn't sound good.

>> [laughter]

>> The existing system is more than 15 years old and many of the software components are no longer supported by the manufacturer. The court was planning to use their fund balance to implement a court case management system beyond traffic and gain further operational efficiencies and reduce county technology charge backs. Without unbalances, this strategy has to be abandoned and curtailed substantially. Without available capital they lose the opportunity to automate, streamline processes, and continue to make matters worse by using the obsolete county operated case management system.

>> While meeting with the other judges at lunch and discussing their concerns, they wanted me to relate to the Governor and Department of Finance and all of the legislators except for Assembly Men -- except women Bloom -- they have to imagine that other branches don't fully appreciate the serious life-changing and sometimes life-threatening matters that the judges here every day. People he can get access will suffer. They will have serious injury -- mentally, physically, and financially. We would love for people from the other branches of the government to visit their court to the people at this court serves every day. They have serious problems or they would not have to go to court. Hopefully, the people in the other branches of government would fully appreciate that the third branch of government serves the public when they most need the help. So, Chief, I would like to submit a binder to you and Judge Jahr. There are additional photographs and information about the Sonoma court.

>> Thank you so much for creating this program and allowing us the opportunity to go to these courts and I had the opportunity to see old friends and meet new ones and see how amazingly well these courts are coping. Thank you again, Chief.

>> This concludes my report.

>> Thank you, Judge O'Malley.

>> [Captioners transitioning]

>> This is a great reminder of what we do and council statewide perspective. Think you. We also have quite a bit of public -- before I get to public comment I want to take a moment to recognize someone who is an unsung hero in the judicial branch and will be leaving us and I wanted to thank -- take a moment to bring forward Harry Jacobs, a person whose work you know and appreciate, that this is a person behind the network.

>> Thank you, Chief and members and we have with us this morning the group of the directors of the self-help programs throughout the state and they have been meeting for a couple of days downstairs is a working on improving and sharing technology that improves the self-help programs we are doing throughout the state and have really been doing some great work and there is a lot of creativity that's going on down there on the programs. A lot of activity and a lot of the work has been done by Harry Jacobs. We have Harry with us today and specifically for an award that he is going to be receiving from the Legal Aid Association of California. It's the family law award for court employees. So this year, the court employee is an AOC employee. Harry joined the Administrative Office of the Courts a little over 10 years ago, 11? 11 years ago. At the Center for Families, Children & the Courts, he was first a contractor pursuing his master's degree at the time and then after went to work as a tax attorney at Morrison and Foerster and here he gave up that lucrative work at Morrison and Foerster to come to work at the AOC and to use his skills in developing technology to assist low income people with their legal problems. Here he was really responsible for developing the California court self-help website. It's the first comprehensive state self-help website in the country. It had over 1 million hits in the first week of operation and continues to serve millions of people each year. It has won numerous awards and is considered the gold standard for providing legal and procedural information. Here he recently has been focusing on developing cutting-edge programs and creative use of technology to support self-help centers and legal services centers. In Los Angeles alone, self-help center at Stanley Moss Courthouse we are at 100 workshops a week all of which are based on using. Interactive document at some point in the system which at some point I had the opportunity a couple of days ago to sit through demonstration and it is really pretty incredible. If you think TurboTax is cool, this is cooler.

>> [Laughter]

>> Harry also developed a program for neighborhood legal services program to help them with domestic violence restraining orders so this program allows volunteers courts to help self-help litigants prepare accurate and complete restraining orders. [Indiscernible] with the Riverside were to adopt this project to be used its churches shelters and other community agencies, to radically expanding services and at this time, particularly, as you have heard is quote -- courts have enclosed throughout the state. [Indiscernible] County is using the program to allow people to complete forms with volunteers and tribal communities which can be reviewed at the self-help Center the courthouse and he has just completed a program with [Indiscernible] legal services for their program self-help project in which the program prepares conservatorship pleadings. The agency reports that the programs is a tremendous amount of time pleading for -- pleadings that used to take four hours to complete not take 15 minutes and the conservatorship pleadings [Indiscernible]. So allowing them to assist more people more quickly. Here his efforts have really transformed the delivery of legal services and California and has literally helped billions of self-help litigants and I think if Judge Jahr noticed -- arithmetic yesterday I think we have to need them protect are going to present their award to Harry.

>> Thank you, everyone. It's an honor to be with you this afternoon. I'm program coordinator at the legal aid assistance [Indiscernible]. I know great things of 37 about Harry. We are all very honored to be here today and to honor you with this award. [Applause]

>> I want to thank the council for delaying your lunch break. I know you're very busy and very tired and want to thank all the people were standing on the law they are, all the people at the self-help Center the other two heroes and the one that deals somebody day with somebody litigants and they make these programs work and hear my boss [Indiscernible] and her boss, they are the ones that let us come up with her strategies and work with the courts and get things done and it has been very gratifying and thank you very much.

>> [Applause]

>> You know I want to say, Harry, as I said earlier today in the lower level when you are being honored as well, you are a man of many talents and you could have done so many different things in it and you decided to take your skills, your genius with software in bringing it to the public for access for California and we are forever grateful for you doing that. Please come forward so we can take a picture.

>> [Pause]

>> [Applause]

>> We have reached that point in our meeting that is reserved for public comment. And grateful to the audience for your patience and for being here. Our schedules and times vary and thank you for staying to give comment today. We have 12 requests for public comment at today's meeting. I believe our all consent related or matters that affect the administrative of justice. We also have five written comments, they are included in council members' materials and they are also posted on our website. I would now call upon the first of our 12 speakers for public comment today. You each have three minutes. Three minutes. Justice Miller will be keeping time and don't be startled if we give you a time last and I will call first Mayor John who wear to, I called Mr. Kevin Dayton, president and chief executive officer.

>> I'm here to speak in opposition to the project leader agreement that have contractors that will need to sign to constructor $500 million courthouse. We first heard rumors in February that maybe there was something in the works behind the scenes that would require contractors to sign a union agreement in order to work on it courthouse. That aspect of another people work with continue to research and make phone calls about, we could not PIN anything down and we couldn't get in and documentation. People continued to deny there was anything going on. In early May the prequalification questionnaire came out of the Administrative Office of the Court in it mentioned nothing in there about a project waiver agreement. And yet the rumors continue to persist. There was nothing on the last agenda of the Judicial Council of California at all about what was going on, yet the rumors persisted. I finally fouled up public records request with the Administrative Office of the Courts in me. In early June I got the documentation it lasted there was. Apparently the state building construction trades council of California requested that contractors have to sign a project waiver agreement with the unions to work on the courthouse. That request was accepted, I don't know what the criteria is of the Judicial Council or the Administrative Office of the Courts to accept request or deny them, but theirs was accepted and it was all done behind the scenes. I got a letter last week informing me that this wasn't done deal and that contractors would be signing this

contract labor agreement. This of course is a place in -- where the voters and the County of San Diego past ballot measures thing that they don't want their government mandating contractors assigned waiver agreement with unions. Obviously, thing unions must be thrilled that in a place where people have said no project waiver agreement, they've got a big one on a big courthouse and if that one and a place where there are a lot of nonunion contractors that we're going to bid on them. Would permit as a compost bin for them. There should've been a vote on this orchard of come up with the unions are always doing this throughout the state, always figure out ways to get their project waiver's agreement in place in a way that's done behind the scenes in backroom deals so people like myself and the people want work for the contractors who want to work on the sort of thing, we never get a chance to speak out against it until it is done. This is inappropriate, wrong, it's the way the Judicial Council of California operates. I've learned a lot about this group so they started looking at it and you do have a vote on this but I suggest that you don't do any project waiver agreement. To not let the unions monopolize your construction.

>> Thank you.

>> Mr. Christian.

>> Thank you members of the executive director and I'm quite embarrassed to have to be here today to extend the right of nonunion contractor staff to be to work on [Indiscernible] we've heard nothing in this meeting other than two things all day long. That the projects that have gone forward so far have been wonderful, under budget, no problems, testimony after testimony and we've been hearing secondly that throughout the state the system has no money and yet you sign a project labor agreement on a five plus million dollar project thereby all but guaranteeing the cost increase. No the dishonesty that with contained that Judge Jahr sent out is embarrassing in and of itself. But if that was the only thing that happened here that we would go but I wait until the contractors will maybe next time but this is a publicly funded project in an area that has voted 58% to 42% p.m. project labor agreements. These agreements are so controversial that 11 entities in California have banned them. Including the city of San Diego, 58% to 42% voted to ban chilies and you bring this to that city, a city that is 90% nonunion workers from Helix Electric, one of the largest electrical contractors in the world, built the subcontract that built this room and the full building will now not be bidding this project because of the project labor agreement. You’re reducing competition identified 12 different contractors who will not bid this project. This is offensive and not only the way that the staff has conducted themselves but in the way that -- [Indiscernible] this has not been discussed in public. It has been discussed in closed room sessions, public not allowed, what is happening here? What is going on with taxpayer-funded dollars, and in the letter that was given to us as expected we will be evaluating whether the appeal is expected will minimize the risk project, improve the quality of work and management of the project, approve the relatively of the workforce and ensure the overall cost-effectiveness of the project. What benefits of weight to talk to all the men of women most of whom again, including the Bureau of Labor Statistics in this country, 5% who wake up and choose to work in a union free environment, will improve the quality of work? What are the problems? Here's what I would like to come down from a business standpoint. Exactly what were the metrics in them? Of data that was devastated step by step before I've had a $50.000000 project was deemed to be placed under the most controversial agreement facing the construction industry. Where is that data that allowed this arrogant dissembling, dishonest letter to

be written by your staff? Where's the data that demonstrate exactly what you decided to change or standard operating procedures and go with the POA on the largest projects you've undertaken. Wanted to see it -- I want to understand the rationale and I want to know what you did vote on it. Apologize for being so emotional today, would like to say that [Indiscernible] would persuade using reason and avoid using a motion but frankly I'm offended that I have to be here today as much as I love coming to San Francisco on a beautiful weather day, the fact that we have had to do this is offensive. I'm passing out to just one thing that we have been doing, we have the two packets of information that let you know what is going on, we send out mailers to tens of thousands of residents, the union has taken out a blistering editorial on this process, this is not going over well in the city. I hope you're aware of that and now you're going to reduce competition, increase cost, and exclude workers.

