

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 a formatted and unedited transcript of the meeting of August 25, 2011. The official record of each meeting, the meeting minutes, are usually approved by the Council at the next business meeting. Much more information about this meeting, the work of the Judicial Council, and the role of the state court system is available on the California Courts' website at <http://www.courts.ca.gov>.

>> Let's get seated and have everyone join at the table.

>> Good afternoon and welcome to our Judicial Council education meeting. Sometimes this has been called the issues meeting. But I think issues -- if used in a generic term is what it is. Often as you all know we receive presentations from different entities of interest to the bar. We've had an economist, we've had evidence-based sentencing presentations, et cetera. So you have before you the agenda today but I want to welcome you to our first public meeting when I say public meeting I give the warn that I ask you to speak into the microphones so your voice can be captured. Because we have listeners at various times of the day and in various numbers. And because we also tape parts of the meeting for later use on our website and CNN news, we ask that if you remember, if possible, to call each other by name so we understand who's -- who's speaking or identify yourself before you speak.

I also would remind you to -- and myself -- to turn off my cell phone. Because it does interfere with the recording at times. And I also want to point out for the benefit of all new and those listening, that often our education meetings are much briefer than our business meetings. And so I'm not sure where that takes us today, but I'm excited by the fact that it's now open and anyone can listen in.

And as you notice in our agenda, we have three items today. The first will be an informal report from just sis Miller about practices that the Judicial Council has been pursuing along -- those that include the survey from the presiding judges to the trial courts on changes that could be made in Judicial Council meetings. And I want to acknowledge the work of executive and planning committee for bringing these ideas to us so quickly and on the ground here at our first meeting in August.

The second topic is the role of the trial court presiding judges advisory and I'm looking forward to the presentation. Judge Kevin Enright, and Judge David Rosenberg, are incoming of the advisory committee. The final matter on for our agenda is the discussion on managing trial court budgets by some of the people who know them best and we're fortunate to have them on council as colleagues. We'll introduce the panel later on. Before I turn it over to Justice Miller I want to welcome two new incoming council members whose terms begin September 15, who are with us today. Bet appointments by the State Bar and they are Ms. Angela Joy Davis of the U.S. Attorney General Office in Los Angeles, and Mr. Robinson of Robinson Kalcaney, et al. -- did I say that right?

>> He'll live with it.

(Laughter)

>> CHAIR CANTIL-SAKAUYE: Newport Beach. Welcome to you all. We look forward to your participation.

(Applause)

>> CHAIR CANTIL-SAKAUYE: And I turn this over now to Justice Miller.

>> HON. DOUGLAS MILLER: Thank you chief justice. And welcome to all those who are here in the audience today and to all of those who are listening to this historic educational meeting. I believe for the council members we would all agree that at our planning session last June we had what I consider a very robust, candid and productive discussion about several topics. And particularly some of the issues surrounding the governance of the Judicial Council and the AOC, and particularly some of those discussions involved the issues meeting and the educational meeting and the Judicial Council meeting. Our session today and our business meeting tomorrow incorporate several of those recommendations that we discussed in June. You just have to look around, I think, the board room here this afternoon and it will reveal the most obvious change. Our educational session is now a public meeting, open to the public to attend and open for the public to listen to.

That would include judges, court executives, member of the public, the press, anyone who has an interest in what goes on in the judicial branch and in these educational sessions. So we welcome those judges who are in attendance and we welcome those judges and members of the public who may be listening to this meeting on audio cast.

I think you will find it both valuable, beneficial and informative.

For much of the past 14 years the educational or issues meetings have been closed and only open at the discretion of the chief justice.

The intent was truly to encourage frank discussion of the very complex issues that confront the judicial branch and the Judicial Council.

But that benefit of a frank discussion came with a price. Those many -- and I believe many valuable and interesting discussions -- were closed. And the information there was only heard by those who were in attendance. When in reality they would have been very beneficial for the many, many others that also have to deal with the important issues that we discuss.

This also led, though, to an unfortunate perception, that the real discussions of the Judicial Council took place in private or in secret, and that we as a Judicial Council on our business meeting the next day simply rubber stamped those issues. Unfortunately that created that perception. Another unfortunate perception was that the staff or the AOC staff who were assigned to do the proposals and to prepare the proposals for the council's consideration at the business meetings oftentimes were equated with the proponent rather than it being the advisory committee who was the proponent, or a particular court that was a proponent, or some other member of the judicial branch who was the proponent.

We value the services and expertise of the AO staff, they truly are in large part what was made the California Judicial Council a model for other states. They are dedicated, conscientious and hard working and the council, quite frankly, could not do its job without them.

However, council doesn't set the agenda for the council. That's the executive and planning commission. That's our responsibility. They don't make the policy for the Judicial Council, or the branch. That's our responsibility. That's our role as Judicial Council members. And we need to continue to do things to fulfill that role.

So in our discussion in June and in many other small groups since then and before then, we have come up and we are making and proposing and instituting a number of different changes that will further ensure that the Judicial Council serves its role as oversight in this important responsibility.

Now that these meetings are public, they will be audio cast as well as memorialized as official minutes of the council. We believe this will make council decision-making processes more transparent and more informative.

Want to talk just a little bit about the expanded public comment. Beginning with our session tomorrow, our business meeting of the council will be open and it will start with an expanded and more liberal public comment period.

Anyone wishing to address the council on any matter related to court or judicial administration is invited to address the council at the start of our meeting.

Also, we've simplified the notification process to make it far easier for perspective speakers to reserve time. Outside of public comment, we've revised our rules, are in the process of revising our rules, to allow judges, court administrators or others who wish to speak on a topic on the business agenda to again directly address the council when it considers that proposal. Rather than at the start or the beginning of the meeting.

We are going to find, I believe, these comments very valuable. And I think these changes will encourage greater participation and that they will serve to enrich the discussions that we have at our various meetings and help us to be informed and to make appropriate and difficult decisions. I want to thank staff for the assistance in quickly implementing these changes. This has all happened since June. None of us can be certain what the impact of expanded comment will be on the length or tone or content of our meetings. But we believe that the council discussions can only benefit from increased access and greater input from affected and interested parties. And that especially it will improve and inform the Judicial Council.

Stay tuned, because there are more changes to come. There are more proposals in the works. All inspired by council discussions and informed by the responses to the survey conducted by presiding judges at the request of the chief justice.

I will just mention a few.

For council meetings these include exploring more and frequent meetings of the council. The chief is considering proposed dates for eight council meetings in 2012 instead of the normal six. Six meetings of you due or three days, similar to the current schedule plus two additional one-day meetings in January and July. For improving communications and outreach, we want to improve council outreach at regional meetings. These should be listening sessions in addition to information sessions.

Information needs to flow both ways.

We plan to set up a network of Judicial Council member liaisons with each trial court to further facilitate communication between the Judicial Council and the branch.

Court leaders would have designated council members that would become familiar with their court, listening to their concerns, bringing those to the attention of the council, be willing to answer questions, and then obtain information if it's needed.

We will set up liaisons of Judicial Council members to the various AOC divisions and departments. So that the council can better understand the different divisions and departments, their work, their functions, their budget, and their services to the trial court.

For ensuring adequate oversight, the advisory committee on financial accountability and efficiency was assigned to undertake a complete analysis of the AOC's budget and formulate

recommendations and report to the Judicial Council at our October 2011 meeting. In addition, ANE was also asked to look at the use of consultant the and contracts by the AOC and its division involving significant amounts of money. And again, to report their findings back to the Judicial Council.

All so that we as council members can fulfill our important oversight responsibilities.

At the same time, the strategic evaluation committee that the chief appointed in March will continue its internal review and audit of the AOC.

In addition, the chief justice has appointed a number of council members for three additional internal committees.

An administrative director search committee, a governance committee that will continue to look at the governance issues that are confronted by the Judicial Council, and a Parliamentary committee that will look at parliamentary rules for the council meeting and our internal meetings.

Again, stay tuned. This is -- isn't all of them. There will be many others.

As I and my colleagues on the executive and planning committee explained in the premeeting advisory that was sent to all judges on Monday of this week, since assuming office in January the chief justice has consistently called for increased transparency within the branch. Her direction to us is to open council meeting proceedings as much as possible to increase understanding of the complex issues we face and improve understanding of the judicial branch.

The chief has encouraged us to take a fresh look at how the council operates. Everything from the conduct of our meetings to the strategic plan for the branch, to the composition of the council itself.

So this meeting is the first of many where we will be addressing these governance issues.

Myosin sear hope is that we will look back on this session in our June meeting and the leadership of our chief justice as the start of a new, highly productive and positive era for the California judiciary.

Those are my comments. And if there are any questions or any comments that any of the council members would like to make in that regard -- for me this has been a pretty exciting time. This has been a very interesting time. It's been a great deal of work and effort. But I can tell you there's still a lot to do. And there's a lot that we can accomplish.

And I believe, like I know so many of you that I have had conversations with, this is a process we need today go through and that in the end it will be very beneficial to us as a council and as a branch.

>> CHAIR CANTIL-SAKAUYE: Thank you, Justice Miller. Are we able to then start with our second agenda item, which is no action item, no materials are required, but this is a discussion of the role of trial court presiding judges advisory committee.

And I call on the incoming chairs to give a presentation. Thank you Judge Enright.

>> HON. KEVIN ENRIGHT: We'll move over to the podium over there.

You said no action, no information, no paper, no thinking, either, just sit back and relax.

(Laughter)

>> HON. KEVIN ENRIGHT: There we go. Again, thank you, chief. And fellow members of the council, staff, and members of the public that are listening. We want to take this

opportunity -- and we appreciate the opportunity -- to discuss the role of the trial court presiding judges advisory committee and talk about an increasing role for our committee as we move into the coming year.

And as judge Rosenberg just referenced, this is not a formal presentation, this something where I want you to feel free to interrupt us, ask any questions as we go. Because the idea is really hopefully some education, but also sharing of ideas on how we can be better in our committee and how we can accomplish things in a -- in a new and different way.

The thought here is that what I'll do is talk about in effect the year-end review, not a lot of detail. So don't -- don't start going to sleep.

But we'll talk about that so you have a foundation for a understanding as to what our committee does and how it advises the council.

And then I'll turn it over to judge Rosenberg and he'll talk about the coming year. And again the purpose of this is is discussion, interactive. So please feel free to ask questions.

At the start of the year -- and our year starts with the new chair coming in on September 15. So judge Rosenberg will start on September 15. I was fortunate when I started to have had the benefit of the strong leadership of Judge O'Malley, and before her, Judge SO, on this committee. This committee has been really quite active. We have presiding judges around the state that want to be involved and will share their opinions and forcefully at times. And so I just want to commend her and Judge So for the history leading up to this year. Vae quickly I want to run through a couple things we've done and how we approach things. We have had a long gog relationship with the chair executives, shared by Kim turner this year. Two of the working groups that we have that we share together are the joint rules working group and the joint legislation working group.

Those are very active committees from the presiding judges' side, the joint rules as co-chaired by Judge Susan Kingsbury from Eldorado as does Judge Doug Elwel of San Bernardino superior court. He chairs the legislation working group. We have had as you know a very active year in legislation, and our committee has stepped up time and again, we communicate by e-mail, phone tree.

And we really react quickly to a very flexible and moving -- fast-moving situation in Sacramento. And that has been, frankly, one of our strengths.

