

The Judicial Council of California is the constitutionally created policymaking body of the California courts. The council meets at least six times a year for business meetings that are open to the public and audiocast live via the California Courts Web site. What follows is a formatted and unedited transcript of the meeting of January 24, 2012. The official record of each meeting, the meeting minutes, is usually approved by the council at the next business meeting. Much more information about this meeting, the work of the Judicial Council, and the role of the state court system is available on the California Courts Website at <http://www.courts.ca.gov>.

>> ...Council members to please take your seat. Including you, Judge Pines, we still consider you a council member until the official language today. And also all the audience members, thank you.

>> Good morning once again. This is the business meeting of the Judicial Council of California for January 24th, 2012 (sic). Before we start our business, the meeting is now in session and for a roadmap of this morning, the council will hear internal committee reports this morning before our lunch break. We will then return for discussion this afternoon on our four items on the agenda, which will include an update on the Judicial Branch budget for the fiscal year that begins this June. I remind you that our meetings are audiocast live with real time captioning on the California courts website, so portions of the meeting also are routinely taped for later broadcast on California court news or for CCN. And for our news we had several online visitors and even greater numbers of listeners for the archived audiocast and video reports. So for their benefit you know I remind you, council members, to please speak into your microphone and to address each other by name so that audiocast members can follow the conversation and the dialog as best they can and real time captioning. As you know by looking at our agenda we'll have several distinguished colleagues and they will be introduced when the panel is presented to the council. Before we open public comment there are two duties that are my honor to perform this morning. And the first is to present a council resolution to Judge Burke Pines, but before I call Judge Pines up I want to say a few things, and that is members will recall that in October, Judge Pines announced to us his intention to retire from the bench at the end of the year. He was unable to attend the December meeting in person, but he's with us now, and later he's asked to address the council. Before I have Judge Pines address the council, I wanted to introduce Justice Judith Ashmann-Gerst to make a few comments about Judge Pines.

>> You want me to do it at lunch?

>> Okay. I'm informed we're going to wait for lunch.  
(Laughing)

>> But first, Burke, please join me to receive this resolution. What happened to your arm?

>> My rotator cuff. It went, it tore.

>> This had nothing to do with it?  
(Laughing)

>> I want to present this award to you and read to you a part that is very dear to all of us and all

Californians for the great service that Judge Pines has given to this great state in his 47 years of public service. Without reading the entire resolution I would like to say it reads only the distinguished legal career of 47 years including more than two decades of public service to the people in the state of California, all of us and the last eight years of the judges superior court of Los Angeles and your service to the Judicial Council. We want to recognize sincerely your contribution as a fair and impartial administration of justice. I would ad-lib to say your work, your analysis, your comments, your input has made us is greater state, has made for greater policy decisions, has really brought about provocative and robust debate and we're all better for it. We're sorry to see you go, but you will be with us in committees hereafter.

(Laughing)

>> And I want to say what I know is -- that your retirement is a loss to the California bench and to California and we thank you.

(Applause)

(Laughing)

>> Thank you.

>> Thank you.

>> I'd like to say a few words.

>> Why don't you do it there so we can get pictures of you? We did allure you to a lunch ceremony and we would ask you to remain for lunch where we have another gift to present to you.

>> Thank you, Chief. I'm sorry that my shoulder surgery prevented me from attending the last meeting but I simply want to fade away and not express my appreciation to you and all the members of the council for your service. I want to first thank you for appointing Judge Emily Elias to fill the balance of my time. I first met Emily a decade ago in the governor's office when she was then a commissioner but even though she was then a commissioner, she was one of the most respected jurists out of Los Angeles superior court handle ago major civil assignment. It was an easy decision to recommend her appointment to the governor. I knew she'd be an outstanding judge and she's continued to do exemplary work on our court. I joined in her nomination to replace me and the council and I know she's going to be a very valuable member of this council.

>> Thank you.

>> She's very smart, experienced, hard-working and she speaks her mind. You don't have to worry about Emily being shy. So I wish her well and wish all of you well.

Chief, I just want to take a moment and thank you and express my appreciation of your leadership and guidance of this branch and this council during the last year. I don't know how you must have felt when you woke up being the chief and looking at things like the budget catastrophe, 1208, the CCMS controversy, the criticisms of the council of the AOC and so forth.

As you say it was an incredibly challenging year for you, but you rose to the occasion, met these challenges and it's been a he very impressive to see what you and others have been able to accomplish during this last year. It really has been a year of transformation of the council and that transformation is going to continue this year and next year because of the things you've put in place. The committee overseeing CCMS, the committee overseeing construction and facilities, art Scotland's committee who is doing an audit of the AOC. I thought that was a brilliant move. I have the highest regard for Justice Scotland and I believe his report will be very thorough, comprehensive and meaningful.

The way the council has been operating this last year is far different from the council that I first encountered, things are more transparent, the discussions are more robust, the council's more engaged, the council recognizes its responsibility to governor and is taking every effort to be in charge. There's more input now from the public. And further changes I know are going to be continuing in the future, so I want to thank you.

I also want to thank you for appointing Justice Miller as head of the M.P. He's done a magnificent job. He's easy to work with. He's open to new ideas and many of the reforms that have occurred have certainly been a result of his efforts, and I thank you for that appointment as well everything else.

I want to also thank the AOC. I've worked with members of the AOC for the last eight years in different capacities, whether it was my work on various committees. I always found the people that I worked with -- I don't want to start naming everyone. I see many of the people here. I found them to be very professional, dedicated, hard-working, and I do so value their work on behalf of the branch. And lastly, I just want to express my appreciation to each of the council members for your service. We cannot ask for a more talented, dedicated, hard-working group of people to serve on the council. It's been an honor and a privilege to have worked with you. I realize there have been times when we had some disagreement, but I've never doubted your having the best interests of the branch and the courts in mind no matter what our differences. I thank you. I wish you all the best in the years to come. If I can be of any assistance, please call on me. I know you will. See you again.

(Applause)

>> Thank you very much, Judge Pines, for those kind words and all of your contributions and your continuing contributions.

Now my pleasure to administer the oath of office for the judicial council to Judge Emily ELIAS who I will ask to raise your hand -- before you raise your right hand, let me add to what Judge Pines said about your background. You were appointed to the superior court of Los Angeles County in 2000 after serving as a commissioner for more than a decade. I know you've been very active in the court state administration and devoted your time to expertise with civil with so many of us.

We also know that you're aware of the extraordinary commitment that's required of all council members, probably in light of the large binder sitting in front of you today.

(Laughing)

>> Judge Elias raise your right hand.  
[Oath was given.]

>> Congratulations. Thank you very much.  
(Applause)

>> This is now the time in our agenda where we invite public comment. And at this session we received a request from Mr. James Kaller who's present and also written comment. Mr. Kaller is here and as he speaks on behalf of Californians concerned of legal professionals. Welcome and your written material has been distributed to council members and also posted on our website.

>> Thank you, Your Honor. My name is James Kaller and just mentioned I'm here on behalf of the organization called the coalition of concerned legal professionals. I want to start just a little bit to tell you a little bit about who I am and who the organization is because I think a lot of you are not familiar either with me or it. This is my 30th year as an attorney in California. I was licensed in 1982. And I point that out because I've been around long enough -- I've seen a lot of budget problems in the courts before, a lot of financial crisis before. I remember the Reagan era. I remember the savings and loan crisis. I remember the dot.com bust. I've been doing this a long time. I have over those 30 years been involved in practice in courts, trial courts, throughout the state. I've had cases before at least two of the courts of appeal and I was even fortunate enough to have two cases before the California Supreme Court.

The organization that I'm speaking on behalf of the coalition for concerned legal professionals is an all-volunteer organization. There's no paid staff. It consists of attorneys, paralegals, secretaries, and members of the general public whose primary purpose is to bring justice for low-income persons and particularly low-income workers. The issue that I'm -- that I want to talk about today is one that is not unfamiliar to you, the budget problems, of both past and prospective this year. We're subject to a lot of attention at your meetings last year, particularly in September. And we'll I'm sure will be on the agenda again before this year's is out.

The problems with the court funding that both I and members of our organizations see now versus what happened in these prior economic crisis are an order of magnitude that is absolutely different than anything I've seen in my lifetime. And is prospectively could get much worse if the kinds of proposed cuts that are being mentioned are implemented. And I'm speaking on behalf of the CCOP because I think we need to not forget that when the courts are adversely affected, it has a disparate impact on low-income people and small businesses. Larger organizations, richer people -- in this day in age in particular they can do private judging, they can have other methods to have their disputes resolved. But if you're a low-income worker, somebody who suffers a personal injury, somebody who's damaged by a large entity, the courts really are your only place to go. We've already seen with cuts that have been going on for the last few years some specific problems and, again, many of you are trial court judges and I know you know this better than I do. We have court clerk offices in the bay area in some cases closing at 2:00 in the afternoon. We have already long wait in some cases to get things on the calendar. I had a colleague of mine file something in Marin County of all places in December; the earliest date is in March. It's already having an effect. The concern we have is looking ahead and when I say

looking ahead, looking at this year, 2012. What's going to happen when the legislature gets serious about this year's budget and specifically looking at the courts. And this is why I'm raising this in January. I realize this item isn't specifically the budget on the agenda right now 'cause the governor has proposed his budget. I realize there was some discussion in the December meeting about your legislative agenda. But the concern that those of you who deal with low-incomed people who need access to the courts have on this issue is that just restoring some of the cuts, just doing the kinds of things that I know the judicial council has tried to do in the past to work with the legislature, to work with the governor to mediate -- minimize the problem but accept the proposition that the courts are no different than any other stakeholder -- we don't see that as something that's going to work.

Our concern is that the courts are fundamentally different than even other important things that governments do like schools, like prisons, like the highway patrol, like the health services departments. That this is a separate branch of government, and we don't get the view that your other branches of government, the governor and the legislature have recognized that. What we're urging the judicial council to do is to be more aggressive in its approach with those branches of government to not just accept lesser cuts but really do whatever is needed, obviously, within the bounds of the law and judicial ethics.

>> Mr. Caylee, thank you and I just want to say you have about 30 more seconds, sir.

>> Okay, that's fine. So, again, we realize this is not something that the judicial council is comfortable with. You don't view yourselves as politicians. But what we're asking that you use whatever tactics are necessary to maintain the funding for the courts and actually even restore funding that's taken away and to convince the legislature and the governor that you're an independent branch of government and needs to be adequately funded. Thank you.

>> Thank you, Mr. Caylee. Your points are well-taken. We thank you for your comments. I don't believe we have any more requests for public speakers or written material to distribute. So it's that time in the agenda for me to give my chief justices report to be followed by the reports from the internal chairs.