>> Ms. Nicole [Indiscernible].

>> Good afternoon, Madam Chief Justice and members of the council. The Associated Builders and Contractors of the national trade association representing 22,000 members and more than 19,000 construction and industry related firms. We are founded on the matchup philosophy, we help our members with work and deliver network. Safely, ethical test [Indiscernible] ABC California is comprised of five local California ABC California chapters as part of 72 ABC chapters nationwide who all encourage or permit officials to pick your public works to fair and open competition by ensuring a level playing field for all qualified contractors in their skilled employees regardless of union affiliations. Experience them straight this approach helps government agencies provide taxpayers with the best possible construction at the best possible price. ABC California craftsman and apprentice training programs are recognized by the California Department of Industrial Relations and cover a wide variety of trades including electrical plumbing, sheet metal, painted, removal cream and welding [Indiscernible] the nature that the PLA was find for the court house construction and it discriminates against every -- 84% of California workers who are nonunion. These PLA that at 18% and additional costs. Our organization is fundamentally opposed to government mandated labor agreement because the agreement restricts competent – competition, discriminates against nonunion employees, places shop contractors at a significant competitive disadvantage. The anticompetitive agreements that stops fair and open competition. We do not support the project labor agreement of the San Diego courthouse construction project and are concerned that the projects moving forward are also going to be considered to 35 courthouse projects are going to be considered in this manner as well we would encourage you to immediately adopt a fair and open competition policy that states the following. Administrative Office of the Courts shall not in any contract for the construction or maintenance of the California construction require the contractor subcontractor, material supplier, or carrier engage in the construction or maintenance of the project executor otherwise become party to any project labor agreement, collective bargaining agreement, [Indiscernible] agreement, prehire agreement, or other agreement with employees that representatives of any labor organization on the condition of bidding and negotiating been awarded a performing work. I would happy to meet with you about this fair and open competition policy will encourage you to be for any other decisions like this are made to do an educational study session for yourself so you can all learn more about the merits of the pros and cons of project labor agreement before you make any decisions to enter to test entered

to these in the future. These are discriminatory to 84% of the construction industry in California. Thank you for your time.

>> Thank you.

>> Mr. Richard Marcus.

>> Good afternoon, Madam Chief Justice. I'm Richard Marcus and I'm here today representing three organizations in California, the Western Electrical Contractors Association, the plumbing heating cooling contractors of California, and air-conditioning trade association. All through the organizations are authorized either under state or federal law to train and dispatch [Indiscernible] for public works. As many of you may know California law requires the use of a [Indiscernible] in any public construction process. These young men and women who enroll in an apprenticeship program make a 3 to 5-year commitment of developing the classroom instruction and on-the-job training the skills necessary for lifelong career and construction. My clients operate apprenticeship programs is one of three entities were recognized as sponsors and two of them have training facilities in San Diego County. The PLA has not been released yet we don't know the specifics of it but I can tell you from my experience dealing with PLA's in California, it is that they typically restrict the dispatch of apprentices from only union affiliated programs. The State of California recognizes three distinct entities and as I said PLA is typically restricted to only union programs. If the PLA that has been executed for San Diego includes these restrictions, we believe that violate at least the intent of public contracts called 2500 and have effective nap that it establishes that PLA is our only permissible if they prohibit discrimination based on membership in the liver organization and dispatching workers for the project. Now I realize that the Judicial Council operates under its own sections of the public contact code that are separate from the but it seems to me at least that it is incumbent upon the Judicial Council to at least embrace the intent of nondiscrimination that the public contact code section 2500 articulates. A decision from your own Supreme Court in 2000, the high-voltage wire Works define discrimination at a test to make distinctions in treatment and show partiality in favor of prejudiced against, is the definition of discrimination. And we believe by showing partiality, favor one program over another that this violates the intent of discriminating against these programs. Now be on the impact an apprenticeship I will say that the construction entities that belong to my client organizations are adamantly opposed to the other provisions in project labor agreements and while I'm sure that the speakers who follows today will talk about the great advantages of operating under a PLA in their historical significance, the most frequently cited claims and support appeal it is to promote labor harmony and it is troubling to me of as a taxpayer and citizen of California that we have to resort to signing a close -- exclusionary agreements that keep many contractors and apprentices from working on state-funded project simply to promote labor harmony. That is troubling to me as a taxpayer attitude the queue as well. Thank you very much for your time this morning.

>> Thank you, Mr. Marcus and.

>> We will hear from Mr. Ray [Indiscernible].

>> Madam Chief Justice, my name is Ray Vander Nat, and the attorney for the state building construction trades council that along with Robbie Hunter the president from the state having trades is here today negotiated this project labor agreement. This is not the first project labor agreement that covered one of your courthouses. In 2011, when Robbie was still with the Los Angeles building trades council we negotiated a project labor agreement with Clark construction for the construction of the Long Beach courthouse. Just like in this case Clark approached us and asked the unions to sit down and negotiate with them for project labor agreement that exactly what we did. Last year also the federal government approached just and asked that we negotiate project labor agreements with the new U.S. courthouse visits being built downtown. We successfully negotiated a PLA for that project only.

>> Both of these PLA is the Long Beach as well as in San Diego were negotiated in compliance with public contact code 2500. And I can tell you too that in dealing with the other side of the table in negotiating this agreement for San Diego, the construction manager at risk, Rudolph and Clayton they were no novice to labor negotiations. Would've the plate and has throughout the state of California for being knowledgeable and in knowing what they are doing. Before I go ahead and get into my regular comments, I would like to continue the conversation but looking at one of the documents that were submitted today for public comment by one of the prior speakers. If you look at page 27 I believe it is of the written documents, there is a document that you will see that is called what is the PLA. Let me explain to some of the men -- myths that the ABC continues to try to perpetuate. The first one. PLA has put special interests ahead of the public interest by restricting the bidding process only to contractors backed by big labor unions.

>> Not true. Look at the terms of the project labor agreement for San Diego. It doesn't all contractors regardless of their status of being union or nonunion [Indiscernible] are eligible to bid and be awarded the work.

>> In fact if you look at the project labor agreement such as LE UST, 60% of the contractors performing work under that PLA or nonunion. Further, all workers must [Indiscernible] to the union hiring hall itself, not true. Look at your agreement and look at the provision for core workers. Any nonunion contractor was successful in bidding can bring his own core workers to come and work. They always use only union job classifications, not to. They use the classifications established by the department of industrial relations in the wage determination for the applicable project.

>> Time. Sorry.

>> Thank you.

>> Mr. Jeremy Smith's.

>> Thank you. Madam Chief Justice and members of the council. I appreciate the time you've given us to talk today and I'm thankful for the opportunity to talk about the project labor agreement. Earnings Jeremy Smith's here – I am here on behalf of the state building constructions trade council. We represent just shy of 400,000 unionized construction workers in the state. We along

with our united contractors and our employers account for nearly 95% of the apprentices that moved through the state approved apprenticeship program in the state and together with our contractors we fund those programs at north of $100 million a year. We trained the next generation of workers on cutting-edge construction techniques, which are that they are trained as they move through their career to ensure that they stay on top of the construction industry and the changes that happen therein. I would like to take a minute to talk about what is in the PLA and pick up where a previous speaker left off. I'm sure that everybody in the room has read the PLA and I would like to direct due to a couple of sections. First of all it is not true that the PLA precludes workers who were not labor union workers. In fact, union workers and dating in article four section 2 D it is quote, "No employee covered by this agreement shall be required to join any union as a condition of being employed or remaining employed for the completion of this project work." The PLA goes on to say in article 10 that the union and employers agree that they will not discriminate against any employee or applicant for employment on the basis of membership in any labor organization. Further, it goes on to say in the PLA that in article three section G , that quote, "Nothing in this agreement shall be construed to limit the right of any of the employers to select the lowest bidder they deem qualified for the award of contracts or subcontracts." And it goes on to say under article four section one B and C-letter, any bidder we perform work on the project bike finding of a letter of consent to PLA. Regarding the project costs and claims it's going to spiral out of control. This project whether it's PLA are not the prevailing wage job. So wages and benefits typically big parts of any project, whether it's prevailing wage project are not our set. The wages and benefit levels are set by the DIR under the prevailing wage act, those costs will not change; they will stay static throughout the length of the project. The PLA practically guarantees that the project will be done on time by prohibiting strikes so neither the employers, of the workers of the workers can go on strike on their own under this PLA. [Indiscernible] arbitration and provides in section article five 1012 that during the existence of this agreement there shall be no strike, slowdowns, withholding of work or other destructive activities. You always have been used for decades. There was a PLA per diem and the Kennedy Space Center, there is a PLA at the ATT Park, San Francisco Airpark 40 40 the Forty Niners was done under PLA, Tuesday, Toyota, Walmart, scores of private industry [Indiscernible - multiple speakers]

>> Thank you, Mr. Smith. Mr. James Conway.

