

The Judicial Council of California is the constitutionally created policymaking body of the California courts. The council meets at least six times a year for business meetings that are open to the public and audiocast live via the California Courts Web site. What follows is captured live captioning, formatted and unedited, of the meeting of June 21, 2012. The official record of each meeting, the meeting minutes, are usually approved by the council at the next business meeting. Much more information about this meeting, the work of the Judicial Council, and the role of the state court system is available on the California Courts Website at <http://www.courts.ca.gov>.

>> Welcome and thank you all for being here. The meeting is now in session. As you know this is the start of a day and a half session. Today, all day today, and half day tomorrow. And the Council will hear public comment and internal committee reports and approve the consent calendar this morning before we break for our very brief 30 minute lunch hour. Lunch half hour. And in terms of public comment, I am informed that we have none for the morning agenda, but we have many speakers this afternoon and we will introduce that list and invite the speakers up when we get to items G and H on our afternoon calendar. Certain housekeeping rules, that our meetings are audiocast live with realtime captioning. Portions of these meetings are also routinely videotaped for our web access. We've had several hundred online visitors. So for their benefit as we proceed in the next day and a half. As usual, please speak into your microphones, address each other by name as you can. So that audiocast listeners and realtime caption listeners can follow the discussion.

>> We'll start with approval of the minutes of our meetings of April 24th, May 7 and May 17 meetings. I know you've all had a chance to look at those. If there are no comments or corrections on those minutes, may I hear a motion to approve the minutes?

>> So moved.

>> Second.

>> Okay.

>> Judge Rosenberg moved seconded by O'Malley and Judge Baker. All in approval of those three minutes say aye.

>> Aye.

>> Any opposed? Matter carries. Thank you.

>> On our morning agenda, the next is my report, as is customary. First, I would like to welcome our new members who are here attending the meeting, I believe some, but not all, are here. First, I would like to welcome the incoming members of the council whose terms will begin in September, but I understand are with us as observers. Six of the new members are judges. I would like to name them. First Judge James Brandlin. Presiding Judge Sherrill Ellsworth.

>> Good morning. Presiding Judge Brian McCabe. Welcome, good. Morning.

>> Good morning and welcome. There are other two new members. Welcome.

>> As well as Mr. James Fox, the State Bar's appointee welcome.

>> I thank you for agreeing here today to serve on the council.

>> Judge David DeAlba, David Rosenberg and Judge Kenneth So.

>> This practice allows for wide broad participation. It also brings fresh perspective to counsel. I want to give you the substance of my report now and I'm going to start with receipt of the SEC report which we'll talk about later and which I have some introductory remarks later this afternoon. On May 25th I received the final report. I immediately made the report public. This meeting, this afternoon, will be the first opportunity that counsel will have to be formally briefed on the report by the chair and vice chair of the SEC. I tell you that the SEC I know you all agree with me has submitted a remarkable document that's part of an extraordinary process. It is part of the evaluation of the branch; it is the first time they are taking a frank look of the AOC. As all of you know. Last Friday, the legislature approved the 2012-2013 budget act. The legitimate statute passed and will pass to the governor. The major elements are very similar to those proposed by the governor, and that department of finance director shared with the council at our special session. Many of you know and are working on several refinements to proposals and more details will be coming as those are ironed out. Jody Patel and Curt will provide an update of the status on the 2012-2013 budget.

>> I know along with many of you I spent many hours on call and in meetings representing the branch's budget interest. I want to recognize them and all of the members of the ad hoc budget group that I appointed at our last meeting that represented the interest of the branch in the budget negotiations. I also want to thank the many judges, presiding judges, court administrators, lawyers for all of the tremendous efforts in trying to defend and protect the judicial branch budget after the May has revise. All of you know discussions will be on going, we will provide updates to the branch.

>> I've had a schedule of meetings with court leaders and legislators, as well as many appearances at public forums. I would like to highlight a few and first on my list, several council members and bar leaders attended the first judicial sponsored law day event in Sacramento on May 8th. Law day represents new opportunities for civics education. Emphasizing the role of the judiciary in a free society. I hope this commemoration will become a tradition for us. For its outstanding service to the judicial branch during the continuing funding crisis. I also met with some bar groups around the state, including here in San Francisco, the lawyers club for the annual Supreme Court luncheon. Also the count Bar Association celebrating law day. I later visit with the judges and most of the staff. It is a well-run court with enthusiastic jurists and staff. Kudos to your running of that court.

>> I had the pleasure to attend the California academy of appellate lawyers' annual meeting in Carmel. I also had the pleasure of sitting on a panel on judicial independence with Sandra Day O'Connor and a representative of the United Nations and civil liberties

internationally. Later in the month I was in Orange County with Joe Dunn of the state bar. Speaking to the orange county forum luncheon in Irvine. We went to the state bar board's annual dinner. I had the pleasure with my colleagues on the Supreme Court to attend the Beverly Hills Bar Association in Los Angeles. Amongst my meetings with jurists I provided an update. Also, the work of the blue ribbon commission does continue. I was able to thank many of the long-term members for their service and welcome new members. The state Federal Judicial Council met. We discussed issues of common interest to California and the Federal judiciary. At the invitation of Justice Judy O'Connell and others, I delivered the keynote address on the importance of civic engagement the meeting at the Ronald Reagan presidential library.

>> Finally this is graduation season. Hoping to join the ranks, I accepted invitations to deliver commencement addresses. University of Pacific in Sacramento, chapman university school of law in orange and John F. Kennedy College of Law in Walnut Creek. Before I close with my activities. It is my pleasure to present and a little bit of sadness counsel resolutions, they have provided extraordinary service to the branch in our many decades. Very impressive and we're sorry to lose them.

>> One of our advisory members. This month he concludes a remarkable 47 year career in the justice system that began in the sheriff's department and municipal court. Took him to the Los Angeles municipal court and then clerk administrator. Numerous on hours statewide and nationally for outstanding public service. Distinguished service awards in 1998 and the Judicial Council in 1999. He's been in an invaluable advisor and historian to us. This is his last meeting as a counsel member. Fritz, please step forward, so I may present this resolution from us to you and with all of our sincere thanks.

>> I think it was Bob Hope who said in a moment like this he was humbled but he thought he had the strength of character to overcome it. I feel somewhat the same way. Thank you all. It has really been a pleasure. There have been some amazing moments and amazing progress made, in that half century almost of being in the branch, and I will miss these activities, but I will enjoy my three grandchildren, I think, and my family, and Mary, so I look forward to retirement with great anticipation. Thank you, all and carry on with the journey.

>> Also. A woman beloved to all of us. She concludes 24 years of outstanding leadership and public service to the judicial branch this month. Chris began her judicial branch career as a research attorney. She subsequently served for 14 years as court executive for that county. And she's become one of California's most respected court leaders. She served as an advisory member of the counsel. Court Executives' Advisory Committee. Subordinate Judicial Officer Working Group and The Faculty and Planning Committee of the Center for Judicial Education and Research and I know from experience that these are only a few of the many things you've served and done for the branch. In 2002 Chris joined the AOC as the first regional director of the Bay Area. In recent years she took on interim positions of director of the Appellate and Trial Court Judicial Services Division and Chief Deputy Director of the AOC. Please join me to receive a small token of our respect and gratitude and best wishes.