A lot of things have taken place -- I'm only going to mention one that is of keen interest to the presiding judges because we're very concerned about October 1st and beyond, and that's AB109. We have a working group on the criminal justice realignment within the presiding judges. And I want to commend Judge Tom Boris from orange County, Judge Cheryl Elsworth from riverside and judge Richard Loftus from Santa Clara. Judge David Wesley has been involved in the group as well and all have given great leadership. Dave is involved from the criminal law advisory group. And this is an ongoing discussion. And in fact just -- I was talking with Judge Wesley yesterday, and there's meetings still going on with the legislature and the governor's office on how we can change AB109 as it stands now. As you know it's been radically scaled back from what it was originally. But the trial courts are very, very concerned with regard to not only funding, but fundamentally how this is going to work and the impact it's going to have on the individual courts. So I commend all that are giving so much effort to this -- this project.

With regard to rules committee, just a couple things. Judge kings bury has been active with regard to the concern about the promulgation of so many rule, particularly in this time of budget difficulties and the things that we in the trial courts are facing on a daily basis. There's a lot of

concern about the implementation of new rules and how this is going to actually affect the courts.

And I know Justice Hull on Rupro is concerned about the same thing and in fact he presented to our -- both the joint presiding judges and court executive meeting last Tuesday on this very issue. And so there will be a lot of I think movement in the future as to where we're going to go in terms of maybe scaling back on the promulgation of so many rules.

With regard to another aspect of our rules committee, we're looking at the interim amendments that the commission on judicial performance is proposing. We are in the process of responding to that as the presiding judges. There's a concern generally about the due process involved with the interim amendments. And we will be having that completed by Monday in time for CJP's meeting -- working group meeting on Tuesday the 30th.

Very quickly, I don't want to spend a lot more time -- and again this is interactive. I just don't want to be talking head here, so please interject any time. But some things that are important in the past year have been the bench-bar media's proposal with regard to the presumption that we're going to use cameras in the courtroom and we're going to record electronically. This was a great concern of the trial judges, the presiding judges, with regard to the use of cameras and the presumption that it would -- that it would take.

And that has been scaled back now, as I understand it; this is probably going to be coming to the council in October, but the cameras and the presumption with regard to the use of cameras and the electronic recording is not going to be part of that proposal to the council.

And that was really CJA was very active in this as was -- as were the presiding judges. We've also had a court budget impact working group, and judge O'Malley has been very active in that and that's a number of presiding judges that have come together to try to effectively demonstrate to the legislature and the governor the impacts that the proposed cuts that are now in effect have -- that have been imposed would have on the trial courts. And how that would be really devastating to our ability to serve the public well.

And that group has been active and -- and I appreciate everyone's involvement.

Probably the greatest thing that -- in my view -- and I mention this when we met last -- was that all the presiding judges, despite a lot of differences and sometimes very strong differences of opinions on things that are taking place in the branch right now, all of us, all 58 DJs, all -- and all maturing justices of the court of appeal came together to sign a letter in late June with regard to the -- at that time the proposed additional 150 million dollar cut that was going to be imposed on the branch. And we again talked about the devastating impact that that would have on the branch if that were to occur. But it was gratifying to me -- and I again thank all of the presiding judges, all the court executives, and all of the administrative presiding justices of the court of appeal for coming together in a united, single voice to state very powerfully what we thought about that additional cut.

That was done very quickly. Again, it was the budget impact group. We were working on e-mail, we were working on follow-up phone calls. And we turned that around because it needed to be turned around in about a day and a half to two days. And that was done.

And Kim Turner was critical in that effort. And I think it was a job well done.

We do have as Justice Miller mentioned, a survey that the presiding judges did. We're very fortunate to have the chief attend our executive committee in late March. And at that meeting she was very concerned about what are the problems here. There's a lot of frustration that's being expressed, but what do we have specifically that we can work on?

And so as a result of that discussion the presiding justices sent a survey to all the presiding judges, asking really three questions. And that was: What if any are the problems with branch governance, and please be specific; what if anything are problems with the role of the AOC, and please be specific; and then very, very importantly, what are the recommended solutions specifically to those perceived problems?

And we had a wonderful response to that. There were 35 courts that responded. We forwarded 218 pages of survey material, anonymous, unedited to the chief. And many, as Justice Miller has just stated, of those issues that were raised, problems identified, have now been implemented already in a very quick and responsive way by the branch to those concerns. We're working on other things. And the council will be intimately involved as we go forward with some of the more difficult things to actually implement.

I'm talking too much and I want to scale back a little bit.

But just a couple other things. With regard to an increased role for the presiding judges, what we've done is we've formed a subcommittee. And it's chaired by Judge Cheryl Elsworth in riverside to explore ways for the presiding judges to have a stronger voice, to increase our communication. And out of that already we've had a phone tree that is now even more set in stone in terms of who's making the calls. It will be -- it will be started by the call of the chair and we'll make sure we get the same message out to everyone, that we'll be able within a half day's time to contact through this phone tree all 58 presiding judges. And that's a great thing. And again, this started with Judge O'Malley. And I -- and before. But it really was implemented well by her and we're just improving it now. But that's a wonderful subcommittee that we have working.

What we've also done --

>> Judge, can I ask a question? That regard?

>> Yes.

>> One of the responsibilities of the executive and planning is to ensure this open and good line of communication between the council and the trial courts, or the branch. So I want to encourage us to work in some way so that we can be a part of that and enhance that communication. Because I think what you are talking about and what you are doing is valuable to us to hear that. And then it's valuable for you to hear from us as to what's ongoing here, but also for us, like I said before, to listen.

So you know, anything executive and planning can do to assist in the process you're going through there, please let us know. Because we want to participate.

>> HON. KEVIN ENRIGHT: Okay. And thank you very much. And we do appreciate that. And --

>> And excuse me, Judge Enright, let me add to that, you mentioned that I was able to attend the trial court presiding justices advisory committee executive officer advisory committee meeting on the 16th. I was pleased to do that. I was glad that I was able to make a few remarks. But we have already in -- in that single instance begun receiving a great deal of very helpful input as far as the rule making process. And not only the number, but how they're promulgated from -- from those two organizations. And I have some plans in mind about keeping and adding

to that -- that open line of communication. But it's been very helpful. And I thank you for inviting me there that day.

>> HON. KEVIN ENRIGHT: Okay. And thank you for being there. And we appreciate that leadership. Because it's of keen interest to the trial courts.

One thing that we've done that is I think very effective is we have developed an open forum within our both executive committee meetings and our advisory committee meetings. And what that is is there's no panel, there's no bullet points, and we talk about what is of keen interest at that point to our presiding judges.

And it's been a very fruitful discussion. There's a lot of opinions that are unvarnished that are stated, and together we worked through those things. And at our last meeting Ron Overholz was there and addressed and listened to a lot of the concerns raised by the presiding judges.

And I think this is a step in the right direction and all along the lines of open communication, open forum, full discussion.

Without the opportunity to fully and fairly and freely discuss, we have a lot of quiet resentment.

And sometimes it becomes -- bubbles over into a lot of frustration.

So particularly during these challenging times it's wonderful to be able to get together.

And do that.

I want to stop talking now. But I will say this: I think it's been a great year for the presiding judges, in a very difficult time in many ways.

But I can tell you that it's going to be even better next year. And that's because of the man sitting --

(Laughter)

>> HON. KEVIN ENRIGHT: To my left who's going to take it over and do a great job. For those of you that don't know, Judge Rosenberg's background, his background is quite unique. And that is he has background in politics, he has exhibited proven and proven wonderful leadership skills. He's got a keen intellect and insight. And we're going to be in very good hands. And Dave, what is the -- what is the future look like?

What's the coming year look like for the presiding judges?

>> HON. DAVID ROSENBERG: Thank you Judge Enright. As you can see, he's the brains and I'm the brawn.

(Chuckling)

>> HON. DAVID ROSENBERG: And we've been a good team this last year. And I do want to thank Judge Enright. He's been a very strong, calm, deliberative leader for the PJs. And we all owe him quite a debt. I also want to second what Judge Enright has said about Judge So and Judge O'Malley. They also chaired the presiding judges and they were both role models to me as I observed how they did it.

So -- and finally, let me just say thank you to the chief and to Justice Miller. You know, the PJs and the judges really appreciate you opening the doors and the windows. And it's really a breath of fresh air. That's most appreciated.

I sit here as incoming chair and as all chairs of the PJ advisory committee speaking on behalf of 58 trial courts, over 1600 trial court judges, close to 400 subordinate judicial officer. We handle millions and millions of case filings every year. Trial courts, as you know, make up about 83 percent of the judicial branch budget. It's a big chunk of money. We are article 6 courts of original jurisdiction, in all areas, criminal, civil, juvenile, family, probate, adoptions, guardianship, traffic UD, small claims, you name it. It all comes through our doors.

The 58 presiding judges that I represent are absolutely unique in our system. We are all elected by our colleagues. That is a unique thing in our system. I can tell thaw we have many concerned, some unhappy judges and PJs out there. Why is that?

It's because our workloads have not diminished, we don't control our workloads. Something I think that you all understand, but perhaps the public and the press need to understand. Courts don't control the spigot. The spigot is controlled by people who file cases, by district attorneys who file cases; and we handle them.

So we handle what comes in the door. And what comes in the door does not diminish. At best, it stays the same. It typically increases.

However, the funds we've been provided to do our job have been slashed. The number of employees we have to help us do our job has been reduced, up to 20 percent or more in some cases.

We are short over 350 judges. I believe it was ten years ago, in 2001, that this council stated that we have a need for 365 more judges in the state of California. That was ten years ago. I guarantee you the need has not gone down. The need, if anything, has gone up.

And we created 50 new Judgeships, and another 50 were authorized three years ago but never funded. So we truly are short handed while the workload increases.

So what do I see in the future?

I see presiding judges who -- and judges in general who cannot afford to sit in their courtrooms any longer. It's got to be more than being in the courtroom. We have got to be engaged, we've got to be engaged at the Judicial Council, in the legislature, with the governor. We need to do a better job of reaching out and communicating to the public, to the press, and our partners. And we will do so. We need to explain clearly that we are a third branch of government, and we need to be adequately funded, and we need to be given the tools to do the job that the California constitution has assigned to us.

We welcome the opportunity to have that communication and dialogue. We'll be working with Justice Miller in making sure that that happens.

At our regional meetings and at the meetings of the presiding judges we will be more interactive. We'll spend more quality time with each other. We'll conduct workshops. We will talk about best practices.

And we will give input to the council.

We all need to be a lot smarter in handling our budgets. We understand that we are in tough times, and tough economic times await us in the future.

I think all levels and all branches of government have taken hits. But we cannot be singled out for disproportionate cuts.

The Judicial Branch used to be I think 2.4 percent of the Statewide budget. Which is actual lay pretty small percentage. But we used to be 2.4 percent. Now I understand we are less than 2 percent of the overall state budget.

That's a pretty big hit. We have to push back when legislation it proposed to reduce or curtail or even eliminate judicial discretion. That in my opinion is a direct assault on our constitutional

role as judges. Uniformity is good. It's welcomed. But each and every case that we hear at the trial court is unique. That's why we have judges. And we don't have computers making those decisions.

We need to have the tools to do our jobs in dealing with the public and in handling the cases every day.

I've already mentioned adequate judicial resources. Currently we're dramatically understaffed by at least 350 judges. We need adequate support staff. We need adequate courtrooms and courthouses. Borrowing and taking money from the court construction fund is, frankly, unconscionable. People paid into that fund, it was created for specific purpose. People paid fines and fees into that fund for a specific purpose. And that money has been borrowed and taken.