>> Thank you Madam Chief Justice, Judicial Council staff my name is Jim Conway and consultants for the construction industry management representing thousands of contractors and nearly 400,000 workers. These are the folks up or just perform the work statewide every day. We stand at the ready to perform at the new San Diego new central courthouse project and many other core facilities for that matter. Given the size and complexity of the project the Judicial Council is made a wise choice to enter into a project labor agreement to ensure quality in a timely project. This will be a landmark facility for the California court system as well as for the city and County of San Diego that should be applauded.

>> Billions of dollars in construction work in California and nationwide have been successfully completed on-time and on budget were under budget under project labor agreements. Records Council to contact both public and private construction users who've taken advantage of various the PLA's can provide.

>> Would like to quickly point to the LA Community College District sustainable building program were in 2000 and projects under the engineers [Indiscernible] 125 million were excellent bid if 82% million -- 82 million [Indiscernible] as you have heard [Indiscernible] enters again despite what you've heard to the contrary. In fact it's not uncommon for more than 50% of the work to be performed by nonunion contractors.

>> [Indiscernible]

>> Judicial Council and staff are dedicated public servants and I'm disturbed by the accusations that have been leveled against the fine and august body. Please don't listen to the bluster. Please proceed with the business of building the San Diego new central courthouse PLA be assured that our workers, contractors and associations will do everything in our power to assure you and the people of the State of California that you made the right decision. Thank you.

>> Thank you Mr. Conway. Mr. Ronald Mitchell.

>> Thank you my name is Ronald Mitchell, I am the Labor Relations specialist in the Bay Area sheet metal air conditioning contractors national Association Bay Area [Indiscernible]. Bay Area [Indiscernible] if the contractors Association that represents 150 different sheet-metal contractors that annually produce 6 million quality man-hours throughout Northern California. My members at Bay Area [Indiscernible] successfully bid work under project labor agreement delivering quality projects on time and within budget and with superior safety records.

>> Excuse me. I'm here to lend my support for all construction work for the California court systems be performed under project labor agreements, our partners from organized labor 104 and are members at various [Indiscernible] venture that you will be -- that you will provide just that they will provide California court systems with buildings and facilities that will meet your expectations and the public's.

>> In accordance with the project labor agreement, our partners from organized labor book oh 104 and local the Bay Area [Indiscernible], also ensure that there will be no strikes, no walk-up, no labor dispute that will interrupt the flow of work on these projects. Thank you for giving me the time to express my support.

>> Thank you Mr. Mitchell.

>> Mr. Greg Armstrong.

>> Good afternoon, Madam Chief Justice and Judicial Council members. First of all I'm thankful that you are not in your world because this is already intimidating enough. I'm Greg Armstrong with the national electrical contractors Association. We are national Association with there statewide we have about 500 electrical contractors. We employ about $15,000 missions. They are all state certified or in a state apprenticeship program. I would like to offer my support to the proposition of utilizing a project labor agreement for your future [Indiscernible] of your courthouse is. And I haven't heard anybody really say what a PLA is anything most of you know a

little bit about it but it's not that controversial and it's certainly not discriminatory. If you choose not to bid under project labor agreement, that does not make it discriminatory and both mentioned by some other folks, on the LA high school district, I think 60% nonunion, 40% union, it's not really that controversial, it's is just another project delivery method. One of the things it does do though is it ensures local hire. You will have nonunion contractors bidding on the job and they bring -- may bring in their core employees but further employees that are hired will come out of halls. I spoke with Carl and electric one of our new member contractors there currently working on the [Indiscernible] courthouse project with the perfect construction. I talked to the owner of Collins and I said -- he did have 25 electricians on the job, five are apprentices. You need a future workforce. There's the mandate in the state this is one of our -- every five hours on the state is work by an apprentice means state -- being trained. I asked him another question, how many of those electricians or local and he said 20 of them are from the [Indiscernible] call me, five of them come from our office and [Indiscernible]. I think that's pretty good I think that's one of the benefits you get from a labor agreement. The labor agreement, the labor agreement ensures a local workforce. Most of these projects are large complex, $5,600,000,000 just, I pride in our contractors, and the training we offer to our Association and the training we offer to our journeyman that are state certified that goes through continuing education, the complex projects. You flip on a switch, a light goes on but just look around here. There's a lot of high-tech that Josie. This security, life safety systems, it's important that it's done correctly and right the first time because of the money that's spent. I would like to close by saying these facilities are an important part of California infrastructure and as the honorable former Chief Justice Ronald George stated at the opening of the fourth District Court of Appeal and then Anna a couple years ago these projects bring welcome relief in the form of jobs to the local community at a time when they are sorely needed. Thank you for your time. Mr. James [Indiscernible]?

>> Madam Chief Justice, Judicial Council members, staff and attendees, greetings. I'm president of marine mechanical, heating and air conditioning firm located in [Indiscernible]. . PLA *-asterisk sent to hot topic that we've are important to all of us. Workforce training for the future and assuring taxpayers and local communities we value for the tax dollars. With regard to training, I would like to share with you that the contractor since 1980. The first 20 years of my career I was a nonunion contractor. And during that time I work very hard with [Indiscernible] contractors to try to put together a training program for our industry. I'm sorry to report I was a very successful. When time for good folks with too busy to train, at times weren't so busy folks can afford to train. So ended up stealing employees from Philip contractors and just driving up our costs anyway. After 20 years of trying that in a certain amount of frustration I decided to become a union employer. I needed access to trained and skilled workforce, but in addition to that scope -- skilled workforce I found all the sudden I was in a fraternity of contractors as committed to training as I was, committed to the point that they agreed to split a dollar plus per hour for every hour worked by every employee on every project private or public and to train new workers in our industry into retrain workers on ongoing skills.

>> Now instead of stealing folks from one another we are working together the team to build our industry and move it forward. With regard to taxpayer value, union or nonunion, PLA's do not freeze out qualified contractors. As a nonunion contractor the company successfully bid on and won projects that were under -- covered under PLA's. But sadly there are contractors out there who

are more focused on cutting costs than the art and delivering quality products. This focus transcends training and manifests itself -- itself and final quality of the project. Last year my firm was hired to take over project that was awarded to a nonunion firm that used substandard materials, did not follow the specifications, and ended up installing the project for South Bayside system authority which is the water reclamation group for Redwood City that was not going to be to me cold. So in this case, the system that would not meet title 24 wouldn't pass code had to be removed and reinstalled and this taxpayer group ended up paying twice for this project. They're needs to be criteria other than cost for selecting contractors who use public funds to build infrastructure for our communities. Taxpayers need tools that assure their funds purchase buildings and systems that are [Indiscernible]. If specified, meet energy building codes, built by contractors with a commitment to higher trade workers from within the community, funding the project and thereby assure those public funds are returned to the community. Thank you.

>> Our last speaker today is Annabel [Indiscernible].

>> Good afternoon everyone. My name is Annabel [Indiscernible], field representative and bear with me I'm trying to get over something right now so my voice of the little off. Chief Justice and members of the Judicial Council, as you know a letter sent last month by the U.S. Department of Justice describes California judicial grant policies and practices that are inconsistent with title VI of the Civil Rights Act and its related regulations regarding language access for limited English proficient [Indiscernible] users. The policy is identified by the DOJ and affects courts statewide and they result in the denial of interpreters to those have been tran4 -- [Indiscernible] and those ancillary to court hearings. [Indiscernible] clearly points to the dish at just Judicial Council of their policies and reimbursement for interpreter services and the redirection [Indiscernible - distorted audio] as intervening factors to these violations. [Indiscernible - distorted audio] quarter administrators continue ordering interpreters not to interpret and supposedly non- mandated manners even when interpreters are available to do this at no additional cost. This practice should be stopped immediately. [Indiscernible - distorted audio] request the Judicial Council take immediate action to form quarter administrators statewide that funding is available for interpreters, [Indiscernible - distorted audio] and all contents including salamanders and explained that the funds will not be redirected to other budget items to 19 the DOJ of clothing indicated that providing language access violates title VI. It might've that the California Federation of interpreters respects disrespectfully at to meet with you [Indiscernible - distorted audio] to discuss the next step [Indiscernible - distorted audio] we are eager to prepare to work with the courts to meet this challenge.

>> I would also like to take a moment to address something in the agenda with some informational item and this is regarding [Indiscernible - distorted audio] interpreter certification. If those serious concerns about the process and validity of the stuff. We continue to question how so much money and effort was spent administering exams, all qualified candidates [Indiscernible - distorted audio]. We wonder how the judicial [Indiscernible] plans to provide language access to mothers of these [Indiscernible] certified for the entire state of California. [Indiscernible - distorted audio] has yet to adequately address these issues. This is why we respectfully request a meeting to discuss these questions and focus on [Indiscernible - distorted audio] we welcome the opportunity to have

a meaningful discussion that would lead to a solution that promotes language access in the courts for these to language barriers.

>> Thank you.

>> Two of the speakers here today, a very important issue of PLA's and interpreters, the council thanks you for your comments, for your thought-provoking ideas about what was said here today. We appreciate your input. We stand in recess until 1:45 p.m.

>> [Meeting is in recess until 1:45 p.m. PST]

>> And to ensure the work of the council can be as effective as possible in implementing solutions, as you note placement on the consent agenda and no way reflects upon the significance of the proposal prior to any meeting, any council member may request that an item be moved to the discussion agenda. We think of the committee members and staff, not just those named on the agenda for spent many hours on the reports and recommendations and executing them to place where they are the kind of -- of much debate and ironing out of the details but it can be on the consent agenda. We appreciate [Indiscernible], do I hear motion to move the consent agenda?

>> I make that motion.

>> Judge Jacobson and [Indiscernible], and Judge Rosenberg, thank you for the second, Judge McCabe, if no discussion all in favor say aye, so moved. Thank you.

>> This is a non- action item that we are convening on, I don't have our presenters we know very well but you may want to introduce yourself for purposes of our live captioning and audio listeners. You may proceed. Item C-letter. Kurt Soderlund, Chief Administrative Officer, went to report and think on the government did send the budget. The reason you see for the to speak to this is because this was really a team effort in terms of support from [Indiscernible] physical services and executive offices. So the highlight that everybody knows about it thank goodness there was $62 million added to the base with $63 million going to the trial courts and $62 million going to the courts of review but we still suffering from a reduction in the general fund of roughly $472 million. I would note in terms of the $3 million was allocated to the courts of review, who is 500,000 for the Supreme Court, 2.375 for the courts of appeal, and $150,000 for each CRC. The other notable factor here is that there's going to be and there is a new reporting requirement whereby September 1st trial courts are going to have to submit plans to this body and then those plans will be transmitted to the Legislature in terms of how access to justice will be either maintained or improved. We are currently working on templates to that effect was [Indiscernible] and with the advisory committee. And addition to the money that was added to the budget there were four for efficiency measures that were also adopted concerning exemplification of records, use of Social Security numbers, the use of court financial officers, determinations on issues regarding the repayment of parent or guardian and with that I'm going to turn it over to [Indiscernible]. One efficiency that is one of particular administration [Indiscernible] unfortunately that was not adopted by the Legislature in their package. So progress was made regarding the trial court on it with respect to the judicial branch contracting manual, there some issues and how we were

interacting with the purest about it, the budget allocates $325,000 out of our trial court trust funds will know the money was given by establishing this cap of 325 it's expected that the ESA should be living within this amount. We did have difficulty getting a reasonable cost from them for their work, they also adopted some [Indiscernible] to extend the. Of review and reduce the number of courts that we looked at on an annual basis so there would be every other year review of only five courts so there is good progress there and we limited the scope of the audit so we can maintain reasonable costs have been reported, there is a detail by the governor of some language regarding open meetings. We are working on rules for that process going forward and anticipate some level of work on that in our budget meeting coming up on July 9th, there some other minor [Indiscernible] issues regarding presentation of budgets as required -- as required by the trial court, it was a sunset that was to, 2017, and it's now been eliminated so we continue to openness and public information as preserved through this budget.

>> I'm going to kick it over to Cory and terms of [Indiscernible] in terms of major construction issues.

>> The much changed or was there much action actually in the construction site the facility side of the budget, what was in the Governor's budget in January stay the same in my and ended up essentially in the budget that was just signed, the key pieces are in think that you are familiar with it the 200 million-dollar redirection this year that was anticipated by justice hills committee and they went to work on that and that resulted in $11 million or 11 projects that were going to beat tonight for the year. The Long Beach payment, as you recall, that's coming to this year. Come September, $35 million this year jumped about $55 million in full year cost, that's our general fund -- not a general fund cost so it has to be taken out of 1407 and anticipation that that is well there were four projects there were indefinitely delayed there. Combined with the $50 million that was redirected in the spring budget year, resulted in seven projects being indefinitely delayed so the fertility now is 11 projects delayed for a year, 11 projects indefinitely delayed. The 90 million-dollar loan that was coming to, supporting all seven was not repaid. That's been moved out for two more years before we will see that part of it.

>> On the good news side, there are 10 projects that are moving forward, still and notably the San Diego project that you may have heard something about, in the San Diego project that's been authorized now for construction, this 515, $16 million now for the construction of the project, to other projects that will be moving into construction and the others will either be moving into preliminary plans and working drawings so a total of about $830 million of projects we're included in the budget. Despite the major redirection that have been happening upon best that $1.7 billion that we recognize there still projects that are moving over the course of the next fiscal year.

>> Next will be turning our attention to the trial court cash flow issues and the fund balance policy, we were appreciative of the Legislature’s support and both houses did adopt the 12% figure but ultimately in the final budget negotiations, the 1% remained but there were some statutorily restricted funds that were excluded from the 1% so we do see some small progress on that issue. The administration had proposed and the budget does include language regarding the loan process from some branch funds to which the public of finance believes will help with the cash flow issues 11% comes into fruition. The problem that we have that it's a short-term solution and so we will

continue our work with the Legislature and the administration and getting further exclusions so we can make that 1% policy something that the branch can manage without disrupting the payment that are met -- necessary and made by the cut trial courts?

>> [Captioners transitioning]

>> These are related to the modifications -- this includes the county in which the alleged violation occurred in addition to the county in which it was supervised. Also, the amendment to clarify that a person released on parole for post community supervision must remain on supervision after 60 days even if there is a later determination that the person should have been released to another category.

>> Language to clarify -- decertification of mentally disordered old offenders. A parolee has been certified as DOM required to undergo treatment. But the state hospital -- subject to patrols version even if later certified as an M.D. 0 By the Court. Finally, there were clear patients make regarding uncertainty about when there is a mandatory supervision commands. The trailer I'll amend that this section would specify that period of mandatory supervision commences upon the defendant released from custody. These were the four provisions of the safety trailer bill.

>> So, the advisory committee will meet on July 9 to discuss the recommendations to the council on the new funding methodology and this will be forthcoming and that these recommendations will come to this body on July 25.

>> Any questions?

>> If I might cut in for a moment -- thank you very much. The materials were not supposed to be included with this, according to the agenda, but actually there is a memorandum that came out yesterday. I think each of you have had it handed to you today to assure that you have it and it summarizes the points and was in fact collaboratively prepared by the presenters.

>> I would just add that in the memorandum, this was written before we saw the action on the trailer bills. So, it talks about how the trailer bill would change this, but that the government has signed it now.

>> Thank you. As you know, in July, the Judicial Council meeting -- we will have more discussion of the budget in more detail.

>> I stand corrected -- now we addressed Item C -- electronic filing service rules. I welcome Judge Herman and Justice Bruiniers and O'Donnell.

>> This is a terrific project to help the courts with e-filing. To allow them to have a local rule that mandates a lawyer representing case e-filing will which will be a tremendous improvement to the courts and this originated with the Orange County Court -- Kurt [last name indiscernible] and myself and [indiscernible] work with the court on red legislation so that it became a pilot project and they started their mandatory e-filing on January 1 of this year. Chief, on the recommendation of the internal technology committee appointed the 2073 working group chaired by Justice Bruiniers

and cochaired by myself -- I just want to say at the outset that Patrick, you did a terrific job working with the workgroup and the working group is marvelous under our new policies regarding working groups. This working group will sunset as soon as we put the final dot on this project. Please walk us through this.

>> By the way, we have 20 min. on the agenda, but we will cut this to 10 minutes in the interest of time. I would like for Justice Miller, the timekeeper -- to do this.

>> [laughter]

>> Just remember -- social media.

>> Good afternoon. As Judge Herman noted, 2073 task force was assembled at the direction of Chief Justice to implement rules provided under new procedure section 1010.6. That was the coat section amended by 2073. This specifically authorized the Orange County Superior Court to establish a pilot project for specified civil actions for electronic billing and service. Also required the council to adopt uniform rules to permit mandatory electronic filing and service of documents for civil actions involved in the trial courts on or before July 1 on or before July 1, 2014.