I mark my first year as Chief Justice on January 3rd to brief meetings to justices, judges by email and the message focused on the two most urgent challenges facing the branch this year and that is the budget in A.B.1208. The council adopted a clear strategy with regard to the budget for this upcoming fiscal year and we have allowed later on in our agenda 90 minutes to talk about that and also to talk not only about the budget but how it stands and how we're moving forward. And especially with the tremendous assistance that we've received from the attorneys through the open courts coalition and one justice. So joining us for the discussion later will be Neal McCarthy who's a bar leader who together co-chaired the steering committee of the open courts coalition. And the coalition's concern and active support for the courts including a rally held in Los Angeles last week has helped bring attention, I would say, to the serious issues of consistent underfunding of the courts for judges, court staff, attorneys, but also for the state economy and the people we're pledged to serve. The "Los Angeles Times" editorial today speaks to the issue. We thank all of you here at council, all of the attorneys and judges who brought the issue to the forefront so that it is part of the message today in the "L.A. Times."

The other issue in my message to the branch was one that concerns us all and that's A.B.1208. That's based on information -- the bill is based on, in my view, partial information and some lack of information about what's going on in the branch. But we're doing our best to educate our fellow jurists and legislators and we're finding strong support for opposition opposing the legislation as an unnecessary intrusion into Judicial Branch governance.

In this regard I want to recognize Judge Rosenberg for his efforts as chair of the trial court advisory committee garner 44 of the 58 judges in the state who joined him in signing the letter in opposition to the legislation and I think putting a rest to the notion that the bill has broad support within the branch. And, in fact, 3 out of 4 presiding judges are in firm opposition and several others have taken no position on the bill and as Judge Rosenberg has said to one reporter, quote, what more do you need to know, end quote?

In terms of appearances and outreach since our December meeting I've continued to travel to meet with judges and bar leaders and community leaders around the state. I know that many council members participated in beyond the bench, the conference here in San Francisco on December 14th, 15th, and 16th. That conference brought together judges, attorneys, social workers, court staff, probation officers, and many others concerned with the welfare families and children. I delivered the plenary address to the attendees of the conference -- by way of the background, the council and the AOC has hosted this conference for 25 years. And that's with the support with organizations and individuals. It begins to grow and more disciplines are beginning to go in the fold and we're beginning to figure out how multidisciplinary it is for family and children. It was difficult. It was made and it was helped by funding from several sources including grants from the United States department of health and human services, the California endowment and also this time user fees, registration fees were used to fund the conference. And I want to acknowledge the more than 100 judges and other volunteers who service faculty or made the conference possible. It's very popular. It's very well respected. People are very enthusiastic to attend that conference so I want to especially acknowledge Diane Nunn and her staff at the center for children families and the courts for the considerable effort that it took to plan and staff the event.

Also, at a reception on the first day of that conference, I presented the council's first Richard D. Huffman Justice for children and families award to Justice Huffman and Bill Vickrey. Earlier in the new year I had the pleasure of meeting the bench including the superior court of San Mateo and just yesterday the superior court of San Diego. Those were incredible one-on-one judge session where is it was opened up to question and answer and we had a frank discussion about the budget and A.B.1208 and other issues that are of interest to judges including one that's in your email today about the economic forum 700 that the subcommittee has been working on that gives a lot of answers to some of the concerns that judges have about that.

Judge Rosenberg invited me to speak with the trial court presiding judge advisory committee executive committee that was by video conference in January.

I've had several visits with bar groups including swearing-in the new board members for the Asian Pacific bar association of Sacramento. That's been about a 20-year tradition with me and

that organization. I delivered the keynote at the 41st annual judge's night hosted by the Alameda Contra Costa trial association. Just last evening I was the speaker at the San Diego joint ends of court dinner that brings in the courts. And I've devoted considerable time in the last month to briefing key media on branch issues. So I've gone about with the Los Angeles editorial board, thank you, Miriam for arranging that and speaking yesterday with the San Diego union tribune. I have other meetings this week to speak with San o-Sunday mercury news, Santa Monica chronicle. And accompanying me on those meetings Ron and Curt as schedule permits.

I also would like to say that I had the honor to accept the invitation at the governor's state of the state address last week at the capital and had an opportunity thereafter to meet with legislative leaders about branch budget restoration and A.B.1208. I think that about concludes my report from December. So I'll turn this over to Ron for the administrative director's report.

>> Thank you, Chief Justice, and members of the council. You have a copy of my interim director's report that outlines all of the activities going on within the AOC and the council and I want to thank AOC directors and staff for updating these activities. As you can see, it's a pretty busy time and the number of things that the AOC is involved in is significant. So I want to thank our staff for pulling that together for me.

I won't repeat things that are written in the report. You can read those at your leisure. I will just highlight a couple of items. One, we're going to be talking a fair amount about the budget this afternoon, the budget announced by the governor, the activities that are taking place with the open courts coalition, the BBC and whatnot. And I do want to highlight that there are two videos that are on our website that are worthy of note and you'll be seeing one of them today. I'm not sure if you'll see both, but you'll be seeing one of them today. But the focus is on the impact of these budget cuts on court users, the actual people who need to use the courts, not so much an institutional impact on the courts themselves but what does it mean when a court isn't available for individuals who need to use the courts? And so that's been sort of the focus for information to the legislature and the public in terms of the impact of these budget cuts that have been taking place.

At the December meeting, you allocated funds to the San Joaquin superior court for them to be able to meet urgent needs. And when you did that, you directed the AOC to provide the court with any assistance in terms of their budget, their processes and whatnot that may be of assistance in terms of dealing with the limited resources that they have. So I do want to recognize Jody Patel who has put together a team consisting of Kim Turner, Allen –

>> Mike Planet.

>> And Mike Planet all very busy court executive officers who are willing to donate their time to be of assistance to the San Joaquin Court and I think that's a sense of court family that we really have, and that how appreciative we are that they're willing to do that. So thank you so much for all of those extra efforts at a time when everybody is very busy and a special thanks to Rosa, the court executive in San Joaquin County. It's very difficult particularly with the reduced resources for her that you heard about and are familiar with and the willingness to open up her processes in her court to have her colleagues come in and try to assist any way that we can or, you know,

have a -- have another set of eyes looking at various components of the Court is a very open gesture on Rosa's part and so we're grateful to her.

The only thing about case management that I wanted to mention is we are in the process of working with Grant Thornton to look at a variety of aspects of CCMS and the cost of CCMS and the deployment options. They have been in touch with 22 courts that they believe potentially could be candidates for sort of the next wave of CCMS deployment. And so those courts have agreed to have Grant Thornton to do site visits and do an evaluation and come up with potentially a list of 10 additional courts that would be in the next -- in the next wave for CCMS or that have demonstrated need for that process.

The original timeline was for Grant Thornton to make a verbal report to you at your February meeting followed with a written report in March. With the amount of work that they have identified that they need to do, that schedule may slip slightly. They will be prepared to give you a verbal report in February, whether they have completed their work or not, we're meeting with them weekly. Every Friday we have an update call with Judge Herman and Justice Bruniers and our staff to be able to track and guide their work so that we keep them on track as much as possible. But just so you know the word we're getting now is that they believe they're going to have take amounts more time than originally thought. I think from all of our perspective, we want it done right and we want to be thorough even more than fast.

And then finally, just on the facilities, I think it's -- it's worthy of note on Page 8 you see a facilities update. We have appointed an independent oversight consultant, Pegasus global holdings that you may want to Google and take a look at, but this is a group that the court facilities working group felt would be helpful just in terms of verifying that the cost that we are spending on construction and other processes involved in the construction of these facilities is consistent within industry practices and appropriate costs. So they will be doing their work. The budget -- the facilities working group selected this independent consultant and so we think they will give a very objective oversight and review of the processes and costs that we have going forward. You can see the number of projects and activities that are ongoing and certainly want to express appreciation for Justice Hill who chairs the facilities working group and the assistance that he's provided ROCCM staff in guiding these projects we also the facility maintenance pilot program that will be ready to start with local courts doing maintenance, if they so choose, beginning in July.

So that's a summary, Chief Justice. I'm happy to take any questions.

>> Any questions or comments on the director's report? Thank you, Ron. Justice Baxter is unavailable to give the report for the policy and coordination committees so Judge Herman I understand you're pitch hitting.

>> Justice Baxter is on vacation, on a cruise and so we wish him a good time.

So the policy committee has met once so far this year and at the January 12th meeting the committee wasn't presented any legislation to take a position on mainly because we're early in the legislative cycle, obviously, but we were provided an update on the budget and on select



legislation of interest to the branch, specifically, A.B.1208 as well as legislation related to expedited appellate review in a certain sequence of cases which is interesting and high impact in terms of our appellate courts and so we will continue to monitor that and at some point determine whether to take a position or not on the legislation.

The legislature reconvened on January 4th for the second year of the 2011/2012 session. New bills are slowly starting to be introduced in the office of governmental affairs staff is reviewing all bills to identify those interest to and with impact on the Judicial Branch, and the deadline for introduction of bills in 2012 is February 24th. And future reports will, of course, keep the council informed of the progress of bills of interest including our judicial council's sponsored bills and I just want to say that as vice chair of the policy committee, we're extremely grateful to all the good work of Dan, Donna, June Clark and, of course, Curt child who is almost 24/7 in terms of availability on breaking news on the legislative front, so –

>> Thank you, Judge Herman. Any questions or comments on Judge Herman's report? Thank you. Next we'll hear from executive and planning committee Justice Miller.

>> Thank you, Chief. Executive and planning has met five times since our last judicial council meeting in December by email, by twelve and yesterday in person. All of those minutes are publicly posted on the California courts website and they're linked to the meeting agenda under internal committee chair presentations. Just a couple of matters that have been significant over the last month that we dealt with. The first was the CCMS internal committee's recommendation to suspend the discussion, information exchange and planning on potential collaboration with the family foundation and State Bar to use grant money and other resources for the early deployment of CCMS.

We received a letter from the county of Los Angeles board of supervising asking the council to revise certain guidelines the council adopted in August 2011 that govern eligibility for the amnesty program it established under vehicle code section 42008.7.

We also reviewed nominations that were for us are two out of cycle vacancy one was on the judicial cycle of the retirement of Judge Burt Pines and on the advisory council and yesterday we met in person with regards to the annual agenda conversations that we have with each of the chairs of the advisory committees and task forces that ENP oversees. We had great discussions with them with regards to their key objectives and priorities for the coming year. That is the extent of our activity the last month.

>> Thank you, Justice Miller. Any comments or questions? Thank you. Next we'll hear from rules and projects committee, Justice Hull.

>> Thank you, Chief. The rules and projects committee has met twice since our last meeting -- since the council's meeting on December 8th. RUPRO met January 20th for a briefing to prepare to its meeting to review the annual agendas advisory groups overseen by RUPRO. And then yesterday RUPRO met in person to review annual agendas and from the task forces overseen by RUPRO and to discuss with their chairs and principal staff the advisory groups charged size and plan work in the next year.

And I should note the exercise yesterday among the committees and their chairs was a slight change from the way things have been done in the past, specifically, on November 16th of last year, RUPRO sent a letter to the committee chairs asking them to prioritize the proposals that they anticipated bringing before RUPRO before the council in the next year. This is an effort to get a better -- a better control over rules, proposals and their -- and their importance.