We need adequate security for judges, staff and the public who use our courthouses. And of course we need adequate technology as we move into the 21st century.

So I believe in the future PJs will not silently observe the diminution of the branch. Every single day we at the trial courts deal with families in crisis. We deal with children being abandoned and abused. We deal with people addicted to methamphetamine, coke, heroin and other drugs and the crimes that ensue and the victims that are harmed. Divorces, child custody battles, child and spousal support, restraining orders, hearings and trials of people accused of crimes, people with mental health issues, disputes between corporations, evictions, we deal with homelessness, veterans' issues, people accused of crime and victims of crime. Tens of thousands of citizens serving as jurors, all the time. It goes on and on.

Is we deal with real flesh and blood. We deal with the reality of the judicial branch. And we as PJs and as trial court judges and judicial officers deal with this every single day. So in conclusion, I see my role on the Judicial Council as being an advisory role and weighing in to this council and giving advice from the perspective of your 58 trial courts. And I'll do the best I can in that regard. Thank you.

Questions, comments?

>> CHAIR CANTIL-SAKAUYE: I would like to commend Judge Enright of leading all the presiding judges and getting people to band together and fight common causes, be one voice. It's so commendable. And I just think that Judge Enright was the right person at the right time and really answered the call and got the right people to band together and help in these committees that have been formed. And the phone tree I think is fabulous, to have every PJ contacted within, you know, a half a day or so to be able to answer and give a response to what we know are critical issues that come up, that kind of blind side us. And then the problem is we -- we didn't really have a mechanism to get together to be the voice to respond.

And I think that that's just so critical and smart. And you know, just fabulous that that's been perfected and able to be used now for any chair in the future.

And that's going to really bring the vision and the voice of the trial court presiding judges' advisory committee really in the forefront. So I really commend you very much, Judge Enright for such a fabulous year.

(Applause)

>> HON. KEVIN ENRIGHT: That's very kind. And I just want you to know, Judge O'Malley, that we took our cue from you.

>> I am thrilled that -- I have been a fan of yours since we first met at the trial court's executive committee. I know your talents, your passion, you know, just so smart. And all respects. I'm just absolutely thrilled that you're going to be the new chair in this. We've heard from the comments that you just made, we couldn't be in better hands.

And I agree as you and I have talked on numerous occasions before that it's a new day. And the presiding judges can't be in their chambers anymore. They have to get out, and we have to really let people know, you know, how the branch stands on matters.

And just as importantly the presiding judges, you know, the concerns haven't always been relayed to the Judicial Council as -- as -- you know, they could have. And so I really relish in the opportunity to be able to open up the communications, Justice Miller, thank you very much.

Justice Hull, thank you very much, for taking an active part in really reaching out to this very vital committee. You know, we -- we were always proud of the work that we accomplished, but we wouldn't have really -- wondered really if we were being heard. And so there was frustration. And I think that's been building up as Justice Miller commented in his opening remarks.

And I just really appreciate the -- the efforts that you've made. I think it will change the perspective as well as the perception. And so I think that this is a wonderful opportunity. And there couldn't be a better leader to bring us into that realm with your experience, your background, Judge Rosenberg, it's just -- I'm so confident and relieved and happy that you've -- the chief was brilliant enough to see that you would easily fulfill this position, as I believed for many years.

>> HON. DAVID ROSENBERG: Thank you, Judge O'Malley.

(Applause)

>> HON. DAVID ROSENBERG: I better quit while I'm ahead.

(Laughter)

>> HON. MARVIN BAXTER: In terms of an enhanced role, I might suggest that the presiding judges committee and court execs have as a high priority the development of proposed Judicial Council-sponsored legislation. And not simply limit it to the presiding judges themselves, but if each presiding judge could take the initiative to seek out from the judges in the courtrooms thoughts, ideas, problems that they've encountered, issues that they've encountered where they think the Judicial Council would be well advised to consider sponsoring legislation, whether it deals with substantive issues.

I think -- we do have advisory committees that deal with substantive areas that I think the presiding judges are in a perfect position to observe and to call to our attention. Ideas, proposed legislation that would ultimately come to the Judicial Council. So I'd certainly encourage that.

>> Justice Baxter, and not only to you, but all members of the council, in addition to the phone tree that Judge Enright mentioned, I am instituting a weekly -- call it a newsletter or communication. I have all the 58 PJs on my e-mail. I will be sending them, hopefully every week, an e-mail and communicating to them and asking for input back. I will certainly pass along that discussion about Judicial Council-sponsored legislation. We're not the only people

who can come up with good ideas. So we'll pass that information along. I also invite -- I mentioned this to Justice Miller -- I also invite all members of the council, if you have something you think ought to be communicated to the PJs, send me an e-mail. I'll think about it. And if it's worthy, I'll pass it along. I'm sure it will be worthy.

>> Judge Enright, your leadership this past year, I think all of us on council especially know how this year has been full of surprises and change and turning on a dime. And I know that oftentimes I was on late night calls, and you were too.

And oftentimes when I shall you autos came and we needed to know what the PJs were thinking or where the PJs were, you were there. You were always involved.

I know you have a day job like the rest of us here. But you managed to make yourself available, be incredibly influential in lending the voice of the PJs to give guidance to PCLC or to curt or to me or to all of us as we went over to the capital. And really you were everywhere all the time. And I an appreciated that because it showed how we moved together well as a cohesive group. I don't know how you did it, but it's commendable. And I want you to know it didn't go unnoticed.

>> HON. KEVIN ENRIGHT: Thank you very much, Chief.

(Applause)

>> CHAIR CANTIL-SAKAUYE: And another thing I would say is I'm really excited also by our presiding Judge Rosenberg's coming in as well. He and I have been in communication. He telling me about his great ideas and knowing that of course he has the full support of Judicial Council in those ideas. Because those ideas are spreading information and -- and exchanging communication on a two-way street. And also because, with your background in the legislature, it's very helpful to us as we move forward in these trying times, especially in the legislature. And I also want to add that we are often surprised sometimes by what we read in the media. And the media can have such an influence. So I really hope that, as we have been, we continue through the PJ group to try to disseminate facts and sort of put out some of these fires before they become just huge conflagrations because rumors can be very destructive and begin to cause entities to begin to distrust each other. So I'm again looking forward to working with you and having that two-way line of communication so we can exchange facts.

>> Thank you.

>> And Chief, let me say from the presiding judges' point of view, as I said before, there's a lot of strong differences of opinion within the presiding judges in the trial courts --

>> You're leaning on your mute.

>> HON. KEVIN ENRIGHT: Sorry. Excuse me. Chief, I want to thank you for your leadership. You're now coming to the end of your 8th month as our Chief Justice.

(Laughter)

>> HON. KEVIN ENRIGHT: And I can tell you during these difficult times, your leadership, your dynamic approach is something that we all look to and we savor, and we commend you. Because this council, the presiding judges, all of us in the branch, really look to you for that wonderful leadership, and we know we will have it so well and so strongly. And I can't thank you enough on behalf of the presiding judges of this state.

>> CHAIR CANTIL-SAKAUYE: Thank you, Judge Enright.

>> HON. KEVIN ENRIGHT: Last thing I will say is we -- following up on what Justice Miller said and Judge Rosenberg said, is we want to enhance in every way we can communication, both to the presiding judges from the council -- excuse me -- and Fran. So please don't hesitate. Judge Rosenberg is wonderful with e-mail. He'll read it, he'll digest it and he'll get back to you. And that's a great thing that we can have in this day and age. And so please take advantage of that communication. We're hungry for it. Thank you.

>> HON. DAVID ROSENBERG: And finally, let me just say that you have shown great leadership, but we're all here in support.

>> We've got to work as a branch. We've got to work together. We've got to try to speak collectively to the extent we can. Otherwise we're going to get kicked around. Thank you.

(Applause)

>> CHAIR CANTIL-SAKAUYE: Thank you for that presentation.

>> Thank goodness we're on time.

>> CHAIR CANTIL-SAKAUYE: Item 3 on our agenda, judicial branch administration, is going to be a panel discussion of effective practices in managing trial court budgets in times of declining resources.

And as I meant to say earlier, it's probably obvious, but if our education meetings -- always -- these are not action items. We don't vote in the education meetings. They are exactly what they are labeled: Education meetings.

And so when the panel assembles itself, I'll have them introduce themselves. Starting with the moderator.

>> MS. CHRISTINE PATTON: Good afternoon, chief and members of the Judicial Council. My name is Christine Patton, and I am the regional administrative director for the Bay Area Northern Coastal Regional Office, more affectionately known as BANCRO, because the other name is too long and I have been asked to moderate this great panel of folks that I have known for a long time. I know them all in their professional capacities. And we are going to talk today about how to deal -- how these courts are dealing with the financial problems that we're having in the past years and in the year to come.

So before we get started, I'm going to ask them to introduce themselves. Starting with Judge O'Malley to my right.

>> There you go, Judge O'Malley.

>> HON. MARY ANN O'MALLEY: Contra costa superior court.

>> MS. CHRISTINE PATTON: Former chair of the trial judges advisory committee. Kern.

>> MS. KIM TURNER: CEO at Marin superior court and chair of --

>> Long time no see, I am -- David Rosenberg, I'm the presiding Judge of the -- is this working?
It's not working.

>> We can hear you.

>> HON. DAVID ROSENBERG: How about if I turn up the volume?

How about now?

I guess you've heard enough from me.

(Laughter)

>> HON. DAVID ROSENBERG: I'll just use this mic until you fix the technical problem.
Presiding Judge of Eola superior court and incoming chair of the trial court presiding judges
advisory committee.

>> MR. MICHAEL RODDY: This is my last meeting so this may be my committee swan song.

>> MR. ALAN CARLSON: Executive officer and orange count at this superior court officer
and vice chair of the CIAK group.

>> MS. CHRISTINE PATTON: Thank you very much. We have about an hour and a half to go
over some -- we have some specific directed questions. But then we also want to be sure that
everyone in the room has an opportunity to ask questions of the panel members, they're eager to
share their experiences and answer your questions.

So we will be starting off with questions. But at any time I think there -- they're willing for you
to raise your hand and we'll all acknowledge you to ask questions instead of waiting 'til the end.

We do want this to be interactive as much as this is a conversation about management in times of
economic challenge. We will explore some of the ways the courts have saved money, how
they're operationalizing and every time I put that in my computer, it says, Uh, this is not a word.
I think we should make it a word. Operationalizing reductions. Looking ahead to life with a
shrinking budget. And eliciting ideas on what courts can do this year to prepare yourselves and
the public for the future.

I'm going to start with Judge O'Malley for the first question and we'll move down the panel and
for -- input on each question. And I may start with someone new just to mix it up a little bit as
we go on we need to keep answers concise to remind the panel so everyone has an opportunity
to be heard and that we can get through our entire list of questions and then have time for
comment later.

So the first question for Judge O'Malley: When you received the first hint that it was going to be necessary on your watch of making ongoing reductions, what did you do to begin the conversation with your court?

>> HON. MARY ANN O'MALLEY: Well, the first hint that we were going to need to be making some pretty drastic reductions came not only the trial court presiding judge executive committee, but also at the bank row meetings, when we had the first him from Bill Zichory, and Curt, about where the budget stood and really have some great information about -- not great, but thorough information about where we stood on the budget.

So all of the PJs at that time really looked at each other and said okay, everybody's got to get going. Everybody has to have a game plan. And we've got to take this seriously.

And so I went back to my court, had a very good discussion with my CEO. And at that point we met with our executive committee and came up with scenarios about different numbers. And at that point really we had a good idea of what the cuts would be, what the percentage of your court would be pro rata. More or less what the trial court presiding judge -- or the trial court budget working group had done in the past.

So there was enough information there for the courts to really -- the PJs to go back and get going with their executive committees about coming up with scenarios.

And we did that. The next important thing was to be able to then relay that to our staff and the rest of our court. And I think we'll talk about that a little bit later.

But you know, first off it was really knowing that these are going to be permanent cuts. They weren't going to be temporary cuts. We were warned and told as such by Ron and Bill and Curt. And so really it was going to get the game plan going with your court and the executive committee and your budget folks.

>> MS. CHRISTINE PATTON: Thank you.

>> So when we first became aware that the cuts were on the horizon, it was in the 2008-2009 fiscal year is when we first saw the first inkling that was going to start to get ugly. So at that time I went back to my court and met with of course the bench. And the PJ -- PJ and I worked very closely together to make sure we were providing consistent communication not only to the bench and to the staff. And we had a series of brown bag lunch meetings with staff. Because I cannot stress enough that when you're going into a crisis or heading into a period of difficulty, it's all about communications. It's just communicate, over communicate. Communicate more than you ever thought you would. Because the rumor mill is very active. Folks are very, very anxious. And that leads to a lot of, you know, of inflated conversations about what's going to happen and you know, someone's identify of what might happens turns into the truth quickly. And you really have to provide factual, timely, pointed, very direct information.

And what I found, even though the material right side I think complex, it was important to provide staff with the same materials that Judicial Council members were looking at. So the trial court budget working group comes up with a lot of information. There's spreadsheets. There's distillations of all of the recommendations and so forth. And I provided those to staff. Because it's about being transparent and being able to walk staff through materials that are already the official materials.

And so to the extent that you can help your staff kind of get their heads around, well, what does this all look like, how do we contextualize, what's happening in Marin, to what's happening at the

branch, to the state level, I think all of that really leads to building credibility among your staff and certainly among your judges.

I also spent a lot of time educating staff about the budget development process. So the state budget cycle. The whole annual cycle. Right from the very beginning. From the fall, submitting BCPs and waiting for the governor's budget in January. And all of the steps thereafter so that they had some sense of well, where are we on the path to finding out what the answer is going to be for this year?

So it's really important and I think critical to leading change in an organization to make sure that you are providing the timely and very direct information to your staff. And to the judges. So that's how we handled it in Marin.

>> Very briefly, this is very hard stuff. Because it's not a cookie cutter thing. It's not one size fits all. At the trial courts you've got 58 different laboratories out there with 58 different cultures and 58 different ratios and 58 different ways of doing things.

But the first thing that we did is try to get a handle on what it is. What are we dealing with. Are we dealing with an elephant, a camel, a cow?

What is it?

What are the numbers going to look like and how long is it going to take?

Because you have to kind of -- you may not understand it, but you have to appreciate economic cycles. So we met with our senior staff, we met with the judges. We also have year after year set up committees of staff because they really know what they can do to save money.

You have to ultimately rely on your staff to come up with any idea that will save money.

You have to then look at everything. Ultimately can be know sacred cows. Everything has to be on the table.

And we'll talk about those everythings a little later.

But obviously everyone has a business plan, and you have to look at your business plan and you got to make sure that is it right now?

Do we have to change it?

Do we have to have a completely different outlook because of the economic situation?

So again, everything's on the table and we will talk about those everythings as we go on later in the program.

>> MS. CHRISTINE PATTON: Mike?

>> MR. MICHAEL RODDY: It's hard to believe that we've been doing this drill since January of '08. We're into our fourth year. And I can tell you that when the news first hit in January of '08, it was an immediate stop to a lot of things that we had talked about and had planned on doing. Because at that point money was -- was really not -- not the problem.

And it's an immediate stop in the case of San Diego to assess the situation. Because I think Judge Rosenberg stated it very well. The impacts are different for each court. Unfortunately we're not at a level playing field. And so you know, a 3 percent or a 5 percent or 8 percent reduction affects each court in very, very different ways. We are structured differently. We compensate our employees differently. We operate differently. Some of us have lots of branch courts and some of us are in one building.

And so the first part of the art -- and I think it is an art far more than a science these days -- is to try to assess and listen to the council, listen to the legislature, listen to the progress, and then try

to communicate that, you know, to your executive staff, to your management staff, to your supervisors, to the line troops, to the judges, to the executive committees. In the case of a large urban court -- there are a lot of interest groups that are very concerned about this.

So how do you translate budgets into something that is comprehensible to the individual?

Because I know in our case people are very concerned at the individual level about what does this mean to me?

And I think we've invested and have a very good system of communicating in our case with our employees and our judges in trying to translate the issues. The need for monitoring this process. Because what happens in January may not be what ends up in June. Or October, as it was last year.

So it's very disconcerting to try and keep people in the game as you're going through this very laborious process, because of course they all read the newspapers -- you mean that was in Colorado?

That was the courts in Colorado, wasn't here in California?

You mean that's orange County, or -- or L.A., or San Francisco and not San Diego?

And it's a very big challenge.

But you've got to bring people together and in our case we really stopped the wheels and they started to assess what are the options available?

Because we knew that we were going to have to take something to the bench and ultimately back to the employees to say this is how we're going to meet the challenge.

And in looking back, that first year was easy in comparison to what we're looking at down the road.

>> A couple things, Dan, I agree and we did a lot of the same things. The very first thing we had a problem in beginning in 2008, we need to start dealing with this problem and not hoping it will go away in a sense. I think the other thing is what approach are you going to take to do things? And I'm amplify on what Judge Rosenberg said. Our approach was right off the top, what can we do differently, what can we stop doing?

Turn over every stone, look at every practice. Those were the first things we were looking at to reduce costs. Not furloughs or layoff the or anything like that. First thing is what can we do differently to save money so we don't have to do those other things.

I think the other thing that was big was -- this is a fourth recession I've dealt with in my career in courts.

But this one had a different flavor to it right away. It was obviously not going to be a one or two-year thing and we were not going to be coming back right away.

So again, the solutions had to be we need to do stuff now that's going to work for four or five years, not one year. Because a lot of times in the past the recession, if you got through a year or two, you were past it. And it was ugly for a year or two but then it was back to normal so to speak. That's not happening this time. It didn't look like it was going to happen this time. And boy is that true. It's so much worse now than it was the first year.

So looking very long range, what can we spend money on now that will save money down the road?

If we change some process now, then we won't need as many people or it won't cost as much two years from now, three years from now. Or you change this, it's a permanent saving, not a one-time saving. So that was a lot of our approach -- it's made a lot of difference since then.

>> MS. CHRISTINE PATTON: Thanks. Going into the meat of this matter, we're going to spend a little more time on this one. And I'm going to start with Kim here. Share with us specific examples of ways you found to save money from the little things that didn't seem to make much difference, but obviously they add up, to some of the major dollar things.

>> MS. KIM TURNER: Okay. Well, since -- I don't believe there's a trial court budget out there that isn't spending at least 70 percent of its appropriation or allocation on staff. You cannot really make significant reductions in your budget without dealing with a staff component. Now, obviously in a perfect world what we would do is just freeze the vacancies, discard the vacancies, you know, offer perhaps incentives for people to retire early and so forth. But if you go through that process and you don't get enough dollar reductions, you essentially are at some point going to be looking at layoffs. In fact in my court we did lay off a few people. Not a lot, but a few. And I think that the whole art, if it is an art, to doing layoffs is you really have to get down into your business process and figure out where you can do things differently and where you can actually have a targeted approach to layoffs such that -- I mean layoff is never easy, it's never pleasant. But it's a fact of, you know, budget management. Is that eventually if the cuts go deep enough you're going to be -- you know, going to people, going to staff. So taking a good, hard look at what you're doing. I think Judge Rosenberg said look at your sacred cows. Your sacred cows -- this is a hint for everyone, is where you will find -- if there is any, you know, little bit of extra padding in your budget, it will be in those sacred cow areas. If you're going to look at sacred cows you have to enlist of help of your bench to make those changes, to make very, very hard, painful, and sometimes emotional choices about how you're going to get through this crisis.

>> MS. CHRISTINE PATTON: Do you have any specific examples?
And I know you do because you talked to me about them.

>> MS. KIM TURNER: For example, in Marin we used to have one court reporter to one Judge ratio. And I think there are many courts that still operate like that. That is a -- it's not a very efficient way to operate. As you know, if the department is dark, the court reporter may have nothing to do. But is still on the books and is being paid and so forth. So we actually went through a process of consolidating our court reporters, laying some of them off, pooling them. And now we -- and using them in a very different way than we ever have before. And we've been able to cut the number of court reporters in my court in half. And by doing so have saved \$850,000 in my small court. So it's a big reduction. But it's a painful, painful cultural change. And so that's I guess what I'm talking about, having to really, really enlist the support of your bench. They have to get on board with a change like that. Because who does it affect but our judges and the department the. And these legal cultures this have grown up in our communities for many, many years. So that's certainly one thing you need to focus on is the staff side of the house. But then there are many things that you can do on the technology side, as Alan said about looking at spending money today because it will produce savings down the road. You need to do that return on investment kind of analysis. For example switching your phone system from the old digital phone system to a voice over IP system. You have to spend dollars today to do it, but you save an enormous amount of money

down the road. I mean, every year you're saving, you know, hundreds of thousands of dollars on a phone system after you make the initial investment.

So we did things like that. We virtualize the our servers, got our HVAC system to be small -- you do a lot of retooling of your technology such that you try to make it as efficient and as -- you know, sort of cost neutral on your -- on your environment as possible.

And as Chris said -- and I really want to focus I think mostly on the small things. We have a small court in Marin, the place where you find a lot of your savings is in the small things. And you can't disregard the small things.

So getting rid of juror lunches, it seems like a small thing. A few thousand dollars a year. But if you take a whole host of small incremental moves, change a process, eliminate, you know, sacred cow kind of a service. Change your website. Get rid of paper libraries and go electronic. All of those things over time, they add up. And what we ended up with in Marin was 3 million dollars worth of savings from doing a whole host of small things and a few rather major things that have really paid benefits to the court. So that in a year like this one, we're not in horrific shape as some courts are.

>> MS. CHRISTINE PATTON: Thank you. Judge Rosenberg?

>> HON. DAVID ROSENBERG: If I can pick up from that, I think ultimately once you understand the scope of the problem, you really have to do some thinking and planning. And then develop what -- for lack of a better term I'd call a toolbox. Of possibilities. And they get more and more draconian as you get into the toolbox, I suppose. Some of the easy items at the get-go is, you know, getting rid of Post-its, things of that nature. Getting rid of coffee. But the toolbox can have 100 different items depending on how far you need to go and how much money you need to ultimately save and cut.

In terms of sacred cows, you can't institutionalize things that may go away. I think some courts have fallen into that trap.

You get a grant, you get some money, and you -- you do it because it's a wonderful program. It's really a great program. It does wonderful things in the community and for the court but when the grant stops or the money is cut off, some courts continue to find way toss fund that. And you can't do that. When the money stop, you have to stop the program. Even though it's a great program. Because the money's got to come from somewhere.

So that's -- we had a situation like that in Yolo where we got a three year grant for a unified family court. Which was a wonderful thing. But we stopped it with the funds stopped. We didn't find other ways to fund it.

You've got to look at all possible ways of splitting from the County. There are still many courts that receive many, many services from the County. And I would submit in most cases it's going to be a very expensive way to go. All the way from phone service to you name it. Payroll, custodial. So if you split truly -- split from the County, put it out to some sort of process, courts can save money.

We found a one-way -- to save -- remarkable amount of money is the voluntary time off. I'm confident a lot of courts are looking at that or have done it. It's a way of employees stepping up and helping. And some employees actually like it. They don't get paid, but they get time off. And so that program saved \$106,000 last year. And \$150,000 the year before.

Not insubstantial for a court of our size. People sign up for it, they volunteer to do it.

Other ideas, the obvious ones are freezing vacant positions. It's not the most intelligent way to go, because sometimes you have to freeze positions that are pretty darn important. But it's -- it's a way to go that has less human impact on people that are good loyal employees of the court. So

when a position becomes vacant, you freeze it. And if you need to fill it, you put in a temporary hire, a one-year hire. As opposed to a permanent hire.

You can change your office hours. In other words, the clerk's office is now only going to be open four hours or five hours or six hours a day instead of seven or seven and a half or eight. It doesn't necessarily save that much money, but it allows your short-handed staff to redirect themselves to do the work that otherwise would stack up.

Some of the more draconian ways you can save money are obviously eliminating commissioner and referee commissions. It truly is a draconian way of saving money but it does save a substantial amount of money. You can terminate leased property. That creates its own set of problems, but that's one way to go.

Ultimately furloughs. We have tried rolling furloughs, which have little impact on the public. In other words, you don't close down the courthouse one day a month or two days a month, whatever. You close some courtrooms. So that there's always courtrooms open as far as the public's concerned, but some are closed on any given day and so you -- you furlough people on those days. And rolling furloughs save money but have the least amount of impact on the public. There are ways to of course renegotiate contracts with unions. Reorganization plans can save a substantial amount of money. Those can be time consuming to develop.

And one thing we have done that seems to be pretty effective is we don't necessarily give golden handshake, but we provide cash money to people who retire early.

That's a far less expensive way of going than golden handshake.

And there's also a program called OPEB, caliper's retirement health benefits, that we took money from our funds and put it into that trust so that we would be funded for the next ten years into that program.

That's again, taking money off the top, spending money now to save money over the next few years.

So those are just, you know, some ideas of specifics.

>> Judge Rosenberg, in regards to all of those that you talked about, was there a process that went through to inform your judges and to keep them apprised of what was going on and then to get buy-in from them some of them are drastic changes.

>> HON. DAVID ROSENBERG: I'm not saying we implemented all those. Those are all programs that were in our toolbox. Some were implemented, some could be implemented depending on the scope of the cuts. But whether we do in Yolo, we meet with the Judges every month, we keep them fully informed of what's coming or could be coming. And equally as important, the CEO meets with all employees. We have the whole -- the whole gamut of employees come together and the CEO is completely and totally honest with the employees about what's happening and what could be happening. We don't want people to be surprised or shocked. Everyone needs to understand the scope and the nature of the problem. Because they can ultimately be a big part of the solution.

>> MS. CHRISTINE PATTON: Mike?

>> MR. MICHAEL RODDY: Many of the things. Court execs have the list serve and we're sharing ideas and there's common themes. You're typically looking at your nonpersonnel expenses first. Books and publication, contracts. Services and fees, technology, infrastructure. Any of the nonpeople things that you can shuffle, reorganize, reduce so that when you get to that

point -- and in our case -- the low hanging fruit as we call it was done early on. We went after bookings. We put in the voice over IP system. We bought new servers to replace the old system that run better, faster. And as it continues on, this is not like the earlier downturns that many of us in court administration have experienced. It's longer, deeper, far more traumatic that we're getting now to the things that are going to start touching courtrooms. And I don't know how to avoid that. I mean, closing the clerk's business office at 3:30 instead of 4:30 definitely affects the public, hurts access.

But when your staff -- vacancy rate is doubled or tripled, it's the only way you're going to be able to get the work done in a reasonable fashion. We scaled back the work force, we found the delays becoming intolerable. I'm getting letters every week from attorneys how it takes nine months to get a default judgment processed because we've got a 24 percent vacancy rate in the civil business office. And we've been able to dig our way out of that. And here we're going to come into next year essentially losing those gains again because we're going to have to go back and strip that work force down. Looking at furloughs in the future if things don't change. We've done them voluntary time off. Squeezed about everything you can squeeze in that regard. But I think we're at a point where now four years into it there's little -- there's not much in books and publications. We went to our executive committee on Monday, we can save \$538,000 this year. We've got 11 million dollars hole to deal with. It's going to take a lot of books and publications. So we're going to be upping the vacancy rate potentially, going back to the employees and talk about volunteering time off programs. And so far we have done everything not to hit the courtroom, not to hit the judge. But I think we're running out of those easy solutions. And all of those have been talked about by the prior panel members.

>> MS. CHRISTINE PATTON: We're going to talk a little later about looking forward to next year.

Alan, do you have anything to --

>> MR. ALAN CARLSON: The one thing I would add is our court went through a business process engineering project. And it's ongoing. We involved 135 or 40 of staff, more than 10 percent of our operations division the first time around on 17 teams. And it was -- they're the ones turning over the rocks. Our saying was if you want to know how to do something more efficiently ask the people who do it every day. We put together the teams of people that do it every day and came up with huge savings. Long term, permanent kinds of things. The first list we called them quick wins, 113 things that we implemented immediately because they didn't cost anything. And it was things like stop using certified mail when you don't need to. You get mail back, keep it for a little while and throw it away. We used to log the mail that was returned. You don't need to log the mail that was returned. A lot of little things like that. Also looking at the bigger things that you can do. And every journey begins from where you are. Our court was in an advantageous position regarding this. Because of V3 and the document management system we have and the scanning that we were doing with the imaging, we were able to move very quickly to take advantage of that to really reduce some of our costs. So we've gone paperless. Prefer calling it paper on demand, if you want it, we'll print it out for you. We are completely paperless in civil. Small claims to complex. No paper files anywhere. Gone. When you give us a document, we scan it within a day and we stick it in a box and 90 days later we shred it. Never go look at it again. Everybody is operating off of paper, the judges, the courtroom staff, everybody is running off the electronic version of things. No paper. Just major

civil down time in one courtroom, at that was 12 people. Sets up about a million dollars right there. We now moved into family and we're pretty much done with going paperless in family. Next we'll do traffic. Every one of those is a permanent savings of a fairly substantial amount. We also had another concept we call -- we want you to be on line, not in line. We borrowed the saying from somebody. It wasn't ours. We'll do anything to get people to be able to do stuff over the Internet or telephones rather than having to come to the courthouse. They don't come to the courthouse, they're not standing in line, going through security, standing in counters and you don't need humans to interact with them. You can pay your fines, get continues, by telephone, IVR, or on the Internet through our system. If you want copies of documents, copies of your divorce judgment. You can get that stuff electronically. You don't have to come into the courthouse -- divorce you have to, but all the stuff is available on line.

Nobody has to come down and get it. You can dial in, find your case, pick the document, give us a credit card number, done.

We have something we call a magic mail machine. Riverside had it, San Bernardino had it, Olo had it they were using it for jurors. We use it for fine payments. You get your courtesy notice, send us a check or write your credit card number on the piece of paper you send back to us. The human intervention is the humans stack the envelopes on the end of this machine and the human pulls the stuff out of the inside of the envelope when it's opened and set it is down on a plat ten. The machine reads it, takes the money from the person's checking account, puts it in our checking account, updates our case management system and does the distribution without being touched by human hands.

>> MS. CHRISTINE PATTON: Thus the name magic.

>> That's the magic mail machine part. Linked all of these things together. We had to have a case management system that could handle this. We did, so we took advantage of it. That was four people off the top on opening mail and keeping track of that stuff and it's being done faster because the machine goes faster than we did on opening mail and logging it in.

We have hundreds literally of things we have done like this. We prepackage all our criminal cases. If somebody comes in with a new filing we check to see if they have misdemeanors or infractions, all of those get pulled together for the next hearing before the same judge. You can take care of a lot of stuff all at once when you do that. We built a courtroom in the jail so all the first appearances are in the jail. No more bussing for those. I think 40 percent of our misdemeanors are resolved at the first appearance. We do have lawyers there including public defenders. We don't start until ten o'clock so the lawyers can come in and talk to people and see if we can get some dispositions. And we go to 7:00 or 8:00 whenever the calendar is done. They all save money permanently and we're not done yet. We still have lists of things that we're going to do. Family law paperless, traffic paperless, those sorts of things. And then there were a lot of little things. I'll add to what we did. Took away everybody's cell phones, nobody has court-paid cell phones. Took away business cards and letterhead had. We don't print business cards and letterhead. There's a generic version for the Judge and the rest of us we buy our own or we have macros in Word. Let the printer do that. You can do a few things like that. We pitted west law and Lexus who will give us the best deal. Pick one. Saved us half a million dollars I think the first year. And ongoing kind of stuff. We've done a lot of things like that. And the other interesting thing -- retirement system allows us to prepay. So we can pay I think this year we paid 75 percent of the year's total expected amount. In September.

And we get 5 percent of the reduction on the rate. Our bill is millions of dollars a year for our court. That's Monday know off the top. We can do that.

We've turned over everything as I say and we're not done yet. No furloughs, no layoffs, no closing hours, we provide more service now than in 2008, because of the IBR and the Web-type services. That's not to say when we get -- I'm jumping ahead a little -- when we get to next year if it's as big of a cut as it is -- the cliff we're going off isn't going to be as big as other people's cliffs, but at some point we're down to where that's it. Now we have to stop doing things, close, laypeople off. Have backlogs. You know. We just haven't hit it yet. That's all.

>> MS. CHRISTINE PATTON: Ms. O' -- Judge O'Malley?

>> I have a question. The five of you are from obviously very successful courts in this period of time. Have there been programs or efforts to share these great ideas with less fortunate courts who haven't been as successful?

Like workshops where you share these ideas?

>> HON. MARY ANN O'MALLEY: Certainly we do share them on the list serve that we talked about. We also try to, you know, talk about them, among our groups either at the regional meetings or at the CIAC meetings. The PJs do something similar. There's a big effort afoot to try to share the efforts that are coming out of all our various works. What works in Marin may not work in Orange. Some piece of it may be useful. As Alan was talking, Mike, I was making few mental notes, trying this and that. You learn every time you talk to your colleagues because it's a very dynamic kind of a process.

>> Hopefully what we're doing right now will reach a lot of people who might not have been at the regional meetings where a lot of the discussion takes place. And at the CIAC and the presiding judge meeting.

>> I can see bringing CEOs into San Francisco here for a workshop on how you achieve better success in financial management.

>> And certainly -- my CEO and staff have been contacted by numerous other courts also. And I'm sure that people do that. Call around and say what are you doing and how did you do this? And I heard that you have a proposition that helps bring in income to the court. And so I know that the courts themselves right side very helpful to each other in that regard.

>> Speaking only for PJs, I made reference earlier in my remarks in the prior section, I do intend that our PJ meetings have specific times set aside for the PJs to share, for lack of a better term, best practices with each other. And I'm very hopeful that the PJs and CEOs at our regional meetings can have specific time and workshops to do the same. Obviously some ideas are unique. But many of the concepts like changing phone systems can apply to almost everyone.

>> I think --

>> MS. CHRISTINE PATTON: Mike and --

>> I think the court executives are particularly aggressive in sharing much because plagiarism is rampant around the branch.
(Chuckling)

>> There's a lot of competition.

>> Tell me that's not true.

>> But I might go further than just sharing amongst ourselves. I think for me particularly, number one, my goal is to stay ahead of the curve. And I need information to do that. I have no problem picking up the phone and calling somebody at the AOC, calling a fellow court executive, talking to the PJ to talk to another fellow PJ. Whatever it takes. Because information is power. And if I can get a head start on what's coming down the road or if I know we're going to make a left turn instead of a right turn, that's -- that's the way you stay ahead of game. And I think Alan referenced that before. You've got to be out in front of this. If you're reactionary, it's too late. My job is to prevent layoffs. We've not done layoffs. You know, I don't want to use the L word.
So I feel like I have this duty to do whatever it takes to stay ahead of the curve, to stay ahead of the knowledge front, to find out what's happening in Sacramento. And I think it extends beyond just talking to folks in your own circle.

>> MS. CHRISTINE PATTON: Kim?

>> MS. KIM TURNER: I want today say in response to what you said Judge moss about getting the CEOs and having some kind of a workshop, not at this council meeting tomorrow, but by October CIAK will be delivering on the promise that the chief asked us to do in April, which is to develop and to hopefully launch, bring forward a recommendation to the trial court business process reengineering program that would be rolled out, you know, with the council's blessing to all of the courts and it would be a voluntary program in which CEOs and their line staff and managers and whoever else they think is really a champion of this kind of an idea would be able to attend a number of small regional meetings up and down the state of California to learn how to use the analytical tools, number of templates that Jody Patel and her staff have put together to really sort of bring this effort forward and to get it going in courts where they maybe haven't done a lot of that kind of work so far.
So I think that that's going to be one of our really emerging strategies for how the courts and hopefully the branch is going to deal with I think what -- the train that's coming down the track in the next year or so.

>> I think that the other part that's happened on a smaller scale, I took six or eight managers up to Riverside and we sat together with those folks and say what are you doing, we've heard about this, that. The magic mail idea, that was a Riverside, San Bernardino had it first, we took it the next step farther. We have had -- I can think of three visits in the last three or four months of courts coming down and saying -- literally coming down or on the phone saying, how did you do this?

I don't think they came down, but contra costa called us. Fresno came down to see us. We want to see this, this, and this that we've heard about. We're happy to do that. I can't think of a time that we came away, wait a minute, how do we do that?

You get a competition. We're all -- we've been at this for a while. But you know -- what do you mean riverside is ahead of me on how to do their website?

>> Judge Smith?

>> Speaking of plagiarism and picking up the telephone, our court is facing issues and they made a decision to lay off court reporters and pool and share court reporters. I picked up the phone and call Kim. And our courts are very different sizes. But one of the things that was very helpful for us is she was able to forward a number of documents and things that they had already, some suggested steps we could take that was helpful in getting -- in moving our budget response. And it also help immediate as chair of civil to organize the civil judges to talk about what we might be facing and how we might respond to it. so there is a great power of sharing information. And it doesn't matter what size court you are because Marin is small, we can certainly adapt some of their ideas and I would say the research, what steps we had to take, some of that had already been done and I was able to pass that over to our CEO and presiding judges which has helped us move forward. Probably faster than we might have otherwise been able to move forward.

>> MS. CHRISTINE PATTON: One of those places you can go if you're not sure who else has done these things is to call your regional director. Because I think Jody, Margie and I, we get these calls and like got the call from Alameda: We're thinking of doing this. Where do we start? I said, call Kim. I know our OGC worked with Kim on the document. That's how we can help you together and match up in some of these informal ways. And in addition to the formal structure we're going to have for engineering and the presiding Judges, et cetera.

>> Very few because the panel knows what we'll talk about. Some of the branch courts have different contracts with -- you know, some of the priors to get good services and that sort of thing. And it might have been from preconsolidation to go on. And what we did is we got together all those contracts -- and really -- And our judges which helped us move forward. Faster than we might otherwise have been able to move forward.

>> One of those places you can go if you're not sure who else has done these things is call your regional director because I think Jody, Margie and I get these calls and I got the call from Alameda we're thinking of doing this, where do we start, call Kim. I know OGC worked with Kim on the document that is so we can help get you together and match up in some of these informal ways and in addition to the formal structure we'll have for reengineering and workshops and providing judges, et cetera.

>> in our county we have different branch courts, some of the branch courts had different contracts with some of the -- to get good services might have been from pre consolidation still going on, what we did is got together all those contracts, and really consolidated all those and got a much better deal from one entity, such as copiers, suppliers, saved money and the copiers alone, 100,000 a year. A simple contract of

consolidation and that was kind of our mantra this last year or so as consolidate, consolidate, consolidate. And where we had vacancies, obviously, somebody has to pick up the work of the employees who is vacant or that position so you would have to consolidate workers.

And if we found out that worked well you copy limb Nate the position. That would save you money without laying off somebody. Prior to doing that, you really try and do the voluntary time off, you do the consolidation to see if you can take those retirements, which we have a number of retirements and try to see if you needed that position or if somebody could share that duty or that assignment, if that could work, that was helpful. Also, some courts, not all courts have kind of like I would call a fleet of cars. We found out we had many more cars than we really needed. And so we sold some of the cars. And we were able to save money by reducing our fleet, which it's not a fleet, but 12 cars, you know, down to 3 or 4, really. It's kind of the same thing with the cell phones. We got rid of our -- we consolidated many leases that we have throughout the county, we remodeled so we spent money to remodel a particular space and consolidated everybody in the space cutting down on the leases and saved hundreds of thousands of dollars annually. So that was a great thing to look at and to do.

Then you have to restructure kind of the way you do business, with our custodial, kind of switch up the hours, be able to spread it out a little bit more and everybody has to make do. Again, so many great ideas, but there are ways to do it and yet we have more to come. >> before we get to more to come, everybody you've mentioned some of the small things I know when I was talking to Kim about reducing the judge's library from one library per judge, to a shared library, that was a sacred cow, it was difficult, she had to get that there, some of the other things on the janitorial, we're not going to be empty waste baskets every night, will be every other night or vacuuming once a month instead of, et, some of these issues up to the very, very sensitive issues of court reporters. So starting --

>> On the court record reporters we did a hybrid. There is a court reporter to a department, if that department is dark that reporter floats. If a court is on vacation or gone, that court reporter is assigned out, so it's a hybrid of not necessarily starting in the pool but absolutely available, on call, no ifs ands or buts, everybody pitches in, and so it's a hybrid.

>> That can save you money in not having to hire in your pro-Tems, we wanted -- did you have another comment?

>> Everybody has to understand there are effects with everything you do, and for example, we have a similar thing with court reporters, they are sort of a pool. And we live on the edge everyday with court reporters. We've had many occasions when we need help, and a judge is available, a clerk is available, we get the interpreter, find a bailiff, and we don't have a court reporter because we've used the last one in the pool that day. We don't want to spend the money to hire a private reporting service. So those are the effects that will happen when you live on the edge.

>> Touching on the question one and what was already asked of Rosenberg, how do you get buy-ins and your staff that are now having to deal with a different process, a different -- paper on demand, not all the judges probably are thrilled with that, certainly with court reporter and other issues, so how did you go about, Alan, I'll start with you, on getting your buy-in?

>> We mentioned a couple things in terms of telling people what is going on and being honest with them, and getting information out there. In addition to the things people have said, we set up a deal very early on, now I do it whenever there is a major thing a budget comes out, final budget gets adopted, I go out and talk to the staff and we have a lot of -- we have nine locations so I go to every place at lunch time, everybody gets the same message, this last time we took out all the management teams so they knew who they were, everybody talked about the things we've done to achieve the state that we're in now in that sense. As I said, the business process reengineering we did, we involved the people who do the work to find the problems.

We sent out a request saying everybody tell us anything you can think of that would save money. It's interesting how you ask people for that kind of input, I got back I think 130 or 40 ideas and when you culled out the duplicates and Oops we can do that, we came up with what we call the 100 ways if you count of list, 100 on the list, we rounded it out. But that kind of involvement, participation, the talks that I do, we always videotape one of them in our intrA net, people can watch it, I think another thing that was big for our court was when we had the furloughs a couple years ago, our judges were very good about participating and in our court, most of the judges gave the money back to the court, they wrote a check to the court, so to speak. I think we raised I can't remember exactly, I think 7 or \$800,000 that the junk -- judges gave back to the court. I said we didn't do layoffs, we did five, three on a project that ended, so we ended their employment when the project ended. Other two were my chief deputy and a secretary. That was the first ones we laid off. I wanted to send a message this was not something that was going to only impact the people down stairs. That we started with my deputy, being laid off, and that gave the message how serious and how long term this was. And it worked. We have very good morale, it's not great but it's good.

>> May I ask a question? The sacred cows were management, layoffs, attrition, et cetera, always lower level employees. One of the common refrains I hear is the ratios are getting out of whack. The staff is disappearing but too many managers, so have any of you had to other than to layoff your chief, address the question of middle management and reorganization or say goodbye to folks in that regard?

>> We went right to upper management first and we laid off some people in very high positions who were close to retirement, were able to make those so they were able to leave in a comfortable manner and I bet it started at the top, and we didn't go to the people behind the counters for another a year after that, until we had to try everything else. So again, it's the message you send.

We also had the judges contribute voluntary salary waivers back to the court, so it was very important that staff knew that this was very serious matter and that everybody was going to take part in this and we started with management.

>> In Marin, we let employees know we were going to flatten the organization, when I came to the court there was a CEO, two assistant CEO's, 8 managers, 11 sir advice sores, there is a CEO, five managers and seven supervisors, very flat organization. So you have to do that as Alan said, as judge O'Malley said, you have to set the tone at the top and say we're not going to layoff every file clerk while the rest of us sit around in our complacency during the budget time. I think making sure that you have a flatter organization also enables someone like me who used to be a little bit insulated from what is going on in the operations, now I have an operations meeting every single week with all the managers and I hear what is the problem in the clerk's office, what is happening in Courtroom J, I can keep any finger on the pulse, I'm a small enough court to do that, I think it's important to do that.

>> You've got to pay attention, particularly when you get to the table, that becomes an issue for the labor unions. Having recent lie run the numbers while the clerical say san see rate is 15%, on the man a meg, it's 17%. My pan of control is I'm the Cfo and CEO and we've taken every opportunity from executive management down because if t the perception -- I have a bigger problem when I go out and hire a family court mediator because 16 week wait for mediation, then worrying about whether I have too many managers. In some units we have three and four managers, we have one. We'll continue that drive because we have to do more.

Unfortunately for some it's not enough. There is still a major concern about you have too many management, but I will put our numbers up head-to-head with what we've done across the board because everyone has shared in the pain.

>> Anybody else want to add in?

>> When I was presiding judge, my C E O went out to branch courts and budgets, made them hand outs and showed everybody what the numbers were and they were the honest, cold, hard numbers. We also enlisted each of the employees to email anonymously or put your name on it, any ideas, any idea whatsoever you had to save the court money. Of course this was after we had made the cut to upper management, so they knew we were serious. We got lots of great ideas.

We put those ideas in a news letter so every other employee could see those ideas posted out in front of everybody and that encouraged more people to come forward with great ideas. So, not only did you get the ideas, you aged the ideas and praised them and if one was instituted, we had a nice shirt we were able to give out to people who when we were able to institute some of the great ideas.

But the staff chats were critical, and to every branch, we had some people who were so successful, not everybody could make it they asked us to go back for seconds, staff chats to certain branch locations which we were more than happy to do.

As the budget bro agrees and we learned more and more, we he would go back, so every time there was an update, every time it looked like it would be more or would change, we went back and updated them and the staff chats were attended very well.

And we would go out from that, and so it was a great way to really keep everybody informed and to let them know what we were looking at, and people felt involved to the

point where they could participate and help, and it was really again, you know, our feeling around the court as positive as it can be. Given the nature of the way that we've gone through the process.

>> Anything to add?

>> I know your focus is on trial courts I was wondering if you know are any of the appellate court executives participating in any kind of a similar process?

>> We can ask.

>> I'd say yes, there is much more communication between the appellate courts, we don't have a records management system, which is one of the things that has been delayed because of I S problems and that is really holding us back right now.

>> Okay.

>> I think Chad is in the audience here and he can certainly get that more into what the appellate courts are doing. Thank you.

>> I wanted to say if any of the clerks of the appellate courts want to be on our list or come to our meetings, I think it helps to energize the clerks to hear what is happening in the trial courts so that is an open invitation from CIAC to join our efforts and hitch on to what is already going on.

>> We do invite the clerks and the judges and the Justices to our regional meetings.

>> We'll switch gears and very quickly for anyone on the panel who wants to share have you done anything or thinking of doing anything to bring in more revenue on the other side besides a cut on the revenue side? Anyone want to start? Kim?

>> One of the things we're trying do is focus on receivables. Courts don't have receivables, there is a new program for juvenile dependency collections, we're trying to put attention in making sure where we provide services for which we can charge, that we're following up and getting those services to be compensated, so a little more attention on that, I think something government is not used to doing, certainly the courts until recent years were not used to doing, but it can actually pay off.

We brought about \$100,000 more last year than the year before, in probate investigator fees because we're paying attention to it.

In addition to that, I encourage CEO's and managers to take a look at the practices in your clerk's offices. We found in Marin, we were short-changing ourselves on motion fees because the practice in Marin, an attorney would have three or fore motions and the clerk would charge \$40 for a motion fee. The charge should have been \$160 for four motion fees. In just paying attention to that, we determined that we were short-changing ourselves by 30-35% of the motion fee revenue that we should be bringing in every year. That goes right back to the court, goes to the trial court trust fund.

That is one example. I'm sure there are other examples of paying attention to what is happening on the ground.

Also making sure that for fee waivers, if the prevailing party is the fee waiver party, there is an opportunity to go back to that party and collect the fees that were foregone at the beginning of the filing process.

I think one of the things that we all have to be aware of is that we really have to focus a lot of attention on the collection effort, the enhanced collection program that Jessica Sanora at the Aoc is staffing and managing is an important way, a critical way for the court to get more involved in fee collection. We have to be more aggressive, we have to communicate more with the bench letting them know the consequences of not levying the fees and monetary sanctions and letting so many of our defendants convert to community service work or jail time when they have the ability to pay.

So that's an area we focused more attention on and I think accordingly generate morgue revenue -- generating more revenue now.

>> The collections were huge, we weren't collecting anything. Our collections unit was really there biding their time and not bringing in anything, so we went to a vendor and now it's well worth more we're paying the vendor, because that is what they do, we can use those that were in our collections unit to do something else they're more interested in, working for the court, so it's really worth your time to look at your collections process and how effective you are and how efficient you are and for us, we weren't, so we needed to go out of house and now it's well worth it we're bringing in far more money. A rot of courts have started civil assessments, and so I encourage any court that hasn't started a civil assessment program to contact another court who has. Get the paperwork, the procedure, the process, and learn that civil assessment program because that will bring revenues in your court that in any fines and fees you can that are owed for the work you are doing really, at this point in time we can't let that be bygones we need to be active and take part in that. I think as far as bringing in revenue you have to be diligent.

>> Any questions?

>> I mentioned magic mail, I mentioned people can pay by IBR, telephone or Internet. We've now set up a process you can set up if you owe \$100 and want to pay \$10 a month we take it out of the credit card automatically you don't have to write us a check or remember to do it. We have something called a predictive dialer system, we haven't got it hooked up to the collections yet, that is coming any time now, where the system knows from the case management system you're supposed to send a check in for certain amount, calls you up and reminds you to send a check in. We started using it with our mediators to remind -- mediators, it was a great -- that was a side benefit, we didn't anticipate that.

The other thing we're looking at if you don't have a bank account and on a cash basis, you can't use IBR, can't use the web, we have been exploring, there are a couple of outlets, western union kind of things, one of the target or Wal-Mart where people can go, give the cash to those people and they will send us the money. Electronically. So we're finding more ways for people that aren't paying RIT now to make it as easy as possible to pay.

>> Credit card machines, unbelievable. Paid in full and paid right then.

>> Just one other thing that doesn't generate revenue but defrays cost is a lot of our courts are still pretty married in their practice to their counties, we harken back to the days when the court was a county department, the courts are doing things on behalf of other county departments for free, all kind of services, providing courtesy copies of pleadings, copying all the juror questionnaires, all things that are in local practice are not in statute, not in rules of court, are simply the way we've always done business, so we're going through a process of challenging each and every one of those things and trying to reassign the work back to the department, the D.A. or probation department or PD, that should have been doing that work all along but because of the way things were, the very environment, we did it for them. It made sense when the money was county general fund, it does not make sense for to us do things we're not being compensated for.

>> A lot of great ideas, is there a way for all these ideas to be listed so someone can call in and find out what is being done?

>> We do have, as we mentioned earlier, a listserv, things courts are planning to go do. Jody's group is a clearinghouse for business process reengineering, ideas or plans or tools or tem plats, and so one of the things that I will be bringing back to you chief, in October, when we kind of roll out the trial court business process reengineering program initiative, recommendations, is really a fully formed, I hope, program that will describe all the ways that PJ's and CEO's can get information and provide information so we keep the conversation really going.

>> Jody has come billed the list, we do have the list that can get out. Compiled.

>> I know the fifth appellate district received a KLEPS award this year, I think two of them, and based on efficiencies that they had developed and I recall one of our prior must have been an educational meeting or issues meeting, this idea of especially in difficult economic times, the appropriateness of having a KLEPS award based on economies that are developed within the trial courts. Traditionally they are based on expanding services, and so I don't know whether there is a conscious effort to integrate what is going on here with the KLEPS awards concept, or at least the ability to retrieve information from other counties.

>> So part of the trial court business process reengineering proposal will include an awards-type program to really recognize and acknowledge courts that are doing the hard work and are achieving efficiencies and savings and what have you, that is one of the ideas we will be bringing forward is to perhaps at every council meeting highlight some court that is reengineered their traffic division and saving tons of money and the public is better served and so forth, and be able to give, you know, kudos to them, it wouldn't be as for mallized as the Kleps process, wouldn't have a committee to go to the courts and looks what they are doing and so forth, we haven't quite figured out all the logistics of the program, but we want to keep trial court business process reengineering in the

forefront of our message for the year, where reinventing the courts, the branch, so forth, and so to the extent that we can use some kind of positive incentive like that, we think it will be helpful.

>> Alan, didn't the money machine, the imagineic machine, did that win a KLEPS -- magic machine?

>> Yes, but not for husband.

>> Justice Hill?

>> The reference by Justice Baxter, there can be appellate court savings and ideas, also, I'm wondering I don't know if that would be a task that would be beyond the sharing of information among the trial courts but for instance we had our librarian just in the last, I don't know, 60 days, sent a message saying for those of us who could do without currently upgraded west law codes in our chambers, we could save \$8500 a year and we have 10 Justices, the Governor hasn't filled one position yet, there is \$85,000 there. Talking about getting judges to buy into the idea is a bit of a trick but I did finally decide that that made a lot of sense to me as long as they didn't take the books out of my chambers, because they bring me comfort.

(laughter)

>> We're saving the money but you feel like you have something you can put in your hand.

>> A good idea to get those together, not just the trial courts and appellate courts, they need to be part of that and I think we will work on that.

>> Judge Davis?

>> Chris, it was at Alan Karlson indicated our court that indicated san Bernardino won the KLEPS award for the magic money machine. While I can certain and appreciate concerns that in these times we might not or might want to revisit whether KLEPS awards ought to be going to these sort of areas, I can tell you in courts like mine where we have historically struggled often times feeling we are fighting a never-ending uphill struggle, with increased filings, increased work loads, lessened staff support, not the judges that we need, is everyone on the various panels alluded to, I wish I could express to all of you how proud the members of my court were, and the staff that attended the KLEPS award presentation and Mr. Overholt had been here a few moments ago, I'm sure he could echo those sentiments. These are innovations created from the minds of those in the trenches, doing the work day in and day out. And giving them the recognition that we do by way of a KLEPS award, I think is so deserved, and one of the comments that was made during that presentation ceremony was how not only has our court been contacted by a number of surrounding courts and courts out of state, with respect to the magic money machine, but how our executive team has already gone feet forward to contact

neighboring courts to offer their assistance with regard to this. So, I think that encouraging this sort of recognition for the sort of innovation is something that we really ought to think long and hard about before we ever decide it's something that ought to be somehow eliminated or moved elsewhere because nothing puts a smile on staff, court personnel, other than having AOC directors and assistant directors present with the court executive officer and I again want to thank the Judicial Council and the chief Justice for allowing us to have the court executive officer that we do.

>> You're welcome.

>> Allowing?

>> To have all the smiles on all the faces present because they recognized that on a state-wide level, people are giving them credit for people so innovative, it means a great deal to them.

>> I don't think you will be able to get a Kleps award for getting a new CEO.

>>> we have 15 minutes left.

>> I haven't heard a lot of good news from a lot of courts recently, and I'm just wondering how do we know that when a court comes and says we have to be funded by this much more, how do we know they've done anything?
Is there some way we should be evaluating that?
Should that be in the mix of our deliberation as to how we help?

>> I believe that is the next subject matter after us. Thank you, Fritz. Segue in asking the court here, we have certainly are hoping to achieve some restoration of funding next year, that is I know the chief is already on that. Ron, Curt, focused on your efforts to get restoration of funding next year, even so, we're likely looking at the way we change your business, what is your court doing to plan for the new reality as Alan suggested, how are you making the cliff ledge not so steep? Judge Rose Enburg?

>> It's a process I know many courts hopefully most courts have been thinking about and working on for years. It's the toolbox I made reference to, comes by any other number of names. But we have this checklist of options. That get more and more serious and Dr Aconian as you go down the list. It ultimately ends with layoffs and court closures and furloughs. But I hope and trust all courts are developing this checklist and are squeezing the orange as much as possible, but I must say that for what its worth, the legislature and Governor have to provide, in my opinion, an adequate level of funding for the judicial branch to do their job. We are a constitutional branch and we have to have a certain amount of money.

Now, if the legislature tomorrow decided we're going to cut the judicial branch budget by 90%, could they constitutionally do that?

And at what point are they cutting the budget so much that we cannot do the job we're charged to do?

That is a question for another day. But for now, we just have to develop the tool box and have the tools available to us, depending what the situation looks like. I talked about the economic cycles, I think we're in quite an economic trough, I don't know what the economists are saying these days but the last I heard is they are thinking we're going to come out of it in another two years. >> unemployed is 12%.

>> California is in -- everything is ultimately driven by jobs. And it is all cyclical, you have to have the people buying, which creates the need for manufacturing, which creates the need for jobs, et cetera, et cetera.

Ultimately driven by jobs and California is certainly hurting.

>> In preparation for today, I did a little math this morning, if we use 07, 08 as the pinnacle of the funding, that was the year before we start getting the bad news, this year in my court, we've taken over 9% hit in what we expect our state allocation to be. And all the things we talked about today have put us in a good position to deal with that 9%. Restructured the wage base, gone after employee retirement contributions, the things that we talked about.

Next year, next year, if we don't do something, from that 07, 08 base, the number goes over 25%.

I got to tell you, layoffs and furloughs and closing the business at 3:00 isn't going to cut it. And we had this conversation with our bench, this week we had a meeting with our executive committee and the numbers are daunting. And I give credit to our bench because our executive committee has said we've got to deal with structural issues here, we can no longer do it on the administrative side of the house. The numbers that have started to appear I really think tell the tale. The book budget won't cut it. Putting in voice over IP system has been done.

So fundamentally I share some of the judge Rosenberg's concerns when does it become a constitutional issue?

When you go from 22% reduction over kind of the high point of our funding, that is truly significant. And you can't do it on the backs of the clerks and the business office. You can't do it on the backs of the management staff, there aren't enough to do that. I think that is something the council obviously knows, will have to wrestle with.

Fritz, in answer to your question, I don't think there is a checklist that we can apply to get to the answer of whether a court has taken -- all the necessary steps because there is no what the necessary steps are. In one court, it could be we're going to eliminate the use of court reporters and family law and civil, and in another court, that is absolutely not going to happen on this planet. Each culture has a different set of priorities. In one culture, it may be two clerks to a courtroom, which for some might seem wow, rich, and other the might be judicial secretary for every judge. I'm throwing out some examples.

I don't think there is an easy answer to the question how do you assess from a checklist, you almost have to dig in the books, dig in the culture, dig in what's been done and that's a very laborious effort. So I think we need to be cautious about generalized assessments and there is no easy way to get there.

>> Alan, we have seven minutes left.

>> I didn't think there was. I totally agree, we reached a point about October last year where I had to tell a clerk they couldn't go on vacation because I had run out of clerks. We can't be down that low. We've added clerks since then.

Where do we hit the point where now you're -- it's fundamental, constitutional, I don't know where that point is, we may find out next year, the way things are set up now. I want to mention other tools, I didn't mention earlier, we're driving E-filing as hard as we can, I don't know mark we've seen this, I'm pounding on the lawyers, help our Project, E-file. Round Number E-filing is five minutes to review it and automatically goes in the system and literally available on the Internet within minutes. We're at 20%, documents filed, I would like to get up to 70 or 08% in civil and working on the criminal folks doing their's.

>>> Smartforms, how many spend time in family law looking at a form and person is left off a few boxes, maybe unagaintally, maybe intentionally, you can't read the numbers, don't know what it means, smart forms comes in clean, they can't print it out and give it to you until it's done and everything is there that has to be there, the numbers add up the way they are supposed to, we have a huge project going with that, what we do is available to everybody in the state. The forms and the processes.

We're looking For E-filing from police officers and Chp, Santa char Santa char extra ray and us, I get 500,000 ticket as year manually from Chp. I have to data enter those. I want coming in electronically. Would be cleaner, less problems, less rejects, and save me money.

Anything we can do to get stuff in electronically and keep it's lek tronicly. I teased Fritz I want to send my stuff electronically. I don't want to print out paper and number it. I want to give them a disk. Death penalties in particular. We can do that now, in our system because everything is elect ronic. But I have to print them out right now to go to the court of appeal. We gave our local court of appeal access to our civil records, there is no more calling this up, this didn't get included we think we need it they can dial it up and get it themselves. We showed them how to do it, gave them access.

Those kind of Things, E-service, I don't want to pay for notice, I don't want to pay the clerks to prepare notice, I want them to push a button gets sent to the lawyer, and no mail, no waste of time, happens faster.

Predictive filing all those things, they are tools. Each one is not going to solve the problem hopefully we're closer. But at some point I agree, we're at the cliff. So to speak.

>> Adjudicator O'Malley?

>> Judge O'Malley: We had 440 clerical staff, through attrition and vacancies, we're down 93 positions. Our filings are stacked up in feet. 12 cubic feet to get through filings that come through the court every day. We've done instituted all we can.

I would dream To E-file and E-this and E be this that. My It program is so antiquated We're E-horrible. I'm waiting for CCMS I know it will save me money in a program I can barely afford to pay for now every year.

So what does this mean next year?

We've been responsible, we've done everything, we took the cuts as permanent. So we really started from day one, making the appropriate changes in the way that we operate for our court from day one. So now, given the cuts that we're looking at for next year, services and I don't mean clerks offices, I mean services to the public are going to have to be cut. We're going do have to stop doing certain types of cases. Small claims, limited civil, we're going do have to scale back on our unlimited departments. We're going do have to probably -- it's a given, eliminate we've done that night court. Eliminate any collaborative courts that aren't taking the numbers like we need them to. And just further reduce hours at the clerk's office because we need the personnel because we're down so far to take care of the backlog to not pay for overtime.

So it really at this point it's going to be as Judge Rosenberg called it draconian. Services will be drastically affected next year if we're faced with the same situation.

>> I like to ask this, I think I know the answer, whether it's 58 courts are doing this or 30 courts are doing this, seems to me that stories that we're hearing here today ought to be told to the Governor and to the legislature and really the public.

This message is not out there for the average person like me that is not party to what is going on in the courthouse. And I'm telling you that message needs to be told to the people that are in charge. Because it seems like the courts are bending over backwards to cut at every level and I don't think the public understands that, certainly the legislature doesn't.

I don't know what is going to happen here but if something we're considering in the future is communication, to Sacramento, a group like this might be a way to start.

>> Thank you. Kim one last thing?

>> One final comment, that is I think the courts this year and certainly in next year will face a big structural challenge and that is the analogy is that the tabletop which I call the judges, the funded judicial positions remains the same, regardless what the reductions are. But the court staff continues to diminish, the legs of the table are getting shorter and shorter and shorter.

The tabletop is the same but it started as a dining room table, now it's a coffee table, heading for the floor. We have to get to the point where we look at that -- sort of the disconnect between judicial positions and staff to support the departments, because as Alan has said, as mike said, as Judge O'Malley said and Judge Rosenberg said, we will face a constitutional crisis when we no longer have an adequate number of staff to support the work that judges are supposed to be doing and so that is I think something that is looming on the horizon, if we do have 15% cuts next year, and it will translate in layoffs I think in every one of our 58 courts, there will be courts that simply do not have the manpower, the human resources to actually support those departments.

>> Bill has something to say I appreciate the comment add what Mark said, since the beginning of the year when we looked at \$200 million cut, I know curt, Donna, Bill, Ron, myself, a group of attorneys were in the capitol explaining what it meant. No one heard it. There was too much other noise going on about the judicial branch that wasn't about the budget. There is a group of people really fighting about our budget and our voice got drowned out and it wasn't covered in the papers, and we also know many of

you came to coming together to find a way to backfill some of the \$200 million, we worked on that and were hit with another 150 million, and while that was going on, we were facing two arguments on two battles, and there was clearly the big argument, clearly the budget. That got drowned out and all of the other noise that existed out there about the branch, and I would point out in my view that other noise that created the Din that took away the focus of the branch undercut our ability to hold the line on the budget cut.

>> Absolutely.

>> It was more of a reason to cut us for whatever reason we can't agree so we deserve cut. Unbelievable.

>> Kim, I went back and started pulling out our problems from the past budget problems we had, both in the early 90s, when that went on for close to five years, and then about five years with the Dot-com crisis and many of you did a great job on the both what the courts were doing to save money but also what the impact was that creeping impact on the public, whether it was waiting in t lines, not getting protective orders, being able to gain access, a whole variety of things, what the human toll was on the other I believed -- other end of this. As we prepare for the discussions in the fall and later on in the year about the branch, in addition to the point Mark raises about getting the information out about what the courts are doing to try to stay open, I think it would help if we could start now trying to get more difficult information about what's the people impact on these things.

The other thing that I think is we work on the budget management side, the chief in trying to prepare for the budget discussions that need to take place early in the fall, that meetings with last week with a group of our leaders from the legal community, primarily in the bay area, both representatives from southern California today, there was a secretary meeting with a group primarily From southern California, with representatives from the northern area of the state, believed the discussions to try to see that the bar leadership organizes to effectively support us with the message that needs to go forward to the Governor, but I think Judge Rosenberg, we need to do the same thing we're asking of the bar that is to have everybody on message on the same message, we can't be competing with each other if we're going to compete with the limited resources at that the state has to try to have a some type of a plan to keep our courts open and try to see we begin do restore, not 100%, but a portion of this funding so we don't -- we have to prepare to go over the cliff we ought to do everything we can to not go over the cliff. That won't happen if we aren't altogether on a common message and we have to be ready to go for the chief to go forward to meet with the Governor by mid-october, again before things get set in place for the actions for next year.

>> What we did prior was a survey, Steve Nash gathered up a survey, we sent it to the presiding judges and the CEO's and they completed what the scenarios would be if you were hit with a certain amount of cuts and I think we're right to be able to do that again. I think the scenarios now will be much different and more devastating than they were a

couple years ago when we put it together, our deally departed Steve Nash might still have or staff would still have our tem plate of the survey that we did a couple years ago.

>> One of the ironies, the legislature has many challenges calling for help in these difficult economic times. One of the challenges we faces a branch is it's an eye Rony, the more effective we are in keeping our courts open and backfilling and making due and cutting so that we are open, the more tendency there may exist in the length tur to say well, you legislature to say they can cover it. That wasn't so bad. That is the challenge we face. In convincing the legislature and the Governor that these are serious cuts. We don't want to close courtrooms, but we may be forced in that position.

>> the last economic downturn in 2002 and 2003 extremely effective approach, I don't know if we can get there, given where we've been the last period of times as we had two legislators very supportive of our branch, Joe Dunn and Jim Ackerman, they held hearings where all the stake holders, employees, little I gants, -- litigants, legal services, and local bar, presidents and representatives, state bar representatives, trial lawyer, defense lawyers, all pushed through the hearing process the impact of cuts on the courts. And if there is any way to push that coalition together, it would be an effective approach.

>> You will be happy to know that Joe Dunn from the state bar is heading up the state bar is taking a major role in bringing together the attorney groups for addressing the state-wide solution to the budget issue.

>> That is good to know.

>> That did include hearings.

>> That has been discussed.

>> There were hearings throughout The state.

>>> is there anything Moore from the group?
I want to thank the panel --

>> I wanted to thank all of you for participating in our open education meeting and for your candid comments. I thought it was wonderful and very, I believe it will be very informative for the trial courts and those who listened in: Thank you.

(applause)

>>> This concludes the educational meeting of the Judicial Council of California. August 25th, the council will reconvene for the public business meeting tomorrow morning at 8:30. The full agenda for that meeting as well as the materials are posted on the California court website at courts.CA.Gov and thank you.

We'll take a 15 minute recess and then go in closed session. So we will convene back at five minutes to 4:00.

>> We'll do a personnel matter at the beginning so I would ask staff except for the ones that I mentioned if everyone would wait outside for 15 minutes.