>> Upon adoption of these rules, the Superior Court made by local rule require or mandate e-filing and electronic service.

>> When AB 2073 was pending, the council decided it would provide strong support for that legislation and advised the governor that not only did the council support it, but despite being given until July of 2014 to adopt the rules, the council intended to accomplish this well before the statutory deadline so that more courts would be able to take advantage of this important technology.

>> The working group put together on this was a broadly inclusive one. We have representation from the court technology advisory committee, civil and small claims advisory committee, court executives, and presiding judges advisory committees and California Judges Association. From the court IT officers and technology forum. We also have representation from the bar -- collection attorneys from legal aid organizations.

>> We had a broad input.

>> The committee met first in September of last year and draft rules were prepared with Patrick O'Donnell's assistance as a result of the committee members at that meeting. At that meeting we identified three primary issues where there was some element of disagreement and some differing points of view. These were on the coat scope of the case types to be covered onto the filing window that would be used, whether it would be concurrent with the courts paper filing window or whether we could accept the filing up until midnight. Then, probably the most significant question was how we would deal with litigants -- whether they would be required to participate and then have the ability to opt out of e-filing and electronic service or whether instead they would be otherwise excluded but allowed to opt into the process.

>> We had, as you have seen from the comment charts, extensive public comment on these proposed rules. On April 29 of this year, after receiving the public comments, the task forces again met and I am pleased to say we were able to reach consensus on all of these issues. On the case types, you will see that the proposed rules provide that a court may mandate e-filing it also the case types. Again, while there was some disagreement initially, there was ultimately agreement that the court should have broad discretion on the types of cases that would benefit from e-filing and electronic service. On the question of the filing window, I think the ultimate decision was that the court would have the ability by local rule to experiment in that area. In other words, comply with the paper filing window or take advantage of the opportunities in L technology to accept filing up until midnight. I believe that Orange County except this up until midnight.

>> Correct?

>> Yes.

>> Again, while there are remaining differences on those issues, we felt that giving the local courts the flexibility and opportunity to experiment with that and report back to the council would be beneficial.

>> Finally, on the issue of the pro se litigants, our conclusion was that while access to judgment could be vastly improved through e-filing, it is preferable to exclude them from mandatory e-filing, but to allow the pro se litigants to opt in and have the benefit of e-filing and electronic service if they choose to do this.

>> The rules before you were reviewed by the court technology advisory committee and the civil and small claims advisory committees with recommendations from both of the advisory committees that the rules be adopted. We are asking council today to approve the amendment to rules 2.250, 2.251, 5354 53545658 and 59. And to adopt two forms. 007 and 08.

>> The only other comment I would like to address briefly is one that I think came primarily from media representatives. Expressing concerns that in some way e-filing would limit access by the public or the media to files.

>> I want to assure the council that this is not the intention of the rules and, frankly, it will not be the result of the rules. The reality is that paper filings now will sit on a desk and in a back office waiting for a clue to have the time to be able to review and file those and put them in the public record.

>> It used to be a matter of days in most courts. At least one court is now saying that it takes at least a month to be able to process the matter and get it on the calendar and process the paper and get documents from the public file.

>> It is interesting that Orange County's experience with mandatory e-filing indicates that some of the filings were turned around and under two hours -- 22% of the filings. Most of their filings are completed within 24 hours.

>> Once the civil filings are processed, they become immediately available to everyone electronically. There is no distinction between internal or external users. In other words, once they are filed, the media has access at the same time that any bench officer has access to those files. So, e-filing would provide far greater and more convenient and more immediate access to these files than any of the courts that don't have e-filing can currently provide.

>> Thank you. This is an extremely successful fast-track and rapidly done a lot of input and at great benefit to the trial court. Again I want to thank the working group for all of their good work -- Patrick, etc. And the technology committee which is moderated this throughout the process. Pleased to recommend to the council that these forms be adopted and we have also developed and approved guidelines for reports on mandatory filing services to assist these courts. That is 11 min.

>> [laughter]

>> We join in appreciation of that task force and the approach and your quick and efficient presentation that mirrors the work of the task force. I am opening this for comments. Otherwise I hear a motion to the recommendations 1 and 2 found on page 2 of item couple see.

>> It is so moved by Mark Robinson and seconded by Judge Jackson.

>> All in favor say aye -- any opposed?

>> This matter has carried.

>> Thank you.

>> [Applause]

>> Item D -- court financial contributions.

>> We welcome Curt Soderlund and Ms. Eunice Calvert Banks.

>> We call -- the council took an action last December to give authority to the ADOC for a procedure pending the reports that go to this body after an evaluation of the court's financial ability to maintain these commitments and by the ability permitting future such contributions to supplement this fund.

>> This limited program basically had several components and did had to deal with the least related costs that the course wanted to pursue costs that would otherwise be available under rules [indiscernible]. The resulting financial commitment of the court to be no longer than three years. And that these negotiations would be necessary to avoid greater cost such as lease termination that would require relocation to a different facility or increase space rental cost.

>> So, this is fairly ministerial in its action in terms of the direction that was provided by PNP to try to expand the effort of getting input from the membership and there has been an outreach to David Yamasaki for that particular effort.

>> This request is seeking a two-month extension to the August 23 meeting of the council in terms of the authority of ADOC to continue to monitor this program.

>> Thank you, Curt.

>> Any questions or discussion.

>> The recommendation is before you -- page 1 and 2 is described by Kurt.

>> Moved by Judge and seconded by Judge Baker and Judge O'Malley.

>> I see no more hands raised on this issue. All in favor say aye. Any opposed?

>> This matter carries. Thank you.

>> Next Item E -- AOC restructuring. Welcome, Justice Miller and [indiscernible] Thank you. The council directed the 2 liaisons for the LSO services office -- myself and Edith Matthai to look at directive 122 which dealt with the cost-effectiveness of the LSO current use of outside counsel and we started that process and as a result we discovered there were a number of other LSO related restructuring directives which we felt in our initial review of 122 that we should also incorporate this into the reviews. We brought ended and we have now come before you with a report that deals with a number of aspects of LSO and in particular those which the Judicial Council directive that we approved last August.

>> I want to thank Edith because -- I get paid for the time I spent. Edith doesn't get paid for this. We spent a great deal of time on this. We met by telephone, and in person, and by video. We talked with AOC staff and with the three SCC members. Edith talked with outside individuals and vendors. We talked with a bunch of people. We also included at the end for review Judge Kaufman and Judge Terry Jackson to review and provide information. In the end we also brought it back to the three members that have some great suggestions that we also incorporated into the report. So, we are here before you -- Edith Matthai will walk you through our recommendations. On page 7 in the last paragraph where it refers to the chief counsel serves as legal counsel to the justice, we meant the Chair of the Judicial Council who is the Chief Justice, but the chief counsel does not serve as legal counsel to the Chief Justice.

>> He or she serves in that capacity with whomever that may be in their capacity as Chair of the Judicial Council. In the final report, we will make sure that we change that and it is also reflected again on page A 1 which is attachment A in the description of the roles and duties of the chief counsel where we again state that the Chief Justice -- we will make sure that we change that and it reflects the true meaning which is the Chair of the Judicial Council.

>> With that -- Edith wax

>> I'm going to start with the basic issue of the structure and reviewing the FCC report. We came to the conclusion that perhaps the underlying issues which led to some of the concerns that were expressed in the report could be addressed by altering the structure and management of the office itself.

>> If you look on page 5 back of your report, you will see that under the top level management, the office was structured in a number of subject matter units -- they are not all labeled units but it is fundamentally different units of subject matter categories.

>> If you look on page 6, you have our recommendations for restructuring that, it is designed to group certain subjects together, but underneath each subject matter, the point is to recognize that the legal services office has [indiscernible]. At the end of the day, the obligation of the offices to satisfy the clients that it serves. Those clients fall into 2 categories: the Judicial Council and the AOC has its staff and I include without all of the advisory group and the work that is done under the auspices of the Judicial Council and the other set of clients is the courts. The thought was that if we structure an office that with design to say that there is a responsibility to those clients that the accountability factor will go up. And the client has a responsibility too. If the client has concerns it is the client's obligation to say to their lawyer -- wait a minute -- we think you need to do something differently.

>> So, the structure is set up with the chief counsel, obviously, on the top of the chart and then with three managing attorneys across -- one to handle Judicial Council services and the legal opinion session of the LSO, and one transaction and business operation and then one litigation management labor and employment. Under each of those larger categories, there would be a person designated for each of the client groups. There would be a person responsible for the Judicial Council site about working, there would be a person that would be responsible for the court side of that work. Your management is really the top level management -- the three managing attorneys. The idea is to recognize that underneath that we are going to have structure slowing down that serve the client group.

>> We eliminated as the report suggested the associate chief counsel -- I am probably getting the count title wrong -- the second line command. With the idea that one of the managing attorneys most likely be Judicial Council services and legal opinions managing attorney would step into that role in the absence of the chief counsel to serve that.

