



Judicial Council of California · Administrative Office of the Courts

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: January 24, 2012

Title	Agenda Item Type
California Court Case Management System (CCMS): Suspension of Due Diligence Process for CCMS Collaborative Project (Action Required) and Update on CCMS Project (No Action Required)	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	January 24, 2012
Recommended by	Date of Report
Executive and Planning Committee	January 11, 2012
Hon. Douglas P. Miller, Chair	Contact
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	nancy.spero@jud.ca.gov
Court Case Management System Internal Committee	
Hon. James E. Herman, Chair	

Executive Summary

The Executive and Planning Committee and the California Court Case Management System Internal Committee (the committees) recommend that the Judicial Council approve suspension of the council's participation in the discussion, information exchange, and planning for determining whether the Chan Soon-Shiong Family Foundation (Foundation), the State Bar of California (State Bar), and the Judicial Council are willing and able to enter into a collaborative relationship to accomplish the deployment of the California Court Case Management System (CCMS) and other technology related activities.¹ All of the parties had reached the conclusion, by late

¹ Although not expressly provided in council's minutes or in the contractual Letter of Intent, fully executed on November 28, 2011, this process of discussion, information exchange, and planning has been informally termed a "due diligence" process.

December 2011, that a collaborative relationship was too complex to pursue at this time. In addition, the committees determined that it was more practical at this time to focus the judicial branch's limited resources on developing a feasible deployment plan.

A presentation on the status of the CCMS project will be provided at the council meeting.

Recommendation

The Executive and Planning Committee and the Court Case Management System Internal Committee recommend that the Judicial Council approve suspension of the council's participation in the discussion, information exchange, and planning for determining whether the Chan Soon-Shiong Family Foundation (Foundation), the State Bar of California (State Bar), and the Judicial Council are willing and able to enter into a collaborative relationship to accomplish the deployment of the California Court Case Management System (CCMS) and other technology related activities.

Previous Council Action

On October 28, 2011, the Judicial Council authorized the Administrative Office of the Courts (AOC) to execute a letter of intent with the State Bar and the Foundation to engage in a 12-week period of discussion, information exchange, and planning to determine whether the parties were willing and able to enter into a collaborative relationship to accomplish deployment of CCMS and other technology-related activities. By November 28, 2011, the parties had fully executed a Letter of Intent.²

Rationale for Recommendation

By late December 2011, the three parties to the Letter of Intent determined that the potential collaborative relationship was more complex than anticipated. The parties agreed that the due diligence discussions had served their purpose and there was no reason to continue them at this time.

On December 28, 2011, the Court Case Management System Internal Committee recommended that the Judicial Council suspend this discussion, information exchange, and planning for the reasons stated above. On the same day, the Executive and Planning Committee endorsed the recommendation that the council suspend those activities and determined that the question of this suspension should be brought to the council for approval at its next scheduled meeting, January 24, 2012.

A joint news release was issued on December 29, 2011, advising that the council's CCMS Internal Committee, the State Bar, and the Foundation mutually recommended suspension of the exploratory talks, and that the council's Executive and Planning Committee endorsed the recommendation.³

² The Letter of Intent is Attachment 1.

³ The news release is Attachment 2.

Comments, Alternatives Considered, and Policy Implications

No comments were solicited on the issue of suspending exploratory discussions, nor would the solicitation of comments have been appropriate. Suspension restores the status quo that existed before the exploratory talks commenced.

Implementation Requirements, Costs, and Operational Impacts

Suspension of the exploratory discussions would permit all parties to avoid the effort and expense of addressing the complexities that the potential collaborative relationship would have entailed. In the future, the parties may find reason to reengage in exploratory discussions.

Attachments

1. Letter of Intent Concerning Collaboration for Deployment of the California Court Case Management System (CCMS) and Other Technology-Related Activities, executed as of November 28, 2011
2. December 29, 2011, News Release OC 94-11: “CCMS ‘Due Diligence’ Talks Suspended: Judicial Council committee, Foundation, State Bar shelve exploratory talks”

**LETTER OF INTENT
CONCERNING COLLABORATION FOR DEPLOYMENT
OF THE CALIFORNIA COURT CASE MANAGEMENT SYSTEM (CCMS)
AND OTHER TECHNOLOGY-RELATED ACTIVITIES**

Purpose of Letter of Intent

This Letter of Intent (Letter) states the intention of the Administrative Office of the Courts (AOC), the State Bar of California (State Bar), and the Chan Soon-Shiong Family Foundation (Foundation) to engage in a 12-week period of discussion, information exchange, and planning to determine whether the parties are willing and able to enter into a collaborative relationship to accomplish deployment of the California Court Case Management System (CCMS) and other technology-related activities.

Overarching Goal of Collaborative Relationship

The overarching goal of such a collaborative relationship is to transform the way critical information is managed resulting in improved public safety, child welfare, court information management, and information management of multiple public entities for the benefit of the people of California.

Twelve-Week Period of Discussion, Information Exchange, and Planning

The 12-week period of discussion, information exchange, and planning will begin upon execution of this Letter. If at the conclusion of that period the parties conclude it is in their mutual interest to enter into a collaborative relationship, each party will present the resulting proposal (or proposals) to its principals for approval. The approving authority for each party is identified as follows:

For the AOC: Judicial Council of California

For the State Bar: State Bar Board of Governors

For the Foundation: Patrick Soon-Shiong, M.D.

No party has any obligation to any other party by virtue of executing this Letter other than to engage in discussion, information exchange, and planning activities during the 12-week period. The parties' intent, however, is to work cooperatively and diligently during this period to explore how best to establish a collaborative relationship that can meet the stated goal and to develop the proposals and necessary agreements for consideration by each party's approving authority by the conclusion of that period.