[Applause]

>> I want to thank all of you for being here for me, for all of these years. I know Alan Carlson, he knows from my very first day at Santa Cruz when he was in Monterey, I was just appointed Santa Cruz. I had been a research attorney and he really helped me get started on this

career. It has taken me so many places and I have met so many wonderful, wonderful people. Everyone in this room, plus a whole lot that are not in this room become family and actually the AOC in San Francisco has become literally my home. I live in Santa Cruz but spend most of the week here in San Francisco. My husband will be very glad to get me back and I do have to say that without my husband's support I would never have been able to do what I've done. I think you are all very capable of getting us through these very times, because we all, judges, court execs, the team, the director team, which I love every one of you and I'm going to miss you so much. You thrive on meeting challenges and solving problems, and that's what you're going to do and I am absolutely confident that it will happen with the support of the AOC staff, who I also want to mention. Let them do their jobs and you will have what you need to carry on this organization.

>> So I do have the positive feeling that it will all rectify and everything is going to come out and we're going to move forward as a stronger branch. I will keep watching as you do that, because it will happen, and I've just been thrilled to be part of a quarter of a century, not quite as long as Fritz, of watching this branch grow and it has done so much for the people of the state of California, I am proud to be part of the justice system and thank you so much.

[Applause]

>> Before I end my remarks, I want to commend Diane, I don't know that Diane is in here, but she usually is. Congratulations Diane, the director of the Center for Families and Children's in the courts as many of you know, she has received recognition from the American Bar Association, and she's received an award. She's the recipient of the first annual Mark Hardin award for child welfare scholarships. Improving the lives of families in California. Congratulations and well deserved, Diane.

[Applause]

>> So I close by saying, we say farewell to Chris and Fritz, but you'll always be friends in our heart and always welcome to a Judicial Council meeting.

>> I turn this over now to Jody Patel, our interim administrative director for her report.

>> Thank you, Chief. Council members and new council members.

>> You have in front of you my written report of all of the recent activities undertaken by the AOC to further the priorities and goals of the council and for the branch. Since I will be reporting to you this afternoon on some significant organizational changes that the AOC has implemented, and will be implementing to achieve efficiencies, I'm going to keep my report right now extremely brief, because you've got it in writing and at your leisure you can take a look at that report. The one thing I do want to share with you is a very positive event. The new Susanville courthouse was completed under budget in May of this year with three courtrooms and one hearing room. The courthouse consolidates and replaces other facilities. Scheduled for early part of August of this year, my sincere and congratulations and best wishes to the presiding judge and the court executive officer on their new facility and on our staff for their outstanding

work on this project, and ensuring that the project came in under budget. So kudos to you, Lee.

>> In my written report, it also recapped actions from advisory Committees and task force meetings that have taken place since the last Judicial Council Meeting and it provides an overview of all of the judicial and court employee education programs, as well as recent appointments by the bench and governor. I encourage you to take a look at that written report. With that, I'm going to conclude my remarks?

>> Any questions?

>> We turn to internal Committee report. I asked Justice Baxter to report.

>> Thank you, chief, members of the council.

>> In addition to a policy meeting that was held this morning, I was unable to attend because I was double booked with another council meeting that took place, and on the meeting today, Judge Herman will, as vice chair of the policy Committee, he will be reporting on that, in addition to that meeting. The policy Committee has met five times since the last council meeting. Once in April, three times in May, and once in June. Taking positions on behalf of the Judicial Council on 12 separate pieces of legislation, approving two legislative proposals to go out for public comment and adopting recommendations on 18 proposals for Judicial Council sponsorship. On April 26th, the policy Committee directed staff to forward the document entitled suggested areas of realignment clean-up legislation, that document is dated March 23, 2012, directed to the legislature for its use, and also reviewed 24 proposals for Judicial Council sponsored legislation on operational efficiencies, cost-savings and new revenue. Of those proposals, the policy Committee adopted 17 recommendations for Judicial Council sponsorship through the budget process, rejected six and deferred one proposal to the May 4th meeting, at which time the Committee rejected that particular proposal. The Committee also approved circulation for public comment of a legislative proposal from the court executive's advisory Committee regarding modernization and improvement of statutes on trial court records retention and management.

At the May 4th meeting, the policy Committee took a no position on AB 2381, which would make the bills act applicable to quote an employee of the Judicial Council or the administrative office of the courts. But directed OGA to work with the author to seek amendments to create a parallel act for AOC employees, not to simply include them in the act and to address differences between the executive branch and the judicial branch and their employees. At the same meeting the policy Committee acted to approve sponsorship of a legislative proposal from the criminal law advisory Committee, aligning supervision revocation procedures. The Committee was also given a budget update by staff on discussions with legislative staff regarding the efficiencies, proposals; I referred to earlier, which was approved by the Committee at the last meeting. On May 17th the Committee met in person and considered five bills. The Committee supported the following bills, first of all, AB 1712, containing clarifying amendments to implement the provisions of the California fostering to success act, an act in 2010 related to dependent children. Second AB 2299, relating to the redaction of names of public safety officials, including judges from property records for safety purposes. Third, AB

2393, dealing with the low income adjustment and child support calculations and, finally, SB 1433, relating to firearm relinquishment in cases where a protective order has been issued under the domestic violence prevention act.

>> The Committee also supported bill language related to court security funding realignment clean-up and acted to oppose AB 2242 which establishes the California hope public trust created to control and manage state-owned property including court facilities to maximize revenue. And Judge Herman will be reporting on that issue as that was the issue that was addressed this morning. At its May 25th meeting, the Committee met to discuss pending legislation regarding mortgage foreclosure with no action taken at that time. At the June 14th Committee, the policy meeting voted to support relating to rules and practice proceedings. AB 2106 which seeks to clarify the time for bringing a motion for a new trial and a motion to set aside and vacate a judgment. AB 2274, dealing with litigants and AB 2073, concerning electronic filing and service of document in the trial courts. The policy Committee also considered AB 2076 relating to fees for court reporter services which the Committee previously acted on at its April 12th meeting. The policy Committee took an oppose in part and no position in part subject to the outcome of the work of the trial court budget working group. The Committee also approved for circulation for public comment, a legislative proposal from the probate and mental health and family and juvenile law advisory Committees regarding probate guardianship, and finally, two Judicial Council sponsored bills regarding E discovery and notice to creditors and claims regarding decedent estates. That completes my report.

>> Any questions or comment on the Justice Baxter report? Seeing none. Justice Herman.

>> California Hope Public Trust for the benefit of community colleges, the state university, and the University of California. The bill would require that there be an annual inventory of properties owned by or managed, rather, by state agencies which would include the courts and would determine on an annual and then a bi-annual basis, which of those properties are quote unquote under utilized. Transferred to the trust. We have been working with the author to try to exempt the judicial branch from this process and discussions are ongoing at this point there is some discussion about exempting courts, courthouses, parking, and court -- and other court facilities, and, again, those discussions are ongoing, the vote of the Committee this morning was to continue to oppose that legislation.

>> Thank you, Chief.

>> Thank you Judge Herman. Any question or comment?

>> Seeing and hearing none, I ask Justice Miller to report on ENP.

>> On April 24th and again on May 8th, by e-mail on May 10th June, 15th, and June 18th and by telephone on June 7th and 12th. In the course of those meetings. Committee set the agendas for the special council meeting to assess the impact of the governor's may revisit of the proposed state budget and also to prepare the agenda for today and tomorrow's meetings. The Committee also conducted ear business related to its responsibilities of planning and managing

the council solicitation of nomination for Judicial Council positions and advisory Committee vacancies and making recommendations to the Chief Justice.

The Committee reviewed nominations for the 10 positions and made recommendation to the Chief Justice for her consideration in those selection processes and I also extend a welcome to our new members and a congratulations. The Committee selected a judicial nominee to serve as the member of the board and state community corrections. The Committee's recommendation that the counsel appoint Judge Jahr appears under item F. Due to the unprecedented fiscal, considering deferring appointments or recommending those positions lapse as an immediate step to reduce operating costs and ENP will continue to monitor that. With the completion of the SEC report on the administrative office of the courts, the executiveE&Planning Committee developed its recommendations to the Judicial Council on a process that council should take in proposing action on the report's recommendations and that is a subject of item H on the agenda today entitled next steps for the strategic evaluation recommendations and we'll further discuss those later. Lastly, if it's okay, chief, I would like to ask Justice Ashmann-Gerst if she could report on her visit to the Superior Court.

>> Thank you.

>> I briefly reported last time about my visit to Ventura and to Mono. I first met with Judges Eller and Magit and with their executive officer, Hector. Afterwards, I spent some time just speaking with Hector. As with my visit to Ventura, I know Erica had the same kind of experience; it was important to them that somebody from the Judicial Council cared enough to be there and sit down and talk with them. I found it informative, totally enjoyable and they were as welcoming as they could possibly be. We had a wide range of discussion about the AOC and the various Committees of the Judicial Council. As with the other smaller courts, they have received needed assistance from the AOC for human resources, legal, education, technology, and the assigned judge's program. They express their concern about the budget and how it will seriously impact those services that are provided to them.

They pointed out in particular that they were in need of help from legal; they apparently had a very important investigation which they could not have done on their own until it was done in an excellent matter. They believe their function is important to them, they cannot provide educational programs themselves. They did comment that it was too bad the program was at the same time at the primary and education program, they would have preferred to have been able to attend those and not have the overlap. It assisted them in setting up their new courthouse. The AOC sophistication was needed to help them with the servers and routers. Also they also commented that the AOC contracting services with AT&T was most useful for them. Critical for them is the assigned judges program. When they have a long trial, the two judges there cannot handle it on their own. In fact, they have a 30-day complex construction defect case coming up. Maybe we should transfer -- they are going to need an assigned judge for that case.

They regularly need assigned judges when they have cases like that. All three of them were very happy about the changes in RUPRO that we have instituted the past few months. They're happy that RUPRO has reevaluated the need for rules and changes and has revised the invitation to make it more user friendly for the courts.

>> One concern they have involves fines and fees and they have asked for help in this area. They said their CMS has a hard time keeping up with the changes. State of the art as far as security. Excellent building. But they would just remind the office of court construction to be cognizant of who the consumer is and please be sure that local input is sought in these kinds of projects. Bottom line, it was a pleasure spending the time with them and I look forward to seeing them again soon.

>> Thank you. We enjoyed that report. Any questions or comments regarding the reports?

>> Hearing and seeing none. I turn the internal report now to rules and projects. Justice Hull.

>> Thank you, Chief, ladies and gentlemen, good morning. We have met once since the April 24th Judicial Council Meeting on May 3rd. RUPRO met by telephone to review proposed revisions to the civil jury instructions. Item A-1 on today's consent agenda. RUPRO also approved a proposal on a special cycle. Following public circulation and further review by the advisory Committee and RUPRO this proposal is expected to come before the Judicial Council at the October 2012 business meeting. In addition, RUPRO communicated by e-mail on one matter. They considered correction of a form to conform to statutory changes relating to installment payment plans. RUPRO recommends approval of this proposal which is item A-2 on the consent agenda. In addition, as Justice Miller alluded to, RUPRO has asked for input from the advisory Committees and task forces that it oversees concerning the Committee's composition and number of members. Like ENP, we are looking at whether or not the numbers and the composition of the advisory Committees and the task force are what appropriately they should be.

I should note, also, Chief that RUPRO will be meeting soon regarding a request to advisory Committees and task forces to consider rules that may be amended, suspended or repealed, in order to achieve cost-savings. As the year goes on, we will expand that inquiry beyond the advisory Committees and task forces, and attempt to make the same inquiry to the trial courts, to the appellate courts and to others to see if rules that we have -- we have instituted in the past may be changed to use the universal term, so that the courts can save costs in the future. We also will be meeting to consider our rule-making process in general terms. Including canvass presently underway of other state processes as to their rule making procedures. We're looking in particular, not solely, but in particular, at a procedure for asking trial and appellate courts for their comments on rule proposals early on in the process, so that we can have their input before we go forward and wait until the end to have the courts advise us on the advisability of rule proposals and we anticipate that will be worth it. We are turning to as we speak. Chief, unless there are any questions that is the RUPRO report.

>> Thank you. Any question or comment?

>> Thank you.

>> Next, we'll hear from Judge Herman, who is the California Case Management System chair of the internal Committee.

>> Thank you, Chief. I'm going to defer our report until item M on tomorrow's agenda.

>> Thank you.

>> Rarely, does Judicial Council find itself ahead of schedule, but I am informed that lunch is ready and I invite all Judicial Council members to the lunchroom. SEC members just pass through the board room and to the back door where the line cues up. We'll start at 12:40 on time in the board room. We stand in recess. Thank you.

[Lunch recess]

>> Make a few comments before we begin the public comment period. Item G as you know is the presentation of the report and recommendations of the Strategic Evaluation Committee. We have the honorable Judge Charles Wachob present and the honorable Brian L. McCabe of the Strategic Evaluation Committee. I begin the agenda item but expressing my gratitude to the Strategic Evaluation Committee. And I know many members are here today as well. The Committee of Judge, sitting and retired, and four executive members and assistance presiding -- in order to recommend to us the Judicial Council the way in way the AOC can be improved to best serve the Judicial Branch and the state of the whole in these grim fiscal times. 14 Judge and 4 advisors devoted countless hours of the AOC and I thank you for your service. I know you've heard from many members of council but you have my formal gratitude for taking on the task. 55 weeks to dedicated service I think speaks volumes about the gravity with which the SEC approached the mission and the depth and scope of the mission. What they provided to the council, I think is a very helpful tool that we'll employ as we move forward despite a very challenging fiscal environment. When I became Chief Justice, it continues and became important and remains urgent to me to be sure that the council uses every talent available to assess the needs of the public, judicial branch, and every court in the system to deliver on the promise of equal justice for all. When I began, and even to this day. -- responsibilities for our court states, we knew that they assumed greater duties and the AOC had accordingly grown in responsibility, complexity, and size. I felt we needed more information on if the AOC as operating with the council's priorities. That's why I appointed the SEC in March 2012 weeks after I was sworn in and after I -- March 2011. Through surveying all the trial Judge trial Judge. -- gather data and assess priorities to determine what is used to in order to best serve the courts and the public. Such a report has not been previously undertaken. It reflects the historic willingness to take a hard look at ourselves particularly working with the public and the branch and the middle of an unstable and grim financial reality over which we have little to no control. The Judicial Council has been and continues to be an enthusiastic leader of positive change. The AOC has been historically the implement that we relied upon for the council commission. You'll be hearing more from Jody on changes that have been made and underway. We have an invaluable tool with this report. And we continue to re-examine our practices and the activities of the OAC to ensure that they're still write for our court -- right for the courts, and in the constantly changing environment. Lastly, I released this report in May and even before the mention to the council so we could all read it together and so council could gain insight into the further reflections on the

implementation of the report. Today the report will be formally presented to the council in the same way all critical reports are handled. Council can hear from the SEC, discuss the report, and discuss how we proceed. As I look how, and based on the e-mail, and the letters I've received, I'm heartened to see such great interest in the subject as evidenced by all of you who are hear to comment and those who have submitted letters and e-mails offering views. It shouldn't come as a surprise to any of us that in our branch of trained critical thinkers, Judge, lawyers, court execs, that has generated intense dialogue. Conflicting opinions in the branch, but I look forward to a spirited dialogue conducted professionally and civilly as befits our branch and as a Judge. I anticipate it will help to yield change for the better and advance and improve our ability, both the Judicial Council and the branches as a whole to provide equal justice. Once again I thank the members, including Art Scotland who started the work, former member of the SEC and for all of your hard work. Later on, as you know, justice Miller, as the chair of the Committee I have asked to recommend a process regarding the recommendations made. Based on the discussions we'll have after the presentation of the report, I suggest that council discuss the report after hearing from the chair and the Vice Chair and then justice Miller. Before we start that, we have many interested people who come to speak on the report. And I will call first upon our colleagues who have come here to speak to the report. And I will start with justice Laurie Zelon. From the -- Zelon speaking on the commission of access to justice. G and H have been merged; you have 10 minutes to present views.