>> We are also recommending that the lawyers who are actually performing legal services outside of LSO have a line reporting into the LSO because of the concern that we had that if we had lawyers doing legal work outside of LSO, we have a risk of inconsistency and we also have a reason -- a risk of duplication of efforts. Our hope is that this structure may also help avoid any duplication of effort. The idea also as a part of the structure is to put formalize mechanisms in for client feedback so that when a project is completed there will be solicitation of response from the client as to whether it was timely done.

>> We also were asked to look at the question of having some lawyers in the regional offices. We concluded that as long as there was an appropriate supervision and management to make sure that they are, in fact, doing what they are supposed to be doing, that it was appropriate to have lawyers in the regional offices, particularly to be able to go to the trial board group of clients and provide more personal, hands-on service.

>> We also looked at the question of paralegals and felt that in the light of the work done and in light of the other administrative support in the unit that it didn't look as if paralegals would be a good option at this time.

>> Finally, the question of outside counsel looked at. We pretty rapidly concluded that there is a need to use outside counsel. It is not possible to have all of the specialties that we find ourselves doing legal services and represented within our own legal services office -- there are too many esoteric specialties. Secondly, there is the whole litigation side of this. We did not feel it made sense to launch on trying to build an in-house counsel litigation department.

>> Once we concluded that there was a solid rationale for the use of outside counsel -- we also concluded that a hindsight audit on past use was going to be tremendously burdensome and expensive and would not serve the purpose we were trying to accomplish here.

>> The purpose we are trying to accomplish is going forward -- is there accountability in deciding when to use outside counsel? Is there a counsel why it is being used while it is being used properly and at an appropriate price wax and after-the-fact, and evaluation of whether the services provided were what we wanted and were what we paid for.

>> So, the concept is that the managing attorneys in these three areas would have the responsibility for documenting when we need to go to outside counsel and would have the responsibility for managing and supervising and reviewing the outside counsel selected to perform services in those three areas of legal services.

>> There is also a requirement that there be annual reporting on the use of outside counsel. What they been used for and the literatures that have been made for the counsel.

>> The last one -- we will recommend that that be referred to A&E for their review and report so they can also make an appropriate analysis of outside counsel and the money spent.

>> And all of the recommendations that I have attempted to summarize as quickly as possible in light of the time are summarized at the bottom of page 2 in the top of page 3 of your report.

>> We tried to not micromanage the office. We looked at it from a broad perspective and try to make recommendations in that regard knowing that there will be a new general counsel and we wanted to leave the option for that individual to look at the organization also and to try to fit them however their philosophy may be. We felt that this provided an appropriate structure and framework that we felt very comfortable with and it fit within the recommendations and the directives that we adopted and what we thought was appropriate for the courts.

>> And the counsel.

>> And we noted that there had to be some flexibility because as anything new is tried, it needs to have the administrative director having the ability for flexibility to make this work in action as opposed to on a piece of paper.

>> Sue Alexander.

>> I had a question about the attorney services outside of the LSO. Page 9. You differentiate between attorneys who provide legal advice that requires a license to practice law and attorneys that would retain the requirement to having a law degree but not necessarily be licensed to practice law. How are you differentiating between these two?

>> Because of the fact that there are a number of licensed attorneys working in CJER and working on educational materials -- we were not certain that these were people who needed to have a license to practice law or not and whether having a legal degree is sufficient for that.

>> That is something that we decided not to micromanage. To simply say that once there is a determination made as to what the appropriate classification of these people are, if they are, in fact, practicing law, that requires a law license, there should be a dotted line report into LSO so that LSO has the responsibility for all of the people accessing law within the Administrative Office of the Courts.

>> So, how do you anticipate that being decided?

>> I think that is up to the LSO and the administration of the AOC to determine as we move forward in implementing this plan. We did not want to get into the analysis of job by job with you needed a license for it. But, there are issues such as whether -- there are other issues. The question is whether some of the people who are licensed are doing work requiring that continuing license.

>> This is -- Judge Wachob and Judge Rosenberg.

>> I want to thank Justice Miller and Edith. It is obvious that a lot of work went into this. Thank you for reaching out into getting our comments.

>> I would like to make two or three quick bullet points. This, I don't disagree with the recommendations. There are a lot of ways to design that office. Obviously, that office is under transition because of budget and retirement. At the time that the FCC did the report, the office was much larger. Now we are down to -- as of this week I checked with Jody Patel and there are 29 attorneys in San Francisco and 6 in Burbank and 2 in Sacramento. There are 8 attorneys that telecommute.

>> My comment would be about the level of supervisors or management. The time that we did the report, we noted that at that time there were nine management level attorneys. There was general counsel assistant, three manager attorneys, and five supervising attorneys.

>> What is recommended now at least on page 5 of the report is a 10 member legal service office attorney management team. So, this results in 10 attorneys out of 38 -- total attorneys in the office -- being in management positions. One of the comments that we had in the FCC report was that it was top-heavy. There seem to be too many high-level supervising or managing attorneys. That is a common. It is not good or bad, but something to be noted.

>> The other bullet point is on outside counsel. Obviously there is a need that is utterly appropriate to have outside counsel. There will always be special projects in litigation and other matters for which outside counsel will be required. This is not a small deal. We noted in the FCC report that in a five-year time from 2006 to 2011 or worse over $29 million spent -- $6 million a year on outside counsel. Obviously there is a need for some type of monitoring of how that goes. The focus of the recommendations wasn't not to have outside counsel or not to use them or not to have anybody looking over a case, but it was to focus on a total cost benefit analysis across the board. So, what is being recommended is that there is a managing attorney charged with responsibility for looking to see if outside counsel is being used appropriately. But, that misses, in my view, an opportunity for an across-the-board ongoing monitoring of total outside counsel costs. -- Council Class.

>> It should fall on the Judicial Council to look at these costs. It is an important amount of money that is spent and it may be some section of the Judicial Council litigation management committee that would be charged with periodically reviewing these costs as they come along as opposed to simply the single task of a managing attorney to watch a particular case. There is a big difference in the level of supervision about that.

>> So, I would not want to miss an opportunity for a little tighter oversight by the council as a whole on the total amount of outside counsel expenditures.

>> The other thing that I think is implicit in this discussion and the FCC did it and Justice Miller and I are doing it. We are analyzing the office as if all of the services it provides will continue to be provided. Implicit in the analysis is that all of the services provided are necessary cost beneficial services. Really, as so many areas and so many offices that we look at -- at some point, I would suggest that there needs to be a principled discussion about the core essential services that the office should provide. Is it necessary, for example, to staff 58 or so committees and task forces and working groups? Is it good? Sure. Does it produce something? Yes.

>> Is a cost beneficial? That is something to be looked at. I don't think this discussion has occurred. It is something that I would like to see happen. Not just with respect to legal services, but other aspects of AOC divisions and offices. What is the core service and what are we going to provide? Then we can answer the questions about how to design the office and what they should be doing. But, for what we are doing now, I don't have any objections that that is the assumption we are going on. Thank you.

>> Cannot respond?

>> Let's hear Judge Rosenberg.

>> I have a brief comment. I would like for Justice Miller or Edith Matthai to answer the question about top-heavy. If in fact there are 10 supervisors and managers in an office of 30 or 38, is that what is happening?

>> No. That was not the intent. If you will notice, first of all, the management structure that we are recommending is on page 6, not five.

>> Greg.

>> It is anticipated that the chief counsel and the three managing attorneys are the top level management of that office.

>> You will notice in the designation of the box level below that, we have put supervising attorney/senior attorney because we were uncomfortable with the label on the job description at this point in time. The idea is to have someone in the spot with those responsibilities. As far as the actual level -- they will be supervising things under their area, but the real management of the office is the 4 at the top with the others reporting to them and [indiscernible]. In terms of what the next level down would be as far as title/and pay and all of that.

>> My only comment is absent any revision of function which I mentioned will happen over time, I think that this is an excellent presentation. I think that you suggested a structure that is both simple and functional. And I think we should give it a go.

>> I certainly supported.

>> Is that a motion, Judge, that we adopt the recommendation of the liaison?

>> If you look at page 2 -- it is to encourage the recommendation of the following and the recommendation is that the Judicial Council endorsed the recommendations as described and directed him to report back on implementation by March council endorsed the recommendations as described and direct him to report back on implementation by March 31, 2014.

>> Yes, that was my motion.

>> [indiscernible - multiple speakers] -- [laughter] Just to relieve any anxiety -- if you look at page 11, the last bullet point before LSO attorneys located in field offices -- we are recommending with regard to outside counsel that that function with regard to oversight be assigned to the auditors from A&E and that they report -- we have an annual basis -- out to the counsel so that there is accountability and review by the Judicial Council and there is the ability to determine whether or not the money is being spent appropriately.

>> This is incorporated in there. Lastly, there is an ongoing process now that the AOC is being administered by Judge Jahr and the directors to look at what Judge Wachob to look at. So that we as a council sometime later in the year can make a determination as to what the court options are and what the necessities are and how they serve the trial courts and how to prioritize it. So, that is something that is ongoing right now. If Jody was here, she can explain it far better than me.

>> Judge McCabe and Judge Kaufman.

>> First, I will second the motion and next I would like to provide some additional illumination building on the discussion from Judge Wachob.

>> The cost benefit analysis was intended to be a factor, not the only factor. In fact, we have run into that a number of times and we rolled this out last August we got greater resistance because of the word "cost benefit analysis" particularly with access to justice, etc.

>> It is not the only factor ever. It is a factor. During the times such as fiscal crisis, sometimes maybe it is we did a little heavier than during the flush times, but nonetheless it was the opinion of the SCC was lacking in a number of decisions that were being made throughout the agency over the years.

>> So, we thought it would be prudent to insert that into the discussion.

>> That is what this is about. Discussion.

>> And culture change. That is really but the report has done -- it has people talking and changing the way that we do business. Hopefully, for the better. It is not intended to ever tear down or -- it has had the effect of demoralizing the members of the AOC. There are countless outstanding members of the AOC that do invaluable service for the courts. And we recognize that. Unfortunately, we did not highlight that because we did not think that was our mission to pat people on the back, but rather to point out criticisms.

>> The folks at AOC do a fantastic job and I am proud to associate with them and interact with them because they do a wonderful job. I will throw that out there.

>> Next -- what I was hoping to see at some point, but recognizing -- I am acquiescing with the motion -- it needs to be a fundamental analysis. Identify recurring and non-recurring services -- subject areas. Of those areas -- the cost associated with doing them in-house versus outside the house. Then, you could put an economic analysis to it of what it is costing and whether it makes sense to keep it going out or to retain the somebody in. I agree with the concept -- particularly because of the time -- we have a new chief counsel coming in and presumably under a new structure within the office which is considerably different than what I would expect the collaborative unit to do within the next year is to engage in that kind of analysis. And a year from now what I would expect and would not be as quiet -- I would be almost demanding -- what kind of analysis have you done? I don't want to see the Ouija board. I want to see an analysis. Then, I think

under that framework will join now putting into place and coupled with a new person who will be at the head of that, let's see what they can do next year.

>> I hate to jump in -- but that is my nature. If you look at the bullet points on page 11, I think in outlines exactly what was just indicated. We want report back and we want this to be incorporated within LSO and when we have the report next March these will be questions that we can use as a template to ask. A means for conducting an examination of the cost-effectiveness of utilizing outside counsel -- outside counsel versus using [indiscernible]. A checklist that must be completed prior to initiating a contract with outside counsel to determine that there are no resources available. I don't want to go down each one, but if you read these, I think they respond to what each of these concerns were in the SCC report and the directive of what was indicated. This will be the template next year to hold their feet to the fire.

>> Judge Kaufman?

>> I was involved at the end with Judge Jackson. We have these kinds of discussions. And just as Miller reached out to the is easy several times.

>> I think that this demonstrates a general change in the philosophy. In other words, the Secretary report came in and the Judicial Council took it and they assigned it in their making changes, maybe not as fast as some people would like, the changes are being made. The thing is that is critical is that we are coming back in March or whatever and we will review it. It's not like we have a report and we are seeing changes in the ways we do things and it just sits there forever. You have an opportunity to make sure that it is working properly or to suggest enhancements or whatever.

>> It is a new counsel and a new way of doing business. It is impressive and something we should be proud of. Some people are taking negative views. It is a positive move -- we are making a move in the right direction to fix this. Not that is broken -- to make it better.

>> Exactly.

>> Justice Ashmann-Gerst?

>> What is the recommendation -- the items listed on two and three -- or the bullet points on page 11 fax is a more general? I want to be clear about the motion.

>> 2 to 3. Then, an illustration on 6.

>> Before we take a vote, I want to say that I appreciate the hard work that went behind this. I knew there were many meetings. I also want to echo what Justice Miller has said. Edith, this is all volunteer on your part. We are grateful for your expertise and your reaching out to others. It is clear that we are in a better position. I thank you for that.

>> Thank you very much.

>> Any tickets left?

>> [laughter]

>> Judge Jahr, I too wanted to thank both liaisons. As I indicated to the members of the executive planning committee when the matter -- when this came up for presentation to you, I ate them because this was an on anticipated additional component in my responsibility to you to discharge the directives which you placed on me and on the office last August a being Secretary process. I had not anticipated we would have this circle in which council members would detach themselves, in effect, from the council and conduct an independent examination not just of one as you began to do under direction of the council, but a series of issues pertaining to LSO which implicates several of the directives of the council. When I saw how this was blossoming, and I guess that's a fair term, I made a point of standing back for the sake of ensuring that I can remain an observer and I committed myself to do that through this discussion today. Because any and all comments that have been made in the forum -- the recommendations that you are making to me -- in response to which I will be reporting to you and discharge of those directives, as was a very helpful process. It is allow the engagement of the council members in details pertaining to one of the offices and as I indicated to the executive in planning committee, there may be other circumstances in which a similar exercise I might find very helpful in other particulars and I might be passing on an invitation. But, not to Justice Miller and Ms. Matthai.

>> Thank you.

>> I do not see any more hands raised for discussion -- all in favor -- say aye. Any opposed?

>> The matter is carried.

>> Thank you.

>> I believe the last item for today -- Item F -- judicial branch mediation -- we welcome the chair of this division -- Justice Dondero.

>> Basically, I am here to present to you the working groups court -- report -- this was approved by the CJER governing board. Just about the evolution of that report. In 2011, Dr. Audrey was at a meeting. The amount of time that judges spend attending education programs -- and their time away from the court.

>> We have an understanding that under CRC there are a lot of rules that deal with education. We are also directed with the funding issues of the courts. We had to visit the issue of judicial education for the court -- for the cost involved as well as the time away from the County courts themselves.

>> Based upon that, CJER decided it was appropriate at this time to have an evaluation of judicial education, particularly new judge orientation and college and primary assignment obligations of trial court judges.

>> In 2012, the governing committee decided to create a workgroup that would be obligated to review those three areas and report back to the governing committee with their findings about what could be done and how it is operating and what could be done to perhaps cut some of the features of education -- especially new judge education in California.

>> In October of 2012, after the committee members were selected and the working group members were selected -- you see their names on the board -- they submitted their report which -- Judge O'Malley will talk about this -- we had an opportunity to review it and discuss it and in February of this year, the governing committee [indiscernible] -- the report of the working group. We are now presenting to you that particular study. For your approval of the report. Along with the letter of Judge Jahr discussing his assessment of the quality of the report and also you have the full report itself along with a summary of this report. I will now let Judge O'Malley talk about the process and I have a couple of other things to bring to your attention regarding what we've done since the approval of the working group report at the end of her remarks.

>> The workgroup, as you can see, had four members -- these were past or present [indiscernible]. Two of the members were appointed by the advisory committee by Judge Rosenberg. I believe it was Chris Chandler and Janet to guard. We had attendees on that committee from small, medium, and large courts all over the state. We had a good representation. Plus, everyone on the committee for the most part -- I'm not sure about Judge Chandler, but everyone has spent a lot of time teaching. For CJER a lot of programs. Everyone was familiar with the work of CJER. So, the charge was to determine the most effective way to provide education to California's new judges. In the first two years, judges appointed go through the college which is a two-week process. NJO is a five-day one week program. As well as the primary assignment orientation which is another way. That is to whatever the assignment the presiding judge is going to appoint them to. There were concerns as Justice Dondero mentioned. It is a lot of time away. Is there a better way to do this? Knowing that it is an important first two years. In a new judges experience -- to get proper training and proper education. So that you learn this the right way the first time. So you don't get into trouble.

>> There were a couple of things that even those of us on the committee who taught a lot learned that we didn't know.

>> For instance, it'd been a long time since most of us had been to college. It'd been a long time since most of us had been to new judge orientation and some of us having changed assignment that coupled would be into a primary orientation within the last five years or so. That was something we were more familiar with. What we didn't realize is all of the changes that have been made to new judge orientation -- the one week program -- and the college since we had been there.

>> There have been a lot of changes. I talked new judge orientation last May. The curriculum is completely different from the previous times I've taught it and I've been teaching new judge orientation since 2000. A long time. This has gone through a lot of changes. The last class I had in May was, again, a brand new curriculum that was created. Everyone dreaded the first 2.5 days of ethics. That will he got a lot of [indiscernible]. We have interwoven into all subject matter of every

day dealings that a judge has with ethics. We talked about issues that arise and had to get them through sufficiently and run your calendars properly. Then, what are the ethical considerations that you have to consider in getting through the calendar efficiently and correctly? So, it is put a whole new face on new judge orientation.

>> A lot of rave reviews about new judge orientation. New judges find it to be a valuable week of education. The college -- the one great thing that CJER has done -- the Secretary report highlighted this -- they are consistently asking for feedback. The send out the questionnaires to all participants and say what did you like about the class? What did you like about the instructor? What could be changed? How are the materials? They get the back. It was a survey done in 2010 and that elicited information from people who add attended the college for the last five years. 30 pages -- 37 pages single spaced of people's off on the college. It was interesting because everyone said it was so long. I remember it being so long. When they were impressed about, what they would change, -- what would you cut out? They might have an idea that they said I'm not sure exactly what I would change. When they really had to think about what should be deleted, it was a lot tougher. CJER has been picking about these things. They have taken out certain things. They took out families for a year or so. They got a lot of complaints from small courts that you have to put back in. The judges need to know this sooner rather than later. They put it back in. They took out a juvenile. It is still out. It can be covered better at the primary assignment orientation. So there have been changes.

>> When people said what they would do, they threw out a number. Yes, it should be 60. It should be eight days. They had no idea how to do this. Again, what it is you would cut out. The committee looked at that. Quite intently. Tried to figure out what you would take out of what you would change. We looked at the curriculum and what was needed and looked over the critiques of what people liked and disliked about the college, they pretty much narrowed it down. They took out a day; it is as chiseled down as it can get. We looked at changing from separating the weeks and it wasn't cost-effective and it didn't change anything. This made it hard for people to get back the second week including the instructors. That was a disaster. I hate to say it, but we came to the conclusion that there are always changes and maneuverings here and there to try and make this better, but for the first two years of a judge's career, when they need the education the most, this is for now -- knowing that it will be consistently look at and trying to be improved, it should remain the same.

>> And it doesn't mean the same as when we went 15 or 16 years ago. It is a lot different. As it is now, that is what the work group came up with. The one thing that we really have been working on is the overlap between the primary assignment orientation in the other classes. That has been whittled down to get rid of the unnecessary overlap. The necessary overlap is there because CJER -- DJP told us they had an increase of complaints of judges within the first three years -- demeanor issues and basically not advising people correctly of their rights and so forth. That is not getting the training they need in a timely fashion. So, within the first three years. That overlap is there for a purpose. To be able to cover the judges that are most susceptible to that type of error.

>> Let me underscore this point -- two things -- it is true that we have received from the director of [indiscernible] a letter reflecting that 30% of all the complaints that CJB receives are from judges in their first three years of sitting on the bench and these complaints are basically that they have not

made the shift from being lawyers to being judges. But, they suffer seriously from authority problems. They have demeanor issues. They have problems of ensuring the rights of the litigants in front of them. This is it -- as Hanley pointed out, the year before they saw a spike in the increase of these complaints with CJP also. We have an emphasis on education at the beginning because that is where we are seeing the problems of people not acting like judges in the beginning of their judicial career.

>> This was a concern of CJP and obviously for the branch it is something we should be concerned about also. I also want to point out that the governing committee along with Judge O'Malley appeared before the trial judges advisory group meeting in Sacramento after the CJER adopted the report and we appear before them to get their input on the study. The only topic discussed at that meeting of the executive committee of the [indiscernible] was the concern about the assigned judge's program and the funding of the program for the judges that either teach or are students at the various education programs.

>> Worried about getting coverage?

>> Yes, that was the answer. The money is there. Do we have any more questions about that subject?

>> Did you consider the costs involved? The cost to run a two-week program?

>> Absolutely.

>> What was the result?

>> The number is in front of you.

>> Yes.

>> Does it make sense --

>> There are still continuing to look -- we are looking at the prospect of a primary assignment orientation down south -- look at the cost benefit analysis and how you would be able to do that. The college right now -- the mansion -- it is the cheapest place. It is far better than Clark [last name indiscernible]. If you remember the silverfish that would run across the mattress.

>> Yes.

>> It is better and cheaper.

>> [laughter]

>> I also want to tell the council that last Tuesday -- the judges and the chairs of the advisory committee on curricula -- and the staff members of CJER -- we had a meeting all day in which we

implemented a very sound plan for the education program for 2014 through 2016 -- the next plan we are working on. This involves cost benefit analysis principles being applied and involving high-end programs that CJER is providing. This was fully discussed with the chairs of the various committees and also with the members of the CJER governing board so that we will have an obligation to make sure as best we can that cost benefit analysis principles are carried into any programs that CJER puts on.

>> Judge -- [indiscernible] This is a vocal wing. I wanted to point out that when I first came on the bench I thought it was an awful lot of education thrown at me at one time. But, when you start to Emma tries it -- amateur I said -- it is not a lot of time. -- To amortize it. I would encourage the Aye -- council to not cut back on education at all. I think it is critical.

>> You are on the absolute right track. I completely agree with your recommendation. I wanted to supplement in one respect. This goes beyond your recommendation. You raised an issue about the CJP concerning new judges in terms of demeanor and being argumentative or authoritarian. How to be a judge.

>> My concern is that there are an awful lot of judges that are judges before they can get in NJO -- weeks or months may go by.

>> We try to get them there within 4 months.

>> That is a long time.

>> I would like to see if we can explore perhaps working with -- it is important that every new judge on day one gets an experienced mentor who can work with the judge from day one about those things that are raised by CJP like demeanor -- explaining a person's rights and being patient. I think it is important.

>> I came from San Francisco -- when I was a new judge on the bench, you were assigned a mentor. I don't know if the other counties have continued this.

>> [indiscernible] Sometimes they want a mentor from outside the county.

>> I think it is important.

>> [indiscernible - multiple speakers] Let them know what the concerns are.

>> It's one thing to be assigned a mentor and they say hello, how are you -- let me take you to lunch. It is another thing to talk about the issues.

>> A mandatory class at the college -- it is called the art of judging. It is relatively new. It is basically about that: how to become a judge. How do you do it with respect and dignity in the way you're supposed to? It is a mandatory class. It is in the first week of college and it is fabulous.

>> My concern is the [indiscernible] I get it.

>> I know the rationale -- they like to wait about 4 months -- the person has an idea of what it is you are dealing with as opposed to going there the day after your appointed and not having any idea what it is to be a judge. So, there is a period of time when you need to have some experience hanging out before you go to NJO -- so you have a perspective.

>> Commissioner?

>> I have done a lot of teaching -- I do a lot of the orientation courses. I want to say that I really like the fact that you promoted face-to-face, in-person education. I think there is a push with the economics to go away from them. I do think we can look at the subject matter that is needed more than others and try to deal with it -- long-distance education in areas that are not as prevalent for discussion and for different ways the different courts my do it and for different people's experiences. But, I think that we need to focus on the fact that that is a really good way because it is the environment that people have in the discussions that they benefit from. The other thing I wanted to point out was the letter that you included from Judge Rothman. With regard to the benefit of having lawyers at CJER. As an instructor, I do a course that last the whole week to prepare all the materials for that and make sure that they are legally correct and make sure that they have kept up with the new case law and to make sure that they have kept up with the new statues. We probably wouldn't teach. To do that in addition to my day job, I couldn't do it.

>> And it needs to be done correctly.

>> [indiscernible] That is one thing that's important -- to make sure it's done right. A lot of people wouldn't teach. We need to be able to trust the information we are provided.

>> For the first two years it is important for the new judges to get the face-to-face experience where they can ask questions in a safe environment. Online, they will not put themselves out there to be able to ask a question. When you are in a setting such as NJO with 12 people -- you are learning what they are saying and you can ask questions where they need to answer and they need help in a safe environment. The same with the college.

>> The face-to-face for new judges, we found, was critical -- the work group.

>> After Judge Jacobson, I will call the question.

>> I wanted to echo what Mr. Alexander said about the extremely good value. I have done a lot of CJER teaching. Having the coordinator of the program as an attorney who can and legal help and legal assistance -- someone to bounce ideas off of and to relieve you of the burden of the preparation of the materials. There has been some discussion over the last year about saying the budget -- moving toward people who are not licensed lawyers. It may be that that is one of the highest functioning aspects that we have as a branch. Our education. We should be very cautious. Before we began to dismantle this. Then I would have a motion to adopt this recommendation.

>> Justice Miller?

>> I wanted to make a comment. I wanted to thank the judges who were having the initiative to look at this. It fits in with the directives that the Judicial Council adopted. It fits in with our concern of all of us at the Judicial Council about budgetary issues at the AOC. You have been very responsive to those concerns. Cowdrey I know that through Diane these issues are continuing to be looked at. From my perspective than from the members of GNP, we wanted to thank you. We appreciate the time and energy that you put into the report. And all you are doing in helping us with this team approach to looking at the business aspect and cost-cutting aspect.

>> Thank you very much.

>> Judge Jacobson, make the motion as indicated in the written materials items one through five seconded by Justice Miller. No further discussion. All in favor please say aye. All opposed?

>> Thank you.

>> Thank you for your work and we appreciate the education and ongoing quality.

>> We will conclude the meeting today as we always do -- unfortunately, with the brief remembrance of the judicial colleagues who have recently been deceased. The Honorable Harry Ackley, Robert Thomas, Henry Broderick, and Raymond Hall.

>> Thank you, everyone, for your gracious welcome. Ever briefly, I want to announce what I think is a good omen -- the Governor signed my first bill into law today. It happens to be a court efficiency bill.

>> [Applause]

>> [laughter]

>> [Event Concluded]