We defined as priority level 1 the following A, that the proposal is urgently needed to conform to the law, B, the proposal is urgently needed to respond to a recent change in the law. C, a statute or council decision requires the adoption or amendment of rules or forms by a specific date. D, the proposal will provide significant cost-savings and efficiencies, generate significant revenue or avoid a significant loss of revenue. E, there is currently needed or urgently problem that is causing significant cost or inconvenience to the courts or to the public. Or F, that the proposal is otherwise urgent and necessary such as a proposal that would mitigate exposure to immediate or severe financial or legal risk and we ask the committee chairs and their committees to pay particular attention to their priority 1 proposals. Priority level 2 are those -- where the proposal is useful but not necessary to implement statutory changes where it is responsive to identify concerns or problems or helpful in otherwise advancing judicial council goals and objectives. RUPRO members of the committee yesterday stressed to the committee chairs and to their staff support persons that we focus on the upcoming year on these proposals they keep firmly in mind. That any proposal is appropriate and necessary for state mandatory application as opposed to an area or a proposal that is better left to the local courts and their communities providing local autonomy for each of those courts and communities to handle certain issues in a way that best suits their particular needs. And we emphasized both of those matters. RUPRO approved the annual agendas with some modifications and we will review the annual agendas of the remaining two advisory groups that is the domestic violence implementation task force and the probate and mental health advisory committee late next week, either Wednesday, Thursday or Friday. That's the report of RUPRO, Chief. I'd be happy to answer any questions.

>> Thank you, Justice Chief. Any questions or RUPRO report? Seeing none, we'll now turn to the report from Judge Herman on the California case management system internal committee.

>> Thanks, Chief. On the direction through CCMS internal and the direction to the AOC to engage in the due diligence process regarding the three-way collaborative effort between the -- or among the family foundation and the judicial council, the internal committee established essentially a steering committee that consisted of Justice Ashmann-Gerst, Kim Turner, Ira Kauffman on the CCMS internal side as well as Justice Miller so respecting the executive committee to hold weekly teleconferences to monitor the status go forward of the due diligence process.

In addition, the internal committee is a full -- committee of the whole met three times, has met three times since the December council meeting by teleconference on December 28th, January 5th and January 18th and on January 5th, we also -- those of us that were local or had access to the council conducted almost a full-day educational piece on CCMS and CCMS in terms of go-forward.

The actions taken by the committee during the period since the last council meeting included first of all what's already been mentioned by Ronald Overholt and by Justice Miller a recommendation to ENP and the judicial council to expand further exploration of a potential three-way collaboration on the early deployment of the CCMS. The reason for that suspension and that recommendation is the considerable complexities that the three parties have mutually identified among the -- among the conditions for a collaborative relationship. The committee's recommendation appears in the report presented to the council for consideration as a later agenda item.

In addition, as Ron Overholt also mentioned, we've been working go forward with Grant Thornton in terms of what Grant Thornton is going to bring back to us orally sometime in February and then in writing sometime in March with the council to address all of the issues regarding CCMS in the April meeting. And on behalf of the internal committee, I issued a letter to each court that agreed each of the 22 courts will agree to assist Grant Thornton in terms of its survey potential candidates for deployment post-early adopter thanking the individuals involved in the process for the effort that they're going to put in to assist us with collecting the Grant Thornton data. And that's the end of the report.

(Laughing)

>> Any questions or comments of Judge Herman? Thank you, Judge Herman.

>> I would mention that in addition, we have participated regularly in telephone conversations both with the Grant Thornton folks as well as with Deloitte on their continued progress in terms of the predeployment efforts.

>> I appreciate that. Back on our agenda, the minutes of our previous meeting are not ready for approval. So it brings us to our consent calendar. I'm informed that there has been no request to move any of the ten items from consent to our discussion agenda. So we approve these 10 recommendations which are on their agenda as items A1 through A9 and item B. We are ahead of schedule so at this time I understand the parties are present to be able to present on item C, the discussion agenda, the branch semiannual contract reporting requirement, the report listing executed contracts and vendor payments. And this is an action item.

Good morning, nope, good afternoon. I'd ask you to please introduce yourself by those listening by audiocast.

>> Zlatko Theodorovic,

>> Grant Walker.

>> John Judnick, finance division.

>> Curt Soderlund, trial court administrative services division.

>> Thank you. You may proceed.

>> Good morning, Chief, members of the council. We're here to discuss the, as the Chief mentioned, the contract branch Judicial Branch contract reporting requirements. I have with me Curt, John and Grant to help with any questions to walk us through to any of the issues that are presented before you.

As you're all aware this March in spring, a contracting law was passed imposing additional requirements on the branch with respect to the contracting procedures. The discussion today with respect to the reporting requirements. I would note that we are coming back to the council in April to discuss the contracting manual and the discussion that was had earlier in the fall with respect to the changes that we need and we are convening a working group and working on changes to the manual but this is just with respect to the report.

The Council will be provided two semiannual reports that will then be submitted to the joint legislative budget committee and to the state auditor. The difficulty that we've noticed in this first report are the time frames where we're hopefully working with the legislature to adjust the time frames because they do come at some very difficult times for us in terms of year end close and just after the fiscal year changes, we'd like to work with some flexibility there to make it a little bit more easier on a workload basis.

With respect to the responsibility of the data, the council used to be presented accurate data, complete data. And those come from two systems. The oracle financial system managed by the finance division and the Phoenix financial system managed by T Cass. Therein lies an issue in terms of managing two systems to provide that accurate consistent information.

We have to work diligently on providing timely and accurate and consistent form and format but with those two systems, we have certain limitations and difficulties in managing that but we've done the best we can and we'll go through the details of this work later so you can see a sample of the different reporting forms.

Just to make you aware, it is my responsibility to present to the council for acceptance the reports that are to be submitted to the JOBC and to the state auditor and so we've been working with all the representatives at the courts and within the branch to make sure that we can provide the best first report. Let me just walk with you a little bit of the important points what is included in the reports. There are three required categories. It's a list of all contractors and vendors for receiving payments. Each has to be distinctly identified. And all contract amendments need to be identified in the report.

The report, as far as the information by vendor, has to identify the goods and service, the amount of payment the goods or service is provided. A very proscriptive reporting format for us and that's why I think our systems have done a decent job of addressing all of the information that's been requested.

As you can see with the amendment report there's quite a bit of information that is being requested by the BSA and we're still looking to see how they're going to respond when we get the report to them and how they'll use the information.

There are some points I'd like to make in terms of what is specifically excluded and what is required. Trial court construction is not required and is not included in the reports. But any maintenance contracts for facilities not under the operation and management of DGS are included. We did in this first report have a few exclusions that I think we will be working on to include in the next report. As you can see there, again, this is a first report and we know there are glitches and there was quite a bit of data cleaning that we had to do but, again, we're working on making this the best report for this first sort of abbreviated short time frame that we had to go through this first process.

To provide you a bit of the report statistics, I think was quite a bit of work done by all to make this report clean. Almost 9 -- over 9,000 payments were made by superior courts reported, 2400 by other Judicial Branch entities, and \$83 million on one side and 92 million on the other. John, if anybody is interested in seeing the report, you can now say you've seen the report.  
(Laughing)

>> It's quite lengthy, you know, over 300 pages of information that we're providing in this first go-around for the report. I think what we'll do now is we'll have Curt and grant just talk to you a little bit about the process they went through to make sure we complied to statute to the best of our ability at this point.

>> So we were both engaged in training efforts, both for all the Judicial Branch entities with web access and under forums of presentations. We looked at the data and we massaged the data and, would with the trial courts on as the data was input to try to make sure it was an accurate as possible. We also went through the effort for -- on the trial court Phoenix side of things. We opened up an opportunity for the courts to verifying the data that had been input into the system. And the reason that was important to do is from time to time, there can be errors in inputting. We had one court in particular that the first flash it looked like they had a contract for \$1 billion and that was basically a slip of some decimal points. So the way to kind of look at this, it's a data dump for all intents and purposes.

So in this effort to -- as Zlatko indicated, we went through our best efforts to try to prepare this information. A few anomalies -- I'm not going to go through all this, but as an example if there's a contract for three years, with the dollar -- all three years' worth of those dollar values were going to be pointed in that information as it's input into the system. There's some things that we don't have the detail on and that would be like credit card purchases and revolving fund reimbursements.

There were some other exclusions here for contracts involving litigation work included, HCRC which was not included and there's some noncontract payments that were excluded on the oracle or AOC side of things but were included on the Phoenix trial court side of things. And the reason to explain that -- there are two reports for both of us, one's contracts, one's amendments and payments. There are areas where payments will be made and there won't be a contract. To explain that, there are things like postage, utilities, advertising -- those are areas where a payment will be made as an example by a trial court. There is no specific contract. The contracts report and payments report you'll see some blanks there. For legitimately for good business there won't be a contract in those instances. Go ahead.

>> Oh, you already covered that.

>> Again, the litigation contracts you know that the AOC does a lot of litigation for the branch. We excluded the dollar amounts for that as we don't disclose ongoing costs or costs for ongoing litigation. As you're also aware, that there's certain sensitivities to *habeas corpus* resource center contracts so that information was also excluded from the report and all of this will be in a cover letter to the legislature and to the state auditor. And John is now putting up a couple samples of the report. You can't read that unless you have better eyes than I do.

>> You received handouts, two pages, double-sided, one for the Superior Court, a sample for the contract report, one page and one page as a sample for the spirit court similarly for the other Judicial Branch entity reports, again, just samples of the -- over 400 pages that we have of reports as of the current moment.

>> And I believe you do have access to our site so that you can go on and see the entire report if you would like to review that.

>> And just one more comment, we recognize that the 400-page report represents three months' worth of data because of the October starting period for -- when this became active so the next report you might logically think maybe almost 800 pages long since it will include six months' worth of data.

>> I think staff have done a great job in working together with all the impacted parties we've had to work with. Staff out in the courts, the *habeas corpus* resource center and whatnot to try to provide A-as clean a report as this time as we go through but we do know we'll be engaging the BSA to see if there are things that upon reviewing the very first report, things that they really didn't think would be meaningful in their review and analysis, so we expect to be working with them and hopefully providing them more meaningful data and hopefully lightening the load a little bit in terms of what staff have to go through.

So with that, staff recommends that accept the reports submitted for their reporting period of October 1st, through December 31st for the Superior Courts, the Supreme Court courts of appeal, the judicial council and the HCRC and approve to the submission to the joint legislative budget committee and the state auditor.

>> Thank you. Any questions or comments of the presenters on our -- the recommendation to accept the two reports for presentation to the legislature? Judge Rosenberg?

>> I would make that motion but I do have a question. What have you found substantively in this analysis in terms of where the contracts -- or for what services generally the contracts are made? Is there some trend that you're seeing or is it all over the place?

>> Well, speaking forward, it seems to be all over the place at this point in time. There's the higher level of activity on the trial court side of things because encapsulating all that payment information -- we're dealing with, if you will, 58 entities versus, you know, just the balance of

the branch. So it's pretty early at this point in time that we didn't see anything that just jumped out at us in a quick review of the data, you know, that would raise an alarm, so to speak.

>> As Curt pointed out, the report for the superior courts have a lot of blanks in the P.O. number and contract number column which represent at least from an audit standpoint a recognition from our audit reports that there are a lot of agreed-upon processes that are not documented by the courts in terms of purchase orders and contracts. And that's supported by the prior audit that we issued.

>> Judge so?

>> Second.

>> Any further discussion? Hearing none, all in favor of accepting the recommendations found under tab C, on Pages 1 and 2 -- all in favor say aye.

>> Aye.

>> Any opposed? The matter carries. Thank you for the presentation. At this time, I'm going to have judicial council break early for lunch because we would like to invite Judge Pines and to do a special presentation during our lunch hour. And so it will get us back on track for discussion items, we will convene again at 1:35 here in the judicial council board room. Is it 1:35? Oh, no, I'm sorry. 1:15. Thank you. 1:15.

>> We are ahead of schedule after doing item C.  
[Break for lunch]

(The Meeting Will Begin Shortly)...

>> Chair Cantil Sakauye: Please take your seat so we can get on with our agenda.

(The Meeting Will Begin Shortly)

>> Chair Cantil Sakauye: Our business meeting is back in session. We are in item D, the California Court Case Management System, the suspension of due diligence process for CCMS, the collaborative project, an action item. I would ask the presenters to please state your names for our listening audience.

>> Terence Bruiniers from the First Appellate District.

>> Jim Herman from Santa Barbara Superior Court.

>> Ronald Overholt.

>> Mark Dusman, Director of Information Services.

>> Christine Patton, Chief Deputy Director.

>> I would say as I said in the report of the internal committee chair, our recommendation to ENP, and ENP's recommendation to the council would be to suspend the due diligence process regarding the letter of intent. The three way collaborative relationship among the state bar, the judicial council and the Chung foundation, mainly because as indicated in the report, the timing and budget issues we have is to engage in and focus at this time coupled with simply the complications as we got into the due diligence process, the resources that we would have to devote on our side and I think the Chung foundation likewise saw that there were more complications than were anticipated. And I think as we've also heard, the foundation is primarily motivated in terms of going forward with the due diligence and ultimately the potential of the collaborative relationship and the foster care issues and the ability of the CCMS application to get realtime information on foster care, foster placements and dependency information in general. So...

>> I would only add that I think it's very unfortunate that we weren't able to take advantage of what I think was a unique opportunity, but I agree that given the current circumstances and the time available to us, that it simply wasn't realistic to pursue it at this time.

Certainly possible that we may be able to look at this again in the future, but certainly not realistic at the present time.

I would hope that we can still continue to work with the State bar, because I think it's in our mutual interest to work collaboratively on CCMS, but not as partners in this project.

I did want to spend just a couple minutes updating the council on where we are on CCMS. As you know we have completed the development process. We continue to work within the existing budget consistent with the direction from the council on the necessary preparation for deployment activities, if we are able to move forward with that, both in San Luis Obispo, and completed the zero dollar statement of work that's not only the final repairs on the minor defects in the system but some small enhancements that Deloitte agreed to do without additional charge under the existing contract.

We're in the process of completing the legislative and regulatory updates that are required to the system, about 85 of those. The CCMS operations committee has identified some additional enhancements that they think are desirable in the system. We're doing those to the extent we have budget, time and resources to do them.

We probably will be able to do a couple dozen of those. That work at this point is ahead of schedule.

The work that's being done in the court is referred to as the configuration process maps. And some of the documents you've seen before sometimes referred to as blueprinting, simply a matter of aligning the court's business practices with the configuration required in the system. That work is also ahead of schedule. In addition to the court personnel from Fresno and from San Luis Obispo, we had the assistance of subject matter experts from courts in orange County, San Diego, Sacramento and Ventura. And I want to thank those courts for providing us with those resources and assistance, have been invaluable. And establishing repeatable processes that will work not just in the early adoptive courts but will be essential as we deploy CCMS beyond those early adopter courts. That process has gone quite well. And as I said, is ahead of schedule.



We're also continuing to do our justice partner testing. That's also on track. All of those activities are scheduled to continue through the April May time frame.

I don't know if any members of the council have any questions on these issues.

>> Chair Cantil Sakauye: Thank you. Any questions or comment? No? Ron?

>> With regard to the due diligence and the suspension of that process, I just wanted to indicate that that process was a very vigorous one in terms of the due diligence on it. Both from the internal CCMS Committee and the Steering Committee. Both chaired by Judge Herman. That met weekly and followed due diligence work very, very closely to be able to reach the recommendation that it ultimately reached. And that was that the number of issues and the complexity of them would suggest that a 12 week process is not possible and it would be best to pull back and focus on the early adopter courts.

The vigorous work done by staff in that process, I'm very appreciative, both on the legal and ethical side as well as on the business side and the technical side. I think was very a very good process. And frankly, the due diligence did what we asked it to do or what you asked the internal committee and the staff to do. And that is to do the due diligence and determine the possibility of the partnership, the grant, whatever was possible.

And I think the recommendation now is both from the internal CCMS Committee and the Executive Committee that the Council approve the recommendation from those two committees.

I do want to express appreciation of the State Bar and to the foundation for their collaborative efforts on this. It was a very good working relationship with all three entities in the process in doing the due diligence. We're also very appreciative of the stated interest of the foundation; and that is to assist with maintaining safety for children, particularly children in foster care and the placements.

And we certainly believe CCMS would be helpful in that regard, but I think the complexities of a business relationship and the financial relationship and ethical issues cause us to step back at this point and focus on the early adopters.

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

>> I move that we approve the committee's recommendations.

>> Second.

>> Chair Cantil Sakauye: Second by Judge O'Malley. Any further discussion or comment on this action item to recommend approval of suspension of the due diligence process?

Hearing none, all in favor?

(A Chorus of Ayes)

>> Chair Cantil Sakauye: Any opposed?

A matter carries. Thank you for the presentation.

>> Thank you, Chief.

>> Chief?

>> Chair Cantil Sakauye: Yes?

>> I'm wondering if we don't have all the presenters on the budget item that we wanted to since we're ahead of schedule and we have Mr. McCarthy and others coming, if you want to do the last item first and then the budget item when they arrive.

>> That's a good idea.

>> Item F. We could (inaudible) matters of Justice Miller.

>> Yeah. I've got an hour's worth of material here, so...

(Laughter)

>> This was supposed to be the last item on our discussion agenda. And it's really more an informational item. It concerns the traffic amnesty guidelines that the council approved at its August 26th, 2011 business meeting. And a recent request by members of the County of Los Angeles board of supervisors that the council should consider revising one of the provisions in the guidelines. And just as a little background, in 2010 the AOC and the California state association of counties convened a working group of collection professionals from courts and Counties to explore ways to pursue the collection of debt. Money due on criminal and traffic fines and fees. This collections working group developed a package of five collections related statutory changes.

One of those was a mandatory amnesty program for delinquent fines on infraction violations.

And just as, again, information, the state had previously authorized amnesty on court ordered debt in 1991 and 1997. Under the amnesty program, if a person met certain requirements and circumstances, 50 percent of the amount due would be accepted in satisfaction of the court ordered debt. In preparing this proposal the collections working group consulted with the joint legislation working group of the trial court presiding judges advisory committee and the court executive officers advisories committee. In April 2010 the collections working group presented the proposal to the judicial counsel's policy coordination and liaison committee, acting under delegated authority from the counsel, PCLC voted to sponsor the package of five collections related statutory changes, including the infraction amnesty program. The legislature enacted the program as part of senate bill 857. The bill added a section to the vehicle code, section 42008.7 that requires the establishment of amnesty programs running from January 1st of this year through June 30th of 2012. Section 42008.7 required the judicial council to adopt guidelines to govern the conduct of this amnesty program statewide. The collections working group prepared a set of guidelines which were all sent to presiding judges and court executive officers and County administrative officers and also circulated the guidelines for public comment. After the public comment period ended the Judicial Council adopted the guidelines at its August 2011 meeting. The guidelines contain a provision that makes ineligible for amnesty any violation for which the due date for payment of the fine and the last payment made on an installment plan or

account receivable was on or after January 1st, 2009. And this is the provision that was a concern to the Los Angeles board members.

Specifically, the board members felt that the guidelines should be revised so that persons who make payments after January 1st, 2009 on fines that were initially due before that date could participate and be eligible in the amnesty program. The request is based on an opinion from the Los Angeles County Council that the provision in question is inconsistent with the vehicle code section.

We believe that the guidelines are consistent with the legislative intent as in the vehicle code 42 A. And that is no payment, no amnesty is available if a payment was received after January 1st, 2009. The council, though, in order to clear up any ambiguity in this has directed the AOC through its administrative director to provide clarifying information about the eligibility requirements for participation in the amnesty program. And to do this by posting on the frequently asked questions aspect of our Web page information that indicates that with regards to installment fine payments, when the original due date preceded January 1st, 2009 and no payments, no installment payments were made after January 1st, 2009, that they would be eligible for the amnesty program. In addition we've asked the interim administrative director to write a letter to Los Angeles County board of supervisors and in essence respond with regard to the request that they made and explain why the council is not amending the guidelines and what we have done with regard to the frequently asked questions portion on the Web page. And again to thank them for bringing this to our attention.

So this is an information item only and it doesn't require any action on our part.

>> Chair Cantil Sakauye: So Justice Miller, that information will be on the website relatively soon?

>> Justice Miller: Yes.

>> Chair Cantil Sakauye: Thank you. And just a question, when this matter came up in August and preceding the opportunity to develop the language for the statute, I had we thought any input, and did we have it do we know from anyone who was involved in that process from any of the counties?

>> There were during the public comment portion I can't answer and maybe someone can as to what occurred during different committee meetings. But I can say from reviewing the August 26th report that was submitted to the council that there were in the public comments issues raised about this and the committee responded to them.

>> Thank you, Chief.

The discussions did come up in the various committee meetings before the item went out for public comment. But importantly, when the item was sent out for public comment, in addition to the normal listed interested stakeholders that the proposals that go out for public comment are sent to, the AOC's enhanced collection unit sent the materials to all court executive officers and specifically asked them to review this. There were I think two comments that were selected in the comment chart. I don't remember which court or county raised those comments with regard to the issue.

But it was not from the Los Angeles board of supervisors that any of those comments were received. And like I said, an inquiry was specifically sent out to all of the county executive officers to make sure they were aware of these guidelines because they would be equally responsible for implementing them.

>> Chair Cantil Sakauye: Thank you, Donna. This is not an action item. It's information only. Any other questions or comments?

Thank you.

The last item we have on our agenda this afternoon is our budget, which we've blocked a substantial period of time for comment and presentation and discussion. It's a no action item.

Am I don't believe... are we able to proceed at this point or can we start this?

How do you suggest we proceed?

>> We can start it.

We can start, Chief, and I'll kind of lay out the various components of it. And when Mr. McCarthy gets here, he can speak on behalf of the open courts coalition and some of the activities he's been doing.

>> Chair Cantil Sakauye: And I would ask for the benefit of our audio cast members to have all of the presenters please state your name and title. Thank you.

>> Ronald Overholt.

>> Curtis Child.

>> Hon. Mary Ann O'Malley.

>> Chair Cantil Sakauye: Thank you.

>> Thank you, Chief, and members of the Council. The governor released his proposed budget for 12 13 on January 10th. And the proposed budget contained no immediate cuts to the branch, which we're very appreciative of and grateful for. That was the first time in several years that that had been the case. There was some additional funds added back in, not to the extent that we had requested, but certainly I think pleased that there was a recognition by the governor and staff at the department of finance that the courts had been cut as far as it was possible to cut us.

What is included in the budget is a series of triggers, as you may know. And we were included in those triggers. And the governor indicates at this moment that those triggers would need to be pulled if his initiatives on taxes does not pass in November.

We will certainly be having discussions about how to not be a part of the trigger. We don't take positions on taxes. But we certainly take a position on additional \$125 million cut would be devastating to the branch and in fact we need to be going in the other direction in terms of restoring funds to the branch.

What we're going to have today is a presentation by Zlatko Theodorovic, our finance director in terms of the budget itself, both briefly on the state budget and where that is. And then the specific proposal to the branch.

And then Curt Child will talk about the proposed solutions that we have identified and had conversations with the other branches of government and to summarize what some of those discussions have been. And then we have council member Judge O'Malley to discuss activities and by the bench bar coalition, which she is co-chair of.

And then Mr. Niall McCarthy, he is the president of the consumer attorneys of California. And co-chair along with Mr. Paul Kesil, from Los Angeles of the open courts coalition that have been very active in terms of advocating on behalf of the branch budget. Along with those presentations we will have two brief videos that I mentioned earlier on that I think highlight impacts to court users and the community on when courts are not available to those individuals and what some of those impacts are that will be able to see toward the end of the presentation. So Zlatko, if you will do the front end for us.

>> Zlatko Theodorovic: We put on three separate phone calls immediately after the budget was released to give the court leaders an opportunity to hear sort of the high level the budget presentation from the governor. So I won't repeat all of it. But I will repeat some of it. I think which is important to understand and carry away from this discussion, to understand the context from which our budget was created and how it fits into the overall State budget. I'm going to read one line from the governor's letter to the legislature. The budget that I am submitting today keeps the cuts made last year and makes new ones. Stark truth is without new taxes, damaging cuts to schools, Universities, public safety and our courts will only increase. So think there in the message to the legislature there was a recognition that the courts have had damaging cuts, but it sort of sets us up for the trigger cuts that come later in the budget presentation that without the additional revenues, there will be further damaging cuts.

The 12-13 budget identifies a budget gap of \$10.3 billion. And part of that is due to a worse than end of year numbers from the summer. There are some revenue declines that they had not anticipated. There were a number of budget solutions that were not implemented in a timely fashion. And therefore you have a \$10.3 billion budget hole.

To address the 10.3 billion dollars shortfall, the governor identified in two major areas of methods of addressing the budget. First was a \$4.2 billion of cuts to be done regardless of what happens with the tax package. And those cuts were are fairly substantial on health and human services and education, primarily reductions to Cal Works, Med Cal, childcare, on a particular note is a reduction in home to school transportation in Prop 98, which the legislature I believe just attempted is putting a bill towards the governor to restore those cuts.

Another major hit to local government is the making state mandated local programs permissible and therefore no longer requiring the State to reimburse counties and cities and locals for mandated programs much that's almost it's a little over \$800 million.

So that in total is \$4.2 billion of the budget solution. \$4.4 billion of additional revenues are proposed by the governor through an initiative to increase the sales tax as well as taxes on upper income individuals.

Similar to the budget that was included that was passed in the summer there are trigger cuts behind that. Wanted to point out the lion's share of the trigger of \$5.4 billion falls on prop 98, about 4.8 billion dollars of the 5.4 billion falls on prop 98 reductions. \$200 million for University of California and an additional \$200 million for CSUS. Leaving \$125 million for the courts. Note prescription on how we have to deal with that to the extent they materialize. But they have portrayed them as a potential three-day closure per month. Again it's no prescription by the administration, just a matter of illustration.

Think one thing that's important to note is that the governor indicates his commitment to paying down the wall of debt. The reason I bring that to your attention is because it includes the loans that were taken from our construction funds. So there is a commitment by the administration to pay those back. Albeit not until the 13-14 fiscal year. And the largest amount, 350 that was borrowed, won't be coming to us to the 14-15 fiscal year. We will be seeing them coming back but won't be coming back anytime soon. I think I'll wrap up my presentation in terms of the overall budget with this point. Is that the issue with the this particular recessions that been its duration and its painful duration. One line from the budget presentation is the state is forecast to recover non jobs lost during the great recession in the second quarter of 2016. That's approximately 84 months after the end of the recession.

Where the previous six recessions full job recovery was achieved between 4 and 56 months. Even in a worst case scenario we're almost 30 months what was the worst case in the last six recessions. It's been a long, drawn out and slow recovery. Obviously California's hampered by its continued weakness in its housing market. But been buffered a bit by growth in high tech.

So we're still struggling. The governor doesn't anticipate any recessions recessionary periods over the next handful of years much so it's a slow and guarded recovery that the governor's anticipating. And that's his budget presentation.

As far as the budget for the branch, as Ron mentioned there are no immediate cuts to the branch. The trigger cuts of \$125 million. There are some restorations, albeit not to the extent we requested. A \$50 million in additional fee authority which is important. There's additional language in the budget allowing the council to adjust the allocation of the cuts that have already been taken. Which is also important authority for us.

There are some other funding augmentations that were provided to the branch related to court security and particularly important issue to some of the Counties that lost their court security funding and realignment for perimeter security. Funding for health and retiree benefits. Also continued funding for realignment revocation hearing workload. All those issues will need to be revised and revisited through the budget working group to address the allocation there.

So essentially we have some positive message in the budget in terms of recognition of the cuts. Some funding that could be provided through the fee authority. But not the general fund restoration that we were looking for.

And I'll turn it over to Curt now for our advocacy effort this is spring.

>> Curtis Child: Chief and members, good afternoon. I just want to follow up quickly, we've all had the opportunity to talk a little bit about what the budget strategy, that we're looking at as we move into the budget year this year. In many respects there's some good news in the governor's

budget that we're not talking about additional reductions. As we move into budget hearings quite honestly, we got very few issues that we think will probably be on the agenda for our budget subcommittee hearings. But we do have some big issues in talking about with the members, our budget strategy as we move forward.

And just as a reminder of what that strategy is, and then I'll talk a little bit about the discussions we've had thus far as we move forward. But as the reminder, the \$653 million is the cumulative hit to the Judicial Branch over the last three years. And so by any measure, whether a percentage or in actual dollars, that is a significant reduction to the branch.

We have been able to, through your efforts, to do some redirections from other funds over the course of these years. And so fortunately we have not seen the full weight of these ongoing \$653 million reductions. We've been able to use construction funds, CCMS, mod fund, all contributing to the solution to cushion the reductions. And in some respects we've become a bit of a victim of our own success in doing that because every time we sort of work through our own solutions with the legislature, they think that we're always capable of doing that and can and should do it.

The problem is now with these cumulative reductions, we've hit a point where we're running out of those, those kinds of solutions. And so that's why we've worked on the approach that I'll outline here quickly. That I think is getting a very favorable response in the sense that it is a sensible approach. And I think a reasonable approach that the branch is taking.

First of all, we are not suggesting to the legislature or to the governor that we need to be in a position to put us back where we were in the 7-8 budget. That's not realistic. That's not credible to make that argument anymore. And as we've had conversations, the chief having conversations and the governor's office, there is an expectation that everyone is doing with less in this new world. And I think we have tried to propose an acknowledgment of doing that.

And in so doing, we worked with Judge Rosenberg and the presiding judges and Allen and the court execs looking at where could we think to credibly make a new baseline. And I note that \$653 million roughly, what we think is that with the reductions that have been operationalized by you all over the course of these years, last few years, is that we would try and maintain funding at the 11-12. In other words, not lose any ground over this year. And to do that, essentially of that \$350 million, although we're not saying that it is leaving sufficient funds for the courts to fully stay open and provide services, we are rebaselining. And what we've told them is rebaselining at \$300 million.

That we would need to stay at the 11-12. So in other words, eating \$350 million for the current and near foreseeable future, but we still, in order to recover from those ongoing reductions, we need \$300 million.

So in trying to reach that solution, we've got three major parts to that. The first part is, as Zlatko mentioned, we've asked both the governor and as we're having conversations with the legislature that there needs to be a restoration of that last \$150 million. So as you recall, \$350 million hit to the branch this year alone.

The last \$150 million that we saw in the last few days before that final budget was really an amount that I think put us over. But it's also an amount that, as the chief was having

conversations in those last couple of days, that I think leadership, governor's office was giving us some sense that that would be the first to be in a position to come back. So we're proposing over the course of the next three years a rest restoration of that \$150 million to bring stability in branch planning, of which \$100 million would be in the budget year. Governor's plan did not include any general fund restoration.

The other pieces that we're putting together is we have again, we're looking for ongoing solutions. We do realize, though, in order to get to that \$300 million this year we will have to still do some one time solutions. And proposing \$50 million in redirections that we think we will be able to look closely again at, such things as construction funds, in a way as we've always discussed, not jeopardizing the projects or delaying the projects. And into the other funds as well as we did this year.

Along with that is the \$50 million number and increased civil fees. We started quite early in discussions with our branch stakeholders and the bar to talk about increasing some fees. Those discussions have gone very well. I think there are some areas where the bar is willing to step up and propose increasing some new civil filing fees. Their concern and will continue to be they're not interested in raising fees. If they're going to get sucked off into the general fund. They're willing to be part of the solution and part of the family, if you will, in trying to come up with a solution. But not if it ends up in the general fund. And as you recall year before last year there was about \$70 million in fee increases. There were some parking fee increases in there. But a large part of civil filing fees then when we saw the \$350 million reduction, they're saying, well, we stepped up with these new fees and they got sucked off into general fund.

So we're continuing to have that discussion. It's important, I think, for them to keep that message out. And based on where we've ended up right now, I have a high level of confidence that we hit that 50 million dollars mark in ongoing fees.

And we will have to address in another year the sun setting of that 70 million dollars or we'll just be increasing fees to replace fees.

So there's another \$100 million as part of the solution.

We do, however, want to look closely at additional efficiencies that we might be able to find both in what's going on in trial courts and Kim, in your group. And had the conversation with Judge Edmond and Judge Wesley the other day. And we have some members of the legislature very interested in helping us look at some potential solutions in the form of what might be statutory relief.

And those get us ongoing. So whereas the \$50 million we're talking about redirection, we would want to be in a position that we sort of have one trade off on the other and put us in a position to get more ongoing relief through that.

So we will be in our and are in the process of collecting all ideas that you are forwarding on and that we're putting together that hopefully we will be able to move on with the legislature this year.

And then lastly, for the last \$100 million, as you know, there are fund balances that exist in the trial courts. And there's rarely I have a budget conversation with a member, staff member in the



legislature, without a reference to those. I think there is a sense that they absolutely have to be part of the solution this year. And through the efforts and discussions that we had, both with the PJs and court executives was that \$100 million would be part of the solution. So that becomes the third leg of that stool. I do want to emphasize, because the next question I get every time on that discussion is, so, is that meaning we're going to sweep up reserves and redistribute those?

Well, certainly that will be a call for the council to make. But that is not how we are discussing our urging in our budget discussions with the legislature. The intent is that courts will be able to use their reserves or not use their reserves as they see fit in trying to deal with the solutions and to coming into this next year.

And then finally, Zlatko mentioned one piece that I think is just crucial. And this was a matter of some import, I think Chief, with you, when in those last days of budget that absolutely the council should have the authority to make the policy decisions and calls on how to allocate the budget and any reductions.

That authority gave us, as the legislation, the budget legislation directed the cuts to the trial courts that gave the council the authority to be able to make the calls that it did between using construction funds to redirect to trial courts, CCMS, as you recall, \$56 million was moved into the trial court trust fund or moved to trial court operations as well. And so we will continue to advocate strongly to ensure that there is as much discretion for you, the council, to have to be able to allocate those reductions.

So with that I'll just mention one other thing with our esteemed colleagues here who will follow. We have worked closely with the open courts coalition, BBC, on this message. And I can say that we are able to carry that message and are carrying that uniform message and the approach that we've just outlined. And I would suggest that the editorial you saw this morning in the L.A. Times is exactly that, the result of a joint effort from coming within and with all of our stakeholders saying enough is enough on cuts to the court. And you know, that one the message is clear. Do a restoration as we're advocating, first of all. And second of all that we should be pulled out of the trigger, so that shouldn't be hanging over our head as we get through July and trying to figure out how to get through November. So I'll stop with that.

>> Thank you, Curt. Any questions at this point before we hear about some of the advocacy from Judge O'Malley. And we've been joined by Niall McCarthy. So let him catch his breath before we ask him to go.

>> I have a comment on behalf of the trial courts, but I'm certainly willing to wait until we hear from the other two presenters.

>> Okay. Anything else?

And 10 seconds is plenty of time to catch a breath.

(Laughter)

>> Judge O'Malley, would you like to talk about BBC?

>> Hon. Mary Ann O'Malley: Yes, I'm here on behalf of my co-chair and myself for the bench bar coalition. We're here to talk about the strides that the bench bar coalition has been making within the last month to stress not only to the legislature but also to fill fellow court users and to the public at large the impact of these cuts on the courts. And also with regard to AB1208. It's been a joint message from the BBC, and a really concerted and really organized effort on behalf of our organization, of which I'm very proud to be a part of.

Starting January 5th we had a special conference call where we had nearly 50 BBC members. It was interesting because that was the day that the governor had put out his budget. And so we had word on that day that there weren't any cuts to the courts directly, although the trigger was involved. And so while it was good news compared to the news that we had had the past years of devastating cuts, there was still nervousness amongst the BBC.

And of course the bench bar coalition is judges and attorneys, court users, who know the impact of these cuts. They see it every day in their jobs, in working with the courts and working for the courts.

So that was a very, very pointed meeting and really took to heart what was coming with regard to if the if the trigger had to be pulled with regard to the additional \$125 million.

So the 50 BBC members really had an opportunity to hear about that budget as well as where we need to go from there. And so it really got everybody very inspired and very motivated; of what we needed to do the next month and coming months with regard to the budget to get our word out.

The next meeting was we had approximately 40 BBC members who actually have either gone to the district offices of their legislature, made calls, sent letters, had some sort of contact with either key staff members or the legislators themselves with regard to you know, what we've learned with regard to the budget and the cuts, and where the court stood.

And the help that we need. You know, we are the third branch of government. So the voice was unified, it was one voice, and it was loud and clear.

And so the 40 BBC members really had made an impact, have been contacting those members. And we will continue to do so. We met again last night. And I'll talk about that in just a moment.

On Wednesday, January 9th, we had the honor of meeting with a conference call with the co-chairs of the open courts coalition. And I have to tell you that this is a very distinguished and influential group of leaders in the legal and business community who we are so fortunate to have working on behalf of the courts and putting out the message. They are very the work that they have put out in such a short amount of time and I know Mr. McCarthy will elaborate on this has been so impressive. That as much as the BBC has been involved and I mean we actually were very, very impressed with the work that the open courts coalition has done.

Just to mention briefly, the standup for justice rally that took place on Wednesday, January 18th in Los Angeles, the video that they have created so professionally done and really by some people who past governors, people who are involved in the community, leaders, justice partners,

my sister in law Nancy O'Malley, and people who know what they're talking about and are giving a message in this video of enough is enough.

That we need to help out the courts.

Also I know that more rallies are being planned. And I will let Mr. McCarthy talk about that, continuing to get the word out. We also had a webinar. We were fortunate to have Zlatko, as well as Marcia Carlson, the AOC's director and assistant directors do a webinar, to educate them with regard to the presentation of the budget. Where we stand. And it was very helpful for our BBC members to be able to get the straight facts. Because as you know, there's been a lot of disinformation that's being put out there.

And so it was very important to the BBC members when we talked to the legislators, we had the facts and we have them straight.

And so when they ask us questions, we can really put forward the numbers accurately as we know them.

And so that was a very, very helpful to really get that information put out to the members.

We had our quarterly meeting yesterday afternoon from 4:00 to 5:00. And again we were updated on the progress of 1208 and where people stood and our bench bar coalition members are going to make another push as best as they can to the legislators out there to let them know that the majority of court user, the majority of presiding judges, in fact 55 of the 58 aren't for it. 44 have actually taken a position to verbally in an outspoken manner to oppose it. And others take no position, which by no means means that they are for it. And so to really stress that. So we put that message out and will continue to do that tomorrow and if need be until the vote is made.

The bench bar coalition is contacting local bar associations to get them involved. Really more of a community outreach. I know I was contacted by members of my local bar association saying what can we do?

We've been contacted, we're willing and able. And this is a cause that we now want to join. We get it. Now it's affecting us, you know. And our clients. And so we want to be there.

And so I'm very proud, Chief, and members of the Council, to let you know the efforts of the BBC will continue to do so. I'll invite any questions or comments again after we hear from Mr. McCarthy.

>> Chair Cantil Sakauye: Thank you, Judge O'Malley.

>> I'm with the firm called Katra, McCarthy, I'm the president of the consumer attorneys of California. I'm 23409 here in that capacity. I'm here as a co-chair of the open courts coalition to tell you a little bit about what we have been doing, the tremendous amount of momentum we have been able to pick up. And let you know from the committee we believe we're just at the beginning and we're going to make much more progress as we move forward. The open courts coalition is a group of lawyers from all walks of the practice. We have plaintiff lawyer, defense

lawyers, district attorneys, legal aid lawyers, criminal defense attorneys. Every aspect of law and every part of the state is represented.

And what we've done over the past four months is get together and have a very strategic plan for how to try to assist this effort of getting more funds to the courts.

There were some mentions of a video. We're going to see that in a moment. There's been several steps that are taken. First of which was a video which I'd like to mention that most of the work was done by my co-chair Paul Kesil, did a terrific job of editing in a video and putting it together. Former governor Duke Major on it, former governor Davis, attorney Paul Harris, chamber of commerce, all speaking about the need for more funding for the courts. And the impact of the video and the feedback we've been getting has been extremely positive in that we're hearing from small businesses, large businesses, insurance companies, how unique they felt that all these different segments of the legal society came together on this one video and how important the message was.

We also had a rally in Los Angeles last week. We had a turnout of about 300 or 400 people. The rally was mentioned in today's L.A. time's Op Ed piece about court funding which I'm sure everybody has discussed at this point. Let me mention that we're very grateful to have the support of many of the unions in southern California, the trades, several of the unions participated very actively. We're very grateful for their support. Because of the success of that we will be having a similar rally in San Francisco. Just here across the street. Where they're used to rallies. We expect to get a turnout of 500 or more. By the initial reaction we've gotten, we expect that to take place in April. We are working on dates with the city going through the permit process. Thirdly in addition to the rallies and video, the nuts and bolts of what we do is direct advocacy with legislators. So we've been having a series of meetings with the speaker, the president pro tem, had a brief meeting with the governor to discuss the topic of court funding.

And let those elected officials know that we are not here speaking as a plaintiff group or defense group but rather a unified group of all practitioners throughout the state. It's been our experience that we have much more power when we go through speaking with one voice on behalf of a much broader constituency. We're going to have a justice day in Sacramento, where members of open courts coalition and their respective constituencies go and have individual meetings with legislators through this budget process. We still believe there's time before June to shape this discussion and try to pick up some key votes that right now may be waffling. We're going to have a series of district office meetings with legislators. We had a group here of about 100 lawyers that was organized at the State bar about three weeks ago. We had state bar leaders from San Diego all the way up to the northern counties who have been dep advertised to turn around and meet with their elected officials, have these meetings, show the video and describe not so much the concept of access to justice, which sometimes gets lost in Sacramento, but the human impact of what we're seeing. The human impact of TROs not being placed. And people's lives being in danger for a lack of court funding. The human impact of child custody cases, the human impact of not getting trial dates. And with that message it seems to resonate more and more with those elected officials who may not be particularly familiar with the court system.

With that brief summary I would like to take a moment if I could to show the video. I'm hopeful most of you have seen it. It runs about three and a half minutes and if I could take your time to just for a few minutes take a look at it right now. Thank you.

>> Our video expert.

(Video)

>> I'm Paul Kesil, co-chair of the open courts coalition. I want to thank you so much for taking your time for the next three minutes to hear about why it is so important we adequately fund the justice system in California.

(Music)

>> The work you do in the legislature, what you bring to the governor to sign into law is meaningless if there is no forum to enforce it.

>> We do not have a truly functioning democracy if we don't have a judiciary.

>> If the courts are closing, then everyone, including businesses, small business, persons and others, will be denied that opportunity to resolve their disputes.

>> A fully funded court system is essential to growing California's economy.

>> Courts strangely are much like fire and police. You never think about them, you never concerned with them until you need them. We were referred an elderly and infirm gentleman. He had just been evicted from his home. He had no money for first and last month's rent or to move. The eviction had been unwarranted and unjust. Our lawyers went to work immediately. They went to court, they got an emergency writ preventing a lockout.

But the order preventing the lockout arrived too late. He had passed away in his car. It was a cold and rainy night. Make no mistake about it, what we're doing here saves lives.

>> Fundamentally, unless we are adequately funded, we do not have three co equal branches of government.

>> I want my colleagues, just remember, your obligation to the constitution is to make sure that the courts of justice are open to all from the poorest among us to the most successful.

>> This isn't a hypothetical. We're seeing the devastating effects of court cuts on our clients every day. From battered women unable to get the restraining orders, to seniors in foreclosure unable to get their day in court. This is real and it's happening now.

>> Where do we go for justice? We go to the courts. Our courts need to be open, accessible, and have adequate staff.

>> Without fully funding our court system to ensure equal justice for all and a timely fashion, one of the fundamental principles of our society and our democracy is severely threatened.

>> If I speak to the legislators about why we need funding for the court, let me just say that the court system is the most powerful protector of our freedom.

>> The courts are not set up to be advocates for themselves. And thus lawyers and other stakeholders in the judicial system are speaking out.

>> The priorities that we all face, all of us in position of leadership, are varied and diverse. All of those issues are ultimately, if not resolved at an earlier stage end up in a courtroom where justice actually occurs on that issue. It is fundamental to our system of democracy.

>> Now our court system is faced with a kind of piece by piece demolition because of these budget cuts. So I'm very hopeful that the legislature will act and restore the funding that's been cut because without that, we are going to be a less safe place to live, and we deserve better, the people of California deserve better.

>> Justice delayed is justice denied. That's going to be the case in every one of our trial courts if we can't get adequate funding for the courts. (End of video)

>> Again, we've gotten a tremendous amount of positive feedback on that advice yo, including from members of the legislature. Our group is extremely energized. They're extremely dedicated. And we believe we're just starting to get momentum now. And the impact you have seen so far is just the tip of the iceberg and we're ready to keep working. Thank you for your time.

>> Thank you, Niall. I want to make a point for folks listening in and for the council, the open courts coalition took this on themselves. It was their initiative, their money, their production.

No State money went into this production. But you can see how powerful it is.

Now, our staff did produce another very brief video that I would like us to see before we begin any conversation and discussion that we'd like to have.

We show that?

(Video)

>> California's Judicial Branch is in a fiscal crisis with severe consequences for the courts and the communities they serve. Especially the most vulnerable. \$653 million in cuts in the last four years. This year legislators and the governor chopped the court's operational funds by \$350 million. Ongoing cuts. Then took another \$310 million from the court construction fund.

And Governor Brown warned of more cuts if tax revenues are insufficient. The result, nothing short of devastating for the branch and the people it serves.

There have been staff layoffs all over the state. Los Angeles court pink slipped 329 people. The San Joaquin court let go 45. Sacramento had 885 employees two years ago; they expect to be down to 600 this year, hanging on by their finger nails according to the CEO. The San Francisco court lost 67 employees.

>> Reports can't always be done in terms of recommendations regarding conservatorships, guardianship matters much and these are the parts of the community that are the most vulnerable. The elderly and the young. It's a serious problem.

>> I worry that it's a matter of time when somebody who needs a restraining order doesn't get it, doesn't get it served. And something bad happens.

>> I worry for the children of these clients.

>> It's a huge concern. I work for a nonprofit who represents tenants who are being evicted. And it there have been so many delays.

>> The potential for things going really wrong is there. It's very definitely a definite hardship on people. And especially very low income people who are trying to represent themselves.

>> 23 courts have shut down courtrooms.

>> It happens very frequently, more times than not that there is not a courtroom available. And sometimes you will have to just have your schedule on standby, witnesses for clients, for as much as a week. And then you'll be told that your case is continued to some later date.

>> To get to hearings oftentimes is taking twice as long. It's just complicating the administration of even the simple cases. Simple auto accident case went from getting to trial in 12 months to who knows when.

>> Closed courtroom, cut staff by 30 percent and shut down the youth peer court. And family law case management. Families closed the Grover Beach court and they withdrew funding for a program helping abused and neglected children.

Most courts have significantly cut back customer service hours.

>> We've reduced our hours so our people can start working on the backlog. And the traffic department, we have an 11,000 trial backlog. Those people are entitled to a trial. We want to give them a trial. But we need the judges and the support staff.

>> Close friend of mine that had a dissolution that she was handling herself, she had to go and stand in line for days in order to get her papers filed. And there were some days that the courtroom the courts were simply not open. The papers could not get filed.

>> In Contra Costa County and Alameda County that's a problem. You got a line of people ahead of you to file.

>> It's a cost for my client to wait in line. It loses me clients because I have to charge them for me to wait in line.

>> It's bad for businesses when they can't get their books cleared, when they need to carry pending litigation on their books as a possibly liability.

>> In fact business people spoke up loud and clear at four budget impact hearings around the state. Justice Nelon remember what is they said.

>> The lack of certainty is going to hurt us and make it impossible for us to move forward. If we don't know we're going to get trials and the court services we depend on we don't have the certainty we need.

>> At Santa Clara's self- help center the staff is down 20 percent. They see about 44,000 people each year and turn away many.

>> When they need more help we have less help to give them. When we open at 8:30, by 9:00 or 9:30 we're still for the day. Just imagine you have been in line since seven o'clock, six o'clock and you're told, sorry, you have to come back another day.

>> People just give up.

>> The scene is typical. Virtually every self-help center in the state is overwhelmed with the indigent and newly poor.

>> Tend to think of this as an abstract problem and it's absolutely wrong.

>> Most recently we have seen a lot of people that are needing a lot more help, who aren't familiar with the court system.

>> San Francisco helps more than 3500 people a month. With a staff that has been cut in half. They turn away huge numbers.

>> Because of the budget we don't have the staff, we're not doing guardianships, conservatorships and step parent adoptions.

>> There's simply not enough staff to meet the demand.

>> Tremendous services, budget cuts have cut into the most valued services in the city.

>> The value means a lot as far as the health and welfare of my kids.

>> We have 30 people to get through. We're going to do our best and around 10:00 a.m. I'm going to put a new list out. It's going to be a standby list. We're going to do our best to help you. Thank you for your passengers.

>> Many people that they don't have a sick day or vacation day they're losing out on their pay. We see the frustration with how it's impacting the public.

>> For our clients who make so little, one day off of work can mean the difference between paying a rent or not. And that can completely destabilize a family.

>> There's someone out there whose license was suspended from the department of child support services, and he's saying please let me work. I'm having to say we're going to do our best.

>> Family courts are also getting slammed. Families in San Diego have to wait many months for a mediation appointment before the judge can get all the information to rule on custody visitation.

>> I have people, children in shelters for a period of time. We've had families with their children in cars.

>> In our court we got the timeline for emergency screenings. Someone files papers and says there's an emergency situation. Two weeks before they can get in front of a mediator.

>> Really just look at the kids.



>> Delay right side common in the orange County court too. They used to schedule 30 hearings per day. Now it's 40. It used to take six to eight weeks to get a hearing date. Now it is many months. Supervisor attorney William tanner talks about a client whose ex-wife wouldn't let him see the kids despite a visitation order.

>> He filed at the end of September. His OCSC date is beginning of March. Almost six months he's going to be without seeing his children. He's frustrated.

>> It's unfortunate for the people of California. I think the courts are such a critical part of our democracy and we need to fund them.

>> What I'm worried about is the impact on the judicial system over all and I think as a democracy that's one thing we can't sacrifice. If we remove that or start chipping away at that how can we define ourselves as a democracy. I think that the judicial system is a cornerstone of our democracy.

>> We're talking about people. We're talking about public safety. We're talking about something that is beneath the dignity of the great state of California. If we don't have a society, if we don't as citizens do something about this and in the legislature doesn't listen, then shame on them and shame on us.

>> The Chief Justice is focused on safeguarding the future of the branch with adequate funding.

>> Our passion and commitment lies with the public. When we're closed, when our hours are reduced, when those with causes popular and unpopular can't get into court what we think I think is a diminution of the rule of law, which is our legacy, our foundation and I submit our birth right. Thank you for your time, thank you for your commitment. Thank you for keeping this message alive. May we carry it into 2012 and remember that the reason we're speaking, the reason we're using our voice is because those who cannot get representation or who rely on legal services or pro bono need us to do it for them. That is our duty and our obligation.

Thank you.

(Applause)

(End of video)

>> So Chief, that's where we are with the budget process. Some of the impacts, as you've of years of budget reductions and actual impact to court users and people who need the court system. And some of the extraordinary efforts that are being done to try to find a solution and to bring us back and how grateful we are for the open courts coalition, Niell, and the Bench Bar Coalition.

>> Chair Cantil Sakauye: Before I open for questions and comments I do want to say that I am grateful for the remarkable and extraordinary advocacy that has been given to the branch on behalf of the bench bar coalition and the open courts coalition.

This is an issue that we have recognized over the last year needed a voice. And we came to the attorneys and the attorneys responded splendidly and beyond our imagination.

And to hear the future efforts, Niall, is absolutely thrilling. We're grateful for all the efforts you do on behalf of California and on behalf of the most needy who need to get into court to resolve the issues. It is the cruelest of ironies that the state faces its worse cumulative fiscal crisis and the people, the most needy, lose benefits and services and privilege that the courts that stand to right those wrongs have been really cut and eliminated and in some instances with all of these closures and the time frames, rendered ineffective.

So we thank you very much. And those are incredible videos. Appreciate that

(Applause)

>> Chair Cantil Sakauye: Judge Rosenberg, you have a comment?

>> A quick comment. I do want to say this on behalf of our 58 trial courts, which make up about 85% I think of the judicial budget. The judicial budget is actually a very, very small portion of the overall state budget. But obviously important in many ways. I do want to echo the comments of Curt and Ron, Judge O'Malley and Mr. McCarthy. Enough is enough. We have been pushed to the wall. I want to emphasize the concept that we do have three branches of government. The Judicial Branch is a coequal branch. And we can only be pushed so far. Certainly we have a lot of judges. But we are a big state, and every one of those judges is a constitutional officer. Who's entitled to have a courtroom and sufficient staff to do the job. You know, a judge without sufficient staff, without a courtroom is not able to do his or her work. I just want to leave you with an analogy. We have three coequal branches of government which we do if we were to say well we have 140 members of the legislature but we're only going to fund you so that you can have sufficient offices and staff for 120 legislators, that would be an unacceptable impact on a coequal branch of government.

Yes, we're having a governor, but we're only going to give the governor 50% of the staff that he needs. That would be unacceptable. The same is true with the Judicial Branch. You can't just push the branch to a point where there's inadequate funding for the judges.

And we have too few judges. That's the remarkable thing about it. We have at least 350 judges less than we should have... we've given these judges more responsibility with realignment. And we the Legislature and the governor are saying we need more judicial resources in family and juvenile to spend more time on these important issues.

Putting all these impact and responsibilities on the branch and not giving us the most basic funds levels to have courtrooms open and adequate staff is unacceptable.

>> Chair Cantil Sakauye: Judge Herman?

>> Points one on behalf of the commission and access to justice and two as a former dues paying member of the state bar of California I want to extend my extreme gratitude to the bar always comes through.

We have wonderful attorney members here including Angela Davis, former member of the State Board of Governors. And we could not ourselves accomplish the message of the impact of this budget cuts on the court without your help and the hearings and efforts that you're doing all over the state. The bench bar coalition, the standing committee of collaboration between the judges of

this state and the lawyers of this state in terms of promoting access to justice, and of course most heart rending is the impact on access to some of those who are the most disadvantaged among us in this state.

So again, my gratitude as a former member of the bar, former dues paying member of the bar to the attorneys of this state. Thank you.

>> Chair Cantil Sakauye: Miriam?

>> I couldn't help but notice Joe Dunn in a couple of those videos.

>> I want to thank you all as well as especially the open courts coalition. I really think that this is the first time that we've seen a rallying around these issues. And I think it's recast the dialogue. Because as the videos make clear, I think as today's L.A. times editorial made clear this really isn't about what kind of court system we want to have, it's about what kind of community and society we want to have. And what's been lacking I think sorely lacking, throughout the last couple of years u not through any lack of effort, but unfortunately simply been a void, has been the state of those in the community who suffer when our court system is squeezed now as it is to the breaking point.

I was particularly moved. I think the videos are phenomenal. I've seen them a couple of times. They're great. Even when you watch them the second or third time. I was moved by Justice Zelon's report and account at the last council meeting in December. And I'm wondering, Curt or some others, I could see her reports being a good audio link. It was my understanding that there was to be some kind of written compilation of the stories that she recounted. I think these stories did a tremendous job. I think her stories also brought in the faces of the children who are suffering, the families that are not getting reunion unified. I think she had a rich account of those. And videos is a great way, audio links maybe another way. And obviously a written compilation would be another way to get the word out. I know that there were to be effort, I am curious if that would be something that would be together soon.

>> Mariam, particularly on those comments that's one that I think the Chief was hand delivering when she met with the *L.A. Times* editorial board. We've been sharing that with members of the legislature.

I should also just be clear about one other thing. And all of the visits that are going on, I think Niall and I bumped into one another as I was walking out and he's walking into some office. Messages are getting delivered. But I want to... Chief, you mentioned earlier today that the chief justices also burning the shoe leather on this. We've had the opportunity to meet with the legislative leaders, the budget shares, budget subcommittee chairs to convey the chief essentially walked through this same budget approach. So the message is coming down right from the chief justice. And certainly the message I carry from all of you on behalf of the counsel and with the BBC and the open courts coalition as well.

>> Hopefully in a week the misguided distraction of AB 1208 will be defeated.

. . . I want to extend my extreme gratitude. The bar always comes through. We have a wonderful attorney members here including Angela Davis, the former member of the State Bar Board of Governors. We could not ourselves accomplish the message of the impact of the budget cuts on

the court without your help. And the hearings and the efforts that you're doing all over the state. The bench bar coalesces, the standing committee of collaboration between the judges of the state and the lawyers of the state in terms of promoting access to justice. And, of course, most heartrending is the impact on access to some of those who are the most disadvantaged amongst us in the state. So, again, my gratitude as a formal member of the bar, a dues paying member to the attorneys of the state, thank you.

>> Miriam?

>> I couldn't help but notice Joe Don, and thank you for the great effort.

>> I want to thank you all, especially the open courts coalition. This is the first time we've seen a rallying around the issues. It's recast the dialogue. Because as the videos make clear, as today's AL times editorial made clear, it's not about what kind of court system, it's what kind of community and society with want to have. What's been lacking, sorely lacking, not for a lack of effort, but unfortunately simply been a void has been the face of those in our community who suffer when the court system is squeezed now as it is to the breaking point. I was particularly moved. I think the videos are available for -- I've now seen them a couple of times. They're still great even when you watch them for the second or third time. I was particularly moved by Justice Zelon's report at the last counselor meeting in December. I wonder if others, I could see her remarks being a good audio link to send around, and it was my understanding that there was to be some kind of written compilation of the stories that she recounted. The stories did a tremendous job. I think he stories also brought in the faces of the children who are suffering, families not reunified, the domestic violence victims, those stories were referenced as well in the videos, but I think she had a very rich account of those. Videos is a great way, audio links may be another way, and obviously a written compilation to get the word out. You, Curt, I know there were to be efforts, but I wonder if that's something that will be coming together soon.

>> And particularly on those comments, that's one that I think the chief was hand delivering when she met with the LA Times editorial to share as well. And we've been certainly sharing that with members of the legislature. I should be clear about one other thing. In all of the visits going on, I think you and Bill and I bumped into one another walking. I was walking out, he was walking into the same office, and so messages are getting delivered, but I also want to chief, you mentioned, chief justice is burning the shoe letter on this and we've been able to meet with the legislative leaders, and the budget chairs, and committee chairs to convey the Chief has essentially walked through the same budget approach. So the message is coming down right from the chief justice. It's the message I carry from all of you on behalf of the council and with the BBC and the open courts coalition as well.

>> Thank you. The treatment -- hopefully in a week the misguided distraction of AB1208 will be defeated once and for all. As a united branch, we can focus on what is really important which is restoring these cuts which is something that all of our time and all of our excellent office of government affair's time should be focused on rather than having to defeat something as foolish and misguided and divisive as that legislation.

>> Thank you. Kim Turner?

>> We were talking while the videos were playing how powerful they are, and well edited and put together the videos are, but we're wondering, how we can use in a more effective manner to get the word out. As public service announcements wonderful to link them on the California courts sites but what other strategies do we have in the pipeline to get these videos out into a wider audience whether it's, I don't know, certainly the branch can't afford TV spots, but I'm trying to figure out ways to use multimedia and the way that people now get information to excerpt these. Make them shorter, snappier, take the very best of the best and put them into 30 second spots and 15 second spots, whatever they can do to get the word out to a broader audience.

>> Surely the branch can't afford TV commercials, but Mark Robinson could. [Laughter] For a number of years, obviously at the meetings, you came up with the idea, you pay for it. A 30 second spot in LA, \$1 million not that bad during primetime. But the main target for the video was the sitting elected officials, judiciary, appropriations, were delivered a nook and they had pressed play and the video popped up.

>> Okay.

>> They were encouraged to use the nook for that or to a charity. It came from a group of private attorneys. There was no government money involved in any way shape or form. 13 of us paid for it. In terms of a largest audience, we're trying to get the video viable on YouTube with some measure of success. We're working with some internet organizations to try to push it up. In terms of television, we have not approached that yet, but it's certainly something that I can raise next week and that particularly that Mark has stepped forward to pay for it.

>> I'm sure community TV -- every county has public service channel or public channel. I don't think they would charge anything at all. They love content. They're looking for content. They don't get a huge number of viewers, but it's creating the ground swell of concern about this, not just the legislature, but among the citizens of California so it's really on peoples' minds in the air. It's a buzz. We need to work on expanding the circle of people that are interested in this issue.

>> Chief, if I may, we have a captive audience in our courts every day of every week. And I think that some of them have a captive audience.

>> Juror?

>> Yes, jurors.

>> Good idea.

>> I think hundreds come to the court for the civic duty. This could be released to the court TVs to be played every morning. Most courts have kind of an intro program about the courts and serving your duty and how wonderful it is and how thankful we are that they are there. I think this would be a good opportunity to educate those as to what we're facing. I would ask that we take both of those clips and forward them to the CEOs to have them played throughout the course of the budget crisis. I think that's an easy audience to target and for free.

>> Wonderful idea.

>> Two things. Wonderful idea. And I saw Judge Rosenberg nodding when we talked about disseminating the information.

>> Judge Moss this had that idea.

[ Overlapping Speakers ]

>> Mark wiped his brow when he heard you say that too.

>> I have his back.

>> I want my segment reshot with more hair. [Laughter]

>> Thank you, Chief. I think we were thinking along the same lines at that time. I did want to mention, I just mentioned to the chief, we have had a great deal of support in Sacramento from the Cal Channel, John Hancock is the president of the organization. He's particularly close to one of my colleagues, George Nicholson, and I would be more than happy to make some calls and see if we can get broadcast time. I don't know how many people they reach. But if they reach anyone not already being reached, it seems to be a worthy effort.

>> And I noticed the lawyer named Joseph [Inaudible] [Laughter] . I think we can get some ads up here too. I really want to thank our lawyers in California for coming forth. I am proud of them . Certainly proud of Neil and Paul and the bench and bar group, Danny Murphy, judge O'Malley. Thank you very much. It's great to have people helping out. When you watch the videos, those are impactful messages. Those are people that are being hurt. When I watch those videos, I'm really fired up about fighting for this. I think that if we can get this message out, we'll get the whole state fired up.

>> Thank you. Hear, hear on the comments. Absolutely. Judge Rubin.

>> On behalf of the California judges association, of which I'm president and all the members of the organization, the appreciation for the stakeholders and efforts being made throughout the branch, the state, trying to get restoration of the budget money. I cannot tell you how frustrating it to me and my colleague, many of them here today, to look out across the courtroom and see so many litigants to serving and deserving and tell them we want see them. I have one year to go in family law. And the time frames have slipped and slipped. Just a word of appreciation to everybody, and all the stakeholders out there fighting for us, thank you.

>> Can I have your autograph?

>> Yes, if I can reach my segment.

>> Thank you. Any more discussion or comments?

Then you're done.

>> Thank you, Chief. Brief comments this response to Kim's question. And before you worry too much, let me add something in response to Kim's question on that score and one other thing that I want co council to be aware of. On the rescuing Mr. Robinson and caChet idea, we at the state bard an entity in Sacramento oversee the development of PSAs for they're always looking for PSA material to fill the obligations. They look for issues relating to the public at large. Any better example than the Judicial Branch of California? And happy to put that into the mix before anyone knocks on the door of Mr. Robinson or caTet along the way. And another thing that I want to be aware of is that in our at the State Bar's work with the collaboration, it's been a great process. I want to add kudos to Neil and Paul for the great leadership in the entire process. What we have done is brought together an infrastructure that to the best of my knowledge has never existed before. We have over 280 bar associations up and down the state of all shapes, sizes, stripes, colors, from county bars, ethnic bars, you name it. A little under 100 of them have at least one professional staff person or more. In addition, we have over 100 legal services organizations in the state of California. We have now brought all of those entities together into one communication line on a monthly basis in which I have a CEO to CEO call with all of all the organizations once a month. Much has been distributed through that communication process. The president of each of those organizations also has, because you know staff has one line of communication, and the elected leadership has another, they had a monthly phone call and regularly phone call by a very, very large communication network, by all 280 some odd bar associations and the legal service organizations. I want this council to be aware of that too. It's a great line to reach every quarter of California on any issue that's relevant to the practice of law and to the day to day operations of the judicial branch. Thank you, Chief.

>> Tremendous news. Thank you. Any other comment or discussion?

Thank you. Once again, many, many thanks for all of your efforts. All appreciated. Thank you.

[ Applause ]

At this point we have concluded our agenda ahead of schedule. And as we conclude, if I don't hear any new business, as we conclude, I would like to end our meeting as we sadly often do at Judicial Council, and that is in remembrance of our judicial colleagues recently deceased. And they are Judge Stephen Allen Dombrink, Alameda County; Judge Thomas T. Johnson, Los Angeles County; and Judge Wallace L. Taggart, San Bernardino County. We honor them for their service to California.

Thank you, that concludes our January meeting. We'll see you all again in February. I wonder if Nancy has announcements for transportation.

>> Yes, we have vans going.