>> Thank you. Good afternoon members of council. Thank you for allowing me here today to speak on behalf of justice. I want to restate that we are very thankful for the very hard work and thoughtful work that went into the presentation of this report. It is the commission's hope that it can be helpful as council moves forward in its consideration of the recommendations and the policy decisions that have to be made that we can provide whatever input council would find helpful on the issues of access to justice that the Chief just spoke about. The -- the ability of the council to consider this is going to be, I hope, assisted by the comments of people who came here today. But there are many, many people who couldn't be here today. I think it's important to have their voices heard as work goes forward. I start by saying on behalf of the commission, and that is the position in which I am hearing today, the report has very little focus on the significant and positive efforts of the AOC to carry out this council's policy in terms of ensuring access to justice in our courts. And that's the core of our function as a branch, of course. And it's where the work of the branch, the work of the council, overlaps the work of the commission and access to justice. So I hope today to talk about some of those issues. Just as background, I have been privileged to be part of access to justice before it was formed. I was on the Committee that looked into whether we would have one, and I was honored to serve as the fir chair and I continue as an adjunct role. They said it was like hotel California, you get to get in and never leave. Apparently that was true. And unlike many other states, it was not formed as an entity of the Supreme Court. It's independent that has very broad membership from the public, the Legislature, from labor unions, religious organizations, but from the giving, from the very first moment, the commission partnered with this Judicial Council and with the AOC to carry out its work because of the mutual interest. That partnership enabled very significant achievements in making our courts accessible to the people that we are all here to serve. Just a couple examples to be specific, first in language access, the commission has -- access. They have submitted a report in lane access. Now more than ever with the continuing interest of the justice department with language access as a civil right and the investigations of all the states in terms of what they're doing. Without the

work of the AOC on interpreter standards and education and expanding the base of interpreters, the significant impact of the commission's report. The recommendation to go forward could not have been carried out. The commission could not have done it by itself and that positive has allowed it to move forward in significant ways in providing access to those who don't speak English as their first language. The second example is self-help. The self-help efforts began with attendance at a national conference in Arizona. Members of the commission and AOC formed a team that went to Arizona to learn. From that came the access man, The Litigants Task Force and today we have self-help centers in every court in California. # had the commission was able to have input on the important guide lines which guide and regulate those centers. Those guide lines ensure quality, they ensure uniformity, and cost effectiveness of the self-help centers. They make sure that it doesn't matter to the litigant whether they're in Sonoma Oriole county, the candidates will be the same. These are enforced through the terms of the contracts which the AOC enters with each of the courts and those contracts are an important way to make sure that justice is equal across the State of California. The commission's role in this has been not only to support but to do work on un-bundling. When the commission recommended that unbundling was a way to provide services to people who could use help in self-representing, the AOC staff drafted rules. With non-bundling they worry that the Judge won't let them out of the case when they're done. For the lawyers to get in and out, and for the Judge to know what is done, and to get in and out. And this work in putting that together was incredibly important. Let me turn now to specific issues about the recommendations themselves that we would like to highlight. There were a number listed in the letter. I am going to talk about two. One is a suggestion that limiting rules changes and forms changes today is required by statute or by case law. It would seriously hinder the development of policies that serve litigants. The unbundling procedures I just talked about were not required by the legislature, they were not required by a case, it was a case where the comforts and the commission working together saw a need to make access available to litigants in a new way and led the legislature. That's happened time and time again where the people on the ground recognized the problem well before the legislature does. If we cannot act without the legislature telling us to, we'll lose the opportunity to innovativE&Protect those who come to our courts. By the way, these rules also improve courthouse efficiency. We're beginning to see these efficiencies pay off as the rules are implemented. Another area where this work was [Inaudible] Delay reduction many years ago. That too, most of the changes not mandated by legislation but led by the branch. The second area that I wish to express concern about on behalf of the commission is the emphasis on the case analysis for new initiative.

Concept of the core function of access to Judge should be subject to a cost-benefit analysis based on financial terms strikes me as odd. Not that we do not want to increase efficiency and make our courts effective, of course we do. But access sometimes required up front expenditures. For example, the self-help projects and centers require an infusion of cash to get them going and get them operating. We are now beginning to understand in real dollar terms what that means in terms of savings to the court and hours in the courtroom and staff time. But at the beginning, there was no way of knowing that. And yet it was the right thing to do because the litigants needed that assistance. And so I think when we think about how we are going to analyze business case, when we talk about access to justice, the driving force must be the needs of the litigants and the our focus must be needs of the litigants rather than some more abstract cost-benefit analysis. So I would ask the council, as it considers how it wants to act on 24 very important reports that has been received, when and how to implement the recommendations, whether they need modification --

>> You have one more minute.

>> I'm finishing up. Thank you. I would ask you to consider the needs of the litigants as the priority as we go forward as a branch and I thank you for your consideration.

>> Thank you, Justice Zelon. Next, Judge Steve White. Alliance of California Judges.

>> Good afternoon. Madam Chief Justice, members of the counsel, thank you so much for allowing me the ten minutes today to talk but about this extraordinary document, the Strategic Evaluation Committee report. To the Chief's considerable credit, the Strategic Evaluation Committee, under the leadership of Judge Walker on and McCabe, had a truly remarkable document. One of the most significant contributions that the Chief made in making this happen was not only the initial decision to establish such a Committee but [Inaudible] To it, Judge of such integrity that they would do the kind of job that they did. Judges of such integrity. I'm not sure that it would have happened before. One of the epitomizing at effects of the report is the observation that the Committee made that the Judicial Council was not at the top of any of the AOC harts. This is not, of course, an accident. It happened because it was allowed to happen. The SEC's call for transparency, accountability, and efficiency, and change in tone and attitude must be for this council an urgent priority. For too many years, the AOC has actively and aggressively usurps the power of the courts and has been found to be dishonest with budgeting, staff levels, pretend hiring freezing, major projects reflecting AOC priorities and the list going on. This happened because the Judicial Council let it happen. The docility and compliance of previous councils aggrandized the powers of the AOC and the Chief Justice alike. This was possible because the council was never democratically elected and never represented the judiciary itself. I speak for the Alliance of California Judges, several hundred Judges who know this all too well. Change much came. It will not occur until the council is elected by the Judges of California and is accountable to the Judges of California instead of to a one person appointing authority. In many times addressing the council in watching interaction between the members I know that healthy debate and dissent have not been well received. I think that under the Chief Justice now, it's beginning to change. Healthy debate and dissent are cornerstones of democracy and group decision-making. Many decisions which have brought great grief could have been avoided had there

>> Been debate, dissent permissible and independent votes without fear of recrimination. The current system is broke and needs mending. Making the council truly representative of the California judiciary is fundamentally necessary. While the years of what was essentially one Chief, 21 votes may be over, the council will never be representative of the judicial branch until it, in fact, represents the Judges of California. And representation by definition is assignment Congress referred by those being represented it's not imposed by those who would be represented. Though democrat advertising -- for all concerned, change must start now and with you. For too many years it has been far more about the will of the AOC and the appointing authority than about the responsibilities 6 an entire branch of government. Your responsibilities and my responsibilities and those of every Judge in California, we are state institutional officers obliged under the constitution to run the Judicial Branch. We don't meet the obligation by delegating this to an untethered AOC, one that prefers its own agenda over our commitment and responsibility to keep courts open for the people of California. And if you don't believe this is exactly what has happened, reread the SEC report and examine the AOC budgets and the 58 trial

courts, and the 6 Appellate Courts in the state. See where resources were added, added, staff cut, and see where it was added. The entire judiciary is watching with great interest to see how the SEC proposals will be dressed by this body. -- addressed by this body. Will they be endorsed and made to happen or will we instead have more Committees and study. Will its opponent swallow chunks of it or simply nibble it to death. Regaining its lost credibility it must regain the SEC's recommendation at a speaking pace. The alliance -- Lee Smally's approach that the Judge who supposed the extraordinary SEC document be charged with the tracking of the progress of the undertaking. Courts downside sizing now for more than three years, and courts are closing every week, and court staff laid off daily while the AOC grew and gave enhanced benefits and raises, the council must substantially downsize the Administrative Office of the Courts so its entire function is core services to courts, especially in the rural counties and the freed up resources must be redirected to keeping trial courts open. A *sine qua non* of access to justice is access to courts. Courts that are closed are inaccessible. The entire judiciary is watching and I suspect the other two branches are as well. Thank you.

>> Justice Cantil-Sakauye: Thank you, Judge White. Next we'll hear from Judge Brian Walsh, Assistant Presiding Judge, Santa Clara County.

>> Thank you, Chief. Chief Justice, members of the Judicial Council, AOC staff and guests, I'm Brian Walsh here to speak on behalf of the Santa Clara county superior Court, of which I'm the Assistant Presiding Judge. Thank you for the opportunity to speak to you and doing the difficult work of the Judicial Council and entering into the discussions of hard choices that you must make. I was on the Judicial Council as an attorney member for four and a half years in the mid-'90s. I know your pain. But we're here to discuss the SEC report. Our court certainly believes that every successful organization must be re-evaluated from time to time. And for the AOC, now is the appropriate time. I have read the SEC report and I want to compliment its authors and the Committee for its valuable and thorough report. It contains some excellent, excellent ideas and recommendations including greater clarity to budget reporting. Wouldn't it be great if we normal last year's budget compared it this year's budget, comparing apples to apples. Wonderful. It recommends that the AOC participate in absorbing some of the kinds of budget reductions that we in the trial court its must endure. On behalf of our court, we urge that any downsizing any consolidating, any budget cutting, be done thoughtfully. The goal should not be simply downsizing but right sizing so that the AOC organization that results from your decisions can properly fulfill its mission. The SEC report points out that many smaller courts benefit directly from AOC services but I want to stress that our court, a larger court, benefits directly from AOC services. We just lost our general counsel, a phone call away was the journal counsel's office from the AOC seamlessly stepping in giving guidance and their work and help office of -- affairs in Sacramento, helps us to work through our issues. The office of construction has been invaluable in helping us with the courthouse we're attempting to build in the difficult budgetary times that we badly need and could not succeed on getting without the talent they provide, talent we could not get anywhere else. We need those services but we agree with the SEC that those services must be provided with a service provider mentality and that the AOC staff must serve the trial courts not run the trial courts. We also agree with the SEC recommendation 4-1 which states, quote, the Judicial Council must take an active role in overseeing and monitoring the were OC. We have no doubt that this council is doing so and that that active role will continue. There are some who claim that the Judicial Council should

simply -- and that the physician has failed its role and should adopt the recommendations of the SEC in whole. That seems to me insufficient. If you must adopt a leadership role, by all means do it, in doing it, that means you must make the final decision. When I was on the Judicial Council, we had many important reports, the race and ethnic bias, report, and jury improvement, excellent people got together and made thorough recommendations. We didn't just adopt it; we vetted each and every one of them. That must be the case here. .

>> You have 30 seconds.

>> And finally I urge that do you it quickly. I agree that the correct of the entire project is not just in the quality of the decisions but making the decisions now with all deliberate speed. Not too much public input. You've had plenty of that. The decision is yours. And we urge you on behalf of our considerate to make it now.

>> Thank you, Judge Walsh. And Julie Saffren, family law attorney.

>> Thank you very much. I appreciate the opportunity to be here today. Family law and domestic practice attorney practices. One of the largest court systems in the state. A law school instructors, a mentor of faculty, and pro bono, board member of legal service agency and member of the domestic council of Santa Clara County. I see first hand the tremendous contribution the AOC and its programs have made and I want to tell you how consistently I rely on their materials, training, and support to the infrastructure, to my practice, teaching and training. The SEC report did not seem to accurately reflect the enormity of the positive contributions that the AOC was made. I would not like to see them canceled without the -- not the acknowledged need for effective management, the AOC's efforts are vital. It has improved the family court system in my county are incredibly important and substantial, the efforts include access to visitation grams for supervised visits as well as the -- my county was an early participant in the CCPO protective order law registry. It's so much more than IT. It helps to increase the safety of domestic violence victims because Judges know who is standing in front of them when they have information. I presented to justice court training and it's an important leverage and training it instills in college students a mind set for the court. The AOC and the family children's for the courts provide self-help information for litigants including domestic violence information translated into several languages. As an attorney, where the other side is not represented, I appreciate that self-represented litigant can get the information to represent themselves in an effective manner. This helps to avoid costly delays in the courts. As an aside, a law school faculty member, the self-help encourages new admittees into the bar and more into the courts is going to be a good thing for operations and its administration of justice. The AOC supports facilities offices -- all of these are vital functions that enable our courts to serve families without unnecessary delay and expense. Mediators and facilitators keep them from coming back to court time and time again. And the training of judicial officers is crucial especially in domestic violence matters with the lack of judicial education on the nuances and complexities of domestic violence can be dangerous. And cutting edge issues. I was privileged to be part of training that looked at the impact of emerging internet technologies and domestic violence 3459ers. The Judge needed to understand how technologies could be used. The evidentiary problems and risk assessment that may need to accompany the cases. I use AOC materials on a regular basis. High

quality and accurate publications. Bench guides, firearms, working with litigants. They help make sense of complicated statutory schemes. The AOC's research help scrutinize the batters. And the result was a substantial research publication that I have I signed to my law students, internally, the bench, bar, and students to remediate domestic violence. Participated invitations to comment and I'm thankful that knowledgeable AOC attorneys are working on the forms update especially related to domestic violence, juvenile, and family law. The variety means that forms revision is extraordinarily complex. I appreciate the involvement of the AOC. Their lawyers are incredibly skilled and have experience if family law, seven help, education and training and many other ways. The SEC report appears to criticize the AOC but neglected to mention how important accuracy and coherence of forms is and how challenging it is to get it right --

>> You have 30 seconds

>> I am not commenting on the structure or staffing, to conclude I hope that these recommendations are reviewed on a case by case basis. Thank you very much.

>> Justice Cantil-Sakauye: Thank you. Next we'll hear from Mr. Paul Freese. Vice president and public council. Paul Freese.

>> Thank you, your honor. And if I could in ten minutes?
Law.

>> No, denied.

>> We are the nation's largest provider of pro bono legal services. Singular dynamic force in promoting specifically the [Inaudible] Court model. If I don't mind, I frame my discussion with a quick story, how the times have changed. My wife is a family physician taking our sons to a female physician. One day she was talking to David and said, so, what would you like to be when I grow up? A lawyer like daddy. She was kind of hurt; don't you want to be a Doctor like mom? No, a male Doctor? When I grew up never saw a homeless person, and in 1970 they indicated that there were less than 20,000 home -8S people. Now there are triple that number in LA county alone. 18 years of public council searching for best practices help to prevent and alleviate homelessness. And I have to say, the court model does more to break the cycle of homelessness and poverty than any service delivery model I have personally witnessed. They play a dynamic role promoting this dynamic model.

AOC convened a homeless summit attended by [Inaudible] Leaders, judiciary, criminal judgment system, and public interest Committee. And it commenced with you, your honor, and you touted the role California has played. You made it clear that access to justice is ensuring that we don't enable those who belong -- who don't belong in the criminal justice it will from ending up there, the homeless, criminally ill, and those returning with the traumas of war. The court model has emerged to -- and the AOC has played a critical role. This conference was the most impactful in terms of rallying. Problem here. We can effectively address their needs and keep them in the community. This is highlighted very effectively through the summit. . The summit raised awareness of homeless courts and how dramatically they can alleviate the administrative burden. And providing alternative sentencing options. I had the privilege, a number of years ago, in seeing the great work of the AOC when they organized a leadership summit promoting the model. It led to Santa Monica -- the homeless provider provided alternative sentencing options

for those afflicted with mental health and other disorders. . This local courts identifying local, federal, and private funding. Local and statewide house benefit. -- the government accountability office for its rigorous standards. Showing the processing. With reduced recidivism --

>> You have 30 seconds.

>> Okay. We have grown from less than 100 to a handful of jurisdictions to more than 400 serving 40,000 cases a year. To conclude, those of you who know me, know I'm more likely to quote Jimmy Buffet than Warren. He said his success was not -- it was by investing in good people. Forward thinking, visionary dynamic individuals dedicated to shaping the administrative of justice. I urge you not to take action that would weak. Their leadership or vital role they play in helping to provide the court with such effectiveness [Inaudible] T. we hear next from Mr. Anthony Pico. Children in foster care commission.

>> Thank you. Esteemed members of the council, I'm 23 years old, a student at Loyola University trying to finish an undergraduate degree. I have spent over a quarter of my life as a commissioner on the blue ribbon commission on the foster care commission. We have roughly one fifth of the -- we have gone from roughly 80,000 to 60,000 in my time on the commission. The report makes me extremely sad because it doesn't show the strengths we have in the state and in the AOE. Over the years I have spent a lot of times thinking how we can improve justice. I didn't know we had a lawyer until I was 15. I was born in the foster care system. The work that is done with our experts that are staffing the EOC is invaluable. We have people sought after nationwide for their knowledge, for their time in the field. I fear that the report is throwing the baby out with the bath water. There's ways of maintaining our expertise and our values without having to increase funding. There's ways that we can address the issues that the public see. I worked in the legislature for four years so I am well aware of the but there are restraints we are facing. -- budgetary restraints. I'm here to say as a foster youth I've even emancipated and I will enter the justice system, as a lawyer. I have worked across the country on improves for thing care and I can attribute that to watching as a young teenager lawyers who tirelessly sacrificed their time, energy, to improve the courts. They have a passion. Yes, there are broken systems. Yes, there's fat that can be cut, but to say that we have is a full-on abuse of the system I feel that's overreaching.

CFCC has literally become my family. When people died in front of me that were my caretakers, they stepped in. They sacrificed their time. Ensuring their work was still done, but making sure a member of the community, a client of their system, was being provided services was at the top of their agenda. Now, I can't speak to the entire [Inaudible] Report because it's so long and intricate. There are definitely things that should be done from the report, but I should say you need to go through and examine whole heartedly because, yes, we can go back to 1992 standards, but could -- do we want to? Do we want to go backwards in time and see ourselves facing the issues that we were fighting in the '80s and in the '90s? I go to Loyola University, and their mission is the pursuit of justice. I hope that with this we do have to make drastic cuts, we have to make the hard decisions, but we need to do it in a thoughtful and meticulous manner. The services that are offered I've seen time and time again are necessary. I don't want to see the state turn into north versus south, urban versus rural. I don't want to hear in ten years if I become an attorney, well, you should really practice in X county, they have a lot of great services, you don't want to practice in this other county. We shouldn't have 58 separate institutions under one branch. We should have one institution united. And I thank you for your time.

>> .

>> Justice Cantil-Sakauye: Thank you, you are wise beyond your years. Thank you for that moving presentation. Next we'll hear from Mr. Mark Wasacz. An attorney.

>> Mr. Pico is always a difficult act to follow. Along with my two law partners for the last two years I represent parents and children in the juvenile dependence. For the past two years we have represents the minors Marin county. We have come in county with our slice of the AOC in the center for families, children, and the courts through the draft program. Although CFCC and draft in particular didn't appear to be primary targets of the criticism in the SEC report, I wanted to relate to you our experience in dealing with CFCC. I should point out, for the work we do, we're not shapers of policy like many people who are here today. We're really more foot soldiers interacting with clients, individual clients on a daily basis. When we were selected to provide the representation in Marin county, we didn't know what support we would get through the draft program. It soon became apparent because we were selected by the liaison -- our experience with CFCC and Marin has been extremely positive and very beneficial to the jobs that we do. Besides regular ongoing access in person, on the phone, by e-mail with our liaison attorney, I would like to talk about three specific interactions with CFCC that have been beneficial. The first is that the CFCC facilitates our participation in the blue ribbon Committee on children and foster care. This has resulted in active participation in developing new initiatives in Marin County that here to fore did not exist. Fore, we develop it's a peer-parent mentor program which pairs up parents going through the juvenile dependency system and helps them navigate a very difficult process to get their children back. There's a development of a program of early intervention team to get involved in cases early and perhaps prevent filing of juvenile dependency petitions at all. There's been a county-wide review and revision of local visitation guide lines for the parent clients and their children. And these are all things that I don't think would have moved along at all or as quickly as -- without the involvement of our CFCC liaison. Secondly, our involvement with CFCC has led to greater interaction with various stakeholders throughout other counties in the juvenile dependency system. That has led to us, for example, providing special immigrant juvenile status training to bench officers and social workers and attorneys in Stanislaus county. And we're going to be involved in training in dell meritt county and this is with the draft program involvement. One of the things that the CFCC does particularly well is rolling out a coordinated comprehensive training across the state on existing law and new legislation that's coming online that affects how we provide legal services to our clients. A prime example -- recent example of this -- the massive and coordinated effort to education and train multiple stakeholders in the sweeping changes brought by AB12. Extending services to depend minors when they're 18 and giving them the option to remain in system and receive services as non-minor dependents. We're passionate about our work and our clients and deeply committed to providing zealous REMs representation. Our involvement with CFCC in Marin has furthered in order goal and sees them as beneficial partners in continuing our work.

>> Justice Cantil-Sakauye: Thank you. Mr. Christopher Dolan on his own behalf. Before you start and I start the five-minute clock. I want to thank you for bringing to the president the letter chronicling the difficulties that the Judicial Branch is facing. I appreciate you conveying that on our behalf.

>> Before my five minutes, the president was in shock that there were no court reporters in the courtrooms and as constitutional scholar he made a personal note on his paper to the fact that there were no court reporters. And he heard your message. And thank you for allowing me to deliver it.

>> Justice Cantil-Sakauye: Thank you.

>> An attorney, plaintiff's lawyer, trial lawyer. My attorneys need the trial courts like they need air. I want to say to Mr. Pico, met him in an airport ten years ago probably not even in high school. We spent a half hour chatting on the bench how to make a difference in law, and the world, and we talked about law. I want to tell him, you need a job, my office. [Laughter] Any day. Okay. So I have to make a disclaimer, I'm not here on behalf of any organization. I'm the past president of consumer attorneys in California, and the executive board of the trial lawyers association, it was so long ago I met him I didn't need these glasses. I have served on numerous EOC Committees and read the entire report and every comment and needed several cups of coffee. It was valuable. It's extensive. In so far as it can provide more money to the trial courts, I'm all for it. The main message I heard was reorganization and service to the branch. But there's another element that needs the service, it's the ultimate person, the ultimate consumer, it's my client. -- I have to tell them about the delays in the court process that will probably mean that their case will not be heard for three and a half years while they lose their home. Will not be heard for three and a half years. This is the reality that we're dealing with. Not just the issue between the branch, AOC and the Judicial Council. There are some very valuable services. I'm here to carry AOC's water; there are some very valuable services. I sit on the small claims working group, court efficiencies group, budgetary and financial groups and somehow I manage to practice law too. I want to tell you about a service the AOC provides that's not in that report. 100 some million dollars to the judiciary over the past four years. How do I know this? I was in the negotiations regarding fee increases and other items that led to money coming from my clients and myself as a commitment to this court system to help back fill. The money that's in SB1406, \$207 million part of the gap, came from a fee increase in the filing piece. I pay the filing fees on behalf of my clients. That money is now available to back fill. That came from a meeting in the AOC in this building, down that hall, and I think it's called the red wood room. If it's not, I'm mistaken but I spent so much time in that room trying to hammer out a fee increase plan providing access for justice. Curt Childs and I have been on the phone with other members parts of leadership trying to hammer out a package. Ideas we spoke about two years ago is now coming to fruition. That's because the AOC is here. I just have you look at what the AOC does. A1 through A2, jury instructions. Statewide jury instructions are invaluable so that the Appellate Courts are not bogged down by different types of arguments. That's an efficiency issue. That came out of the AOC from lawyers like myself who sit down with an unlikely group of allies call the chamber of commerce for us. We sit in the room with them. The only person who puts us in the room is the AOC. We talk civilly and come up with plans that we work together with to accomplish the joint mission we have. Rediscover. That's been worked out to keep people out and in front of courts and having motions to compel. Court call. That brought money. That Court Call came out of the consumer attorneys of California, and the defense council sitting down in how we can be more efficient and bring money to the council. The whole idea of jury reform, one day, one jury, came from meetings in the AOC. The -- various of voir dire, and all of that

came from meetings with the AOC. How can he save money and trim lawyers, if there were not lawyers in the meetings, nothing would have happened. I can't talk to a paralegal about a legal process they have never been involved in. I just can't. I have to tell you. We're here to work day and night. I sacrifice my practice. I have a home in Sacramento because I spend so much time there. Judge white gave me a hard time because the lawn was a mess but I picked.

As particular who practice in the local courts, the AOC in this council is the only place there's that voice. There's no requirement that the open courts have those meetings. The only way we can make the change is here. In closing, item 6-8, the recommendation, a better process to address the fiscal and operational impacts of the -- amen. Do it here. Take the report but could -- do what is in the report. Assess not only who the immediate changes are but what the multiplier effect of those changes as it causes inefficiency throughout the branch and the inability to come together to help keep the ship afloat. I thank you for your time and all the work that do you.

>> Justice Cantil-Sakauye: Thank you, Mr. Dolan. This ends our public comment period. I urge you, if you have not already done so, to go to the website and look at the written comments we have received. Approximately 15 letters, maybe more, they have not been added to the written comment agenda. Very thoughtful letter like the thoughtful comment we received today posted on the website reviewed by all council. At this time, I would like to ask the chair and Vice Chair of the SEC to please formally present 9 reports to council

>> Thank you. Good afternoon, Chief. I'm Charles Wachob, current chair of 9 SEC, and next to me is Brian McCabe, Judge of the Superior Court in a set. I was thinking that it was not that long ago that SEC was not in everybody's lexicon. SEC used to bring to mind the southeastern conference or maybe the security and exchange commission, but that's forever changed. As recognized in the report, the AOC has played a vital role in achieving monumental changes in the state court funding, trial court unification, and other efforts to strengthen the Judicial Branch. And to make it a truly independent branch of government. Also as recognized in the SEC report, the AOC is an essential organization because it fulfills a variety of functions, many of which are mandated by state statute rule of court or Judicial Council directive. However, the charge given to the SEC by the Chief Justice when she formed our Committee was not to detail or list many of the positive contributions of the AOC of which there are numerous but at the request of the Chief to undertake an in-depth, comprehensive examination of the role, functions, organizational structure, methods of operation, and staffing of the administrative office of the courts and to make recommendations to ensure that the AOC performs only essentially functions in an appropriate, beneficial, cost effective, and transparent manner. Accordingly, the SEC's report by its very nature focuses on problems rather than on many of the positives that we see from the AOC. At the outset, the SEC wishes to acknowledge that the AOC employs many dedicated, skilled employees. That was acknowledged on the very first page of the report. It may be glossed over, but on behalf of the Committee, I would like to restate that. I don't intend to cover all the findings and recommendations in the report. I'm sure you're glad about that. Many have read the report; it speaks for itself in many ways. I would like to talk to you about the process. It's not discussed? The report specifically. How we went about our work, what we did, how we came together as a group of judges to make the recommendations and findings that we're presenting to you today. First the Committee comes from all parts of the state, and with incredibly diverse backgrounds, from the largest court, literally, to the smallest court, and with incredibly different perspectives. This Committee was dedicated, and spent many long nights, weekends and hours

away from families and from their courts. I'm sure many of the courts that were involved here will be glad to get their Judge back. I know I'm looking forward to returning to my day job as a trial court Judge. The thing that I would like to do too is talk about the members of the Committee just briefly to acknowledge them and to demonstrate to you the diversity of background and perspectives that were brought to this task.

First of all, the Chief appointed Justice Art Scotland, former administrative presiding Judge of the third district of Court of Appeal to be the chair of our Committee. He served probably through about three quarters of our work until about February when he stepped down. He had incredible experience both on the trial court level and on the Appellate Court level. I think that I can speak for all of the Committee members and specifically for myself that I was sorry when he stepped down. I was made chair. That was not something I envisioned when we started and Judge McCabe stepped in as Vice Chair. There were numerous exhibits and attachments in the back, all of those were a product of Judge McCabe's work. Those were not charts, numbers, and statistics, pulled from an AOC shelf. We fought for those numbers, dug for those numbers and they were assembled. And I think that speaks to the diligence of our Committee in trying to get to the bottom of some of the issues that we were looking at as we moved along. Also in the Committee, Judge Verna Adams of Marin County Superior Judge. I don't know if she's here? She can wave her hand. There we go. And Judge Adams was a trial Judge for over 13 years including as a presiding Judge of the Marin County court. She presided over the court's first domestic violence court and mental health court. When I asked her what she was most proud of as Judge, she told me that the thing she was most proud of was that she was a pioneer in establishing family law ADR.

She set up the first interdisciplinary settlement conference program in the state for high conflict custody cases in which volunteer mental health professionals are included as part of the settlement process with astoundingly successful results. Also in our group, is Judge Angela Bradstreet of the Superior Court of San Francisco back there. This was part of the brilliance, I think, of the Chief Justice in appointing members of our Committee that came with backgrounds with long experience as judges and shorter experiences as judges. Judge Bradstreet became a judge in 2010. Before that, she was the former President of the California Women Lawyers and the San Francisco Bar Association. She was honored with the state bar's diversity award, awarded to only one attorney each year, for work advancing women and gays and lesbians in the legal profession. Additionally, she brought to our committee three years as a state labor commissioner overseeing an organization with approximately 2400 people. located in 20 offices. Judge Judy Chirlin, is a retired LA county Superior Court Judge with over 20 years on the bench. Her list of committees and years on the bench are too long to detail. Served on task forces, member of procedure, and interestingly, she taught legal issues and judicial administration for over 20 years at the Judicial Administration program at USC. Judge Ron Christianson is the presiding Judge of the San Bernardino court, he's here.

>> And came to our Committee with background as to former prosecutor for the attorney. And Judge Sherrill Ellsworth seated to the left is the current presiding Judge of the river side Superior Court served on numerous advisory Committees, task force, work groups, etc., concerning areas including domestic violence and family law. Also on the group we have people flash to Justice Scotland who has served on the Judicial Council, and Judge Kingsberry, she was the Judicial Council member from 2004 to 2007. She chaired the rules and projects Committee for two years.

On the trial court presiding advisory Committee since 1999. I asked her how many work groups she had been on and she said zillions and I don't have reason to doubt here. Not here today due to prior planned vacation, Judge MacLaughlin. Long time hand in the Judicial Branch on the LA superior for over 20 years and served on numerous Judicial Council Committees. Was on the Judicial Council itself for several years I think in 2002 or so. Brought a perspective of someone who has served on a large court. Moving from the largest to the smallest court, bringing a small court perspective, Judge William Pangman, retired Judge of the -- served for over 14 years. And served on a variety of Judicial Council Committees including the presiding Judge executive Committee and several turns on the budget working group. Also here, member of the Committee is Judge Richard Suevoshi came from a civil litigation background. And a new Judge, someone not tied into the system for a long time. I've been on a number of Committees with other Judges and I have to say I was honored personally to serve on the group. It was an incredibly hardworking diligent group. Our Committee was assisted by pretty amazing group of advisory Committee members. This was not detailed. Jim Tilton had 32 years of experience working in a variety of positions with the State of California, including 28 years in executive management positions. And overseeing the state of California Department of Corrections which employed at that time more than 55,000 police officers and other staff members who worked in the prisons. And he has a background with the Department of Finance as did all of our advisory Committee members. So when we talk about recommendations about the budget process, it's a pretty solid group to be talking to, they know their stuff. Not here today is Diane Cummins, a long time state and government veteran, and also a veteran in the Department of Finance. Served multiple governors and administrations. And Dave Caffrey. Served with several positions. When he was done with the career in government, he became a management consultant. All of those types of experiences helped the Committee with the analysis of the organization that we genetic took. Not here today is Mary McQueen, an advisory member of the Committee. Current president for the national center no state courts. She brought a perspective of other states, what they do in terms of their Judicial Administration. And additionally, she had the experience of having been a director of the Washington state court system. I point that out not to brag about the Committee members but to highlight the experience they bring to the task. This was a reasonable cross section of judges in our state and we were well served by well experienced advisory members. I can attest to the fact that we came with no hidden agendas, no preconceived notions, only the promise to be objective, fair, and hardworking. I want to talk a little bit about what our task was and what it wasn't. Because if you read and listen to comments, I sort of get the impression that not everyone understands precisely what it was we were to do. We started with a charge given to us by the Chief Justice when the Committee was formed back in 2011. The Chief Justice asked the Committee to conduct an in-depth review of the administrative offices of the courts and the organizational structure to promote transparency and accountable for provide services to the courts and make findings and recommendations to improve the efficiency of the courts and AOC. Now whether is the report not? Somewhere along the line the Chief was quoted as saying the SEC report was going to be the bible. Thanks for not creating too great of an expectation [Laughter], Chief, it's not. Nor is the report a formal audit. It's not that. Nor is the report a classic statistical or quantitative analysis of data that we collected. The report itself indicates in the introductory part limitations we faced in approaching our task as a Committee. We were not provided resources, other than the consultants and experienced advisory Committees that we had with us. We were not asked to conduct employee workload studies, extensive fiscal analysis, job classification studies or other types of studies like that. Although, our report recommends that

those occur, those are necessary, but that was beyond our charge. The information that we received also was -- at least from the AOC -- was self-reported information. I want to talk about the timing of the report because I think you're entitled to know how we went about the report in terms of our own deadline and what happened to that. First of all, our Committee received a two-year assignment. The Committee was formed at the end of March, 2011. We had our first meeting in May of 2011. Someone thought it would take up to two years. We were not given a deadline by the Chief or anyone else. No external deadline. Our deadline was our own. You have to remember that the Judge on the Committee were working in the court and had day jobs. The advisory empty members some whom were retired but some were not retired so we had to work with that. I would like to dispel a rumor that there was some time of interim report. There's one report. That's the report that you have. It was the one that was delivered to the Chief at the end of May of this year. We had our last full Committee meeting on May 9, 2012. Our report was issued self-weeks after that. We continue to do interviews including that of the finance director of the AOC, up to the last week before our report was completed. Some have suggested that we held our report until after the May revise budget appeared. That would be an utter coincidence. Our report was turned in when we completed it. Some have suggested that we turned in the report before the state budget was acted on to somehow influence the budget, and that's also not correct. The report was given to the Chief on May 24. I suggested -- which happened to be before the long weekend and my suggestion to the Chief was that this report needs to be made public. It's going to be public. Get it out there, start the comments on it, and we need transparency. That's one of the themes of the reports. There's your chance and the Chief immediately put it out there. As a Committee, we think it's unfair she was criticized for releasing the report when it was that was simply when it was done. When the report began, we didn't spend time on this in the report necessarily. The introduction to the report talks about the broader historical context in which the AOC developed and how it grew some of the monumental legislative things that happens such as trial court unification, taking over court employees, court facilities, and the like. The triggering event, as we all know probably for this report, is dissatisfaction and unrest in the branch with the handling with the CCMS project. That's what brought things to the boil and we state that in the report. When the Chief came along in 2011 and asked us several months into her tenure as Chief Justice to perform the task, what was the environment, what was it like when we were there? The Chief made mention of it in her opening remarks. She said she sent out questionnaires to the presiding Judge. The Chief posed two questions to the Judges Advisory Committee in March 2011 before our Committee when it's first meeting asking two questions. One, in your opinion, what if any are the specific problems with the operation of the AOC, and second if you identified any problems, what do you recommend in terms of specific solutions to the problems. So those questions were asked and those questions were answered before our Committee met. To those questions, the Chief received 108 pages of responses which was the first material we were given as a Committee when weasel about our work. The responses are interesting. When we set about our work. The responses are interesting. When our Committee started, all the themes and issues virtually that were reported are referred to or mentioned or implicated in the answers that were given to the Chief in those responses. Our report identifies several overarching themes. One is that the AOC is a top-heavy organization. Two, that the AOC internal management systems were deficiency in various ways outlined in the report and that AOC was oversized and should be down charged and another was that the focus on the service to the courts was losing out to a culture of control. And finally, another overarching theme that we identified in our work, which was reflected in the preliminary

responses that we received before we even started as a Committee was that the AOC needed to take steps to restore its credibility. A lot of those themes and concerns presented to us in the packet of information were concerns and issues that were present in this branch for a