Topics to Address During Twelve–Week Period

The discussion, information exchange, and planning activities during the 12-week period will address the following topics:

1. CCMS Deployment

This will include exploration of strategies for deployment of CCMS to one or more early adopter courts.

2. Data Center Hosting Services

This will include exploration of the viability of CCMS application hosting at Foundation–provided data center(s) as an alternative to the commercial data center hosting services currently utilized by the AOC for the benefit of the judicial branch.

3. Network Infrastructure

This will include exploration of the viability of the AOC utilizing the Foundation's fiber optic network and related services as an alternative to the commercial network and services currently utilized by the AOC for the benefit of the judicial branch.

4. State Bar Technology Needs

This will include exploration of technology infrastructure objectives and case management system requirements of the State Bar, including the feasibility of utilizing CCMS or the Appellate Court Case Management System to address State Bar case management needs.

5. Budget and Funding

Budgetary requirements and funding sources for implementing plans developed during the 12-week period will be identified. Specific proposals identifying the contributions of funds and services by each party will be developed, including contribution by the Foundation of a grant or combination grant-and-services during the first 12 months of collaboration and possible future funding.

6. Governance

An appropriate governance structure and process will be developed, which will reflect the authority and responsibility assigned to the Judicial Council, the AOC, and State Bar as judicial branch entities and the philanthropic and other special characteristics of the Foundation.

The parties recognize that extensive, intensive, and detailed discussions and due diligence activities must occur during the 12-week planning phase to address the many and complex issues identified above. By signing this Letter, the parties indicate their

intent to engage in such discussions and undertake such activities, the desired outcome of which is a proposal or proposals that are appropriate for consideration by the AOC (for presentation to the Judicial Council), the State Bar, and the Foundation.

The parties to this Letter of Intent indicate their agreement with its terms by their signatures below:



Ronald G. Overholt
Interim Administrative Director of the Courts
Administrative Office of the Courts

11-15-11

Date



Sen. Joseph Dunn (Ret.)
Executive Director/Secretary
State Bar of California

11/16/11

Date



Patrick Soon-Shiong, M.D.
Chairperson
Chan Soon-Shiong Family Foundation

11 | 28 | 11

Date



NEWS RELEASE OC 94-11
Contact: Philip Carrizosa, 415-865-8044
Daisy Yee, 415-865-8929

FOR IMMEDIATE RELEASE
December 29, 2011

CCMS 'Due Diligence' Talks Suspended

Judicial Council committee, Foundation, State Bar shelve exploratory talks

SAN FRANCISCO—The Chan Soon-Shiong Family Foundation Board and the Executive and Planning Committee of the Judicial Council, stating that a collaborative relationship on the early deployment of the California Case Management System (CCMS) was more complex than anticipated—particularly with the Foundation’s desire to target problems in the foster care system—voted yesterday in separate actions to endorse a recommendation to suspend talks designed to explore the potential use of grant money and other resources for the early deployment of CCMS. The recommendation was a mutual decision by the Chan Soon-Shiong Family Foundation, the State Bar of California, and the CCMS Internal Committee, the Judicial Council committee overseeing the CCMS project.

In December, the three parties began a 12-week due diligence period to more fully explore the viability of the collaborative approach.

“Our interest in supporting CCMS emanated from our observation of the tragic state of the foster child system in California and the opportunity for CCMS to play a significant role in reducing placements in abusive homes,” said Dr. Patrick Soon-Shiong, Chairman of the Chan Soon-Shiong Family Foundation. “The Chan Soon-Shiong Family Foundation is committed to the health and welfare of our community, and our interest in supporting CCMS in terms of data exchange is in the system’s ability to provide a digital alert to the child welfare agency whenever a person involved in a foster care case shows activity in the courts overall system involving child abuse, drug abuse, and other criminal activity. Unfortunately, other aspects of the system are much more complex than we initially understood and will require much more sustainable resources outside of philanthropy,” he said.

“It also became clear to us in the due diligence phase that a collaborative relationship would be more complex than anticipated, particularly with the Foundation’s overarching desire to target problems in the foster care system,” said Ronald G. Overholt, Interim Administrative Director.

The Foundation expressed that it may remain interested in working with the Judicial Council to deploy CCMS in ways that would protect foster children in California to guarantee that foster home placements do not expose children to unsafe elements.

“The proposed collaborative approach was a great out-of-the-box solution to a public sector funding challenge,” said State Bar President Jon Streeter.

(more)

Executive Director Joseph Dunn said, "It was agreed long ago that the judicial branch would maintain exclusive ownership of CCMS as well as continue to maintain control of the source code, security and access to data pursuant to policies established by the branch."

Funding for the CCMS project was reduced to \$14 million for the fiscal year 2011-2012 during an [emergency budget session](#) last July. At that time, the Judicial Council approved a transfer of \$56.4 million from CCMS to the Trial Court Trust Fund in order to lessen the impact of the \$320 million reduction to the trial courts.

Douglas P. Miller, the chair of the council's Executive and Planning Committee, which sets the agenda for Judicial Council meetings, said the Council must ratify the recommendation at its next meeting on January 24th. He said a fuller discussion about CCMS will occur later in the year. "Our internal committee is awaiting a comprehensive, independent financial and deployment analysis from Grant Thornton, a national auditing and consulting firm already familiar with the project. We hope to get that report by March."

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The Judicial Council is the policymaking body of the California courts, the largest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts carries out the official actions of the council and promotes leadership and excellence in court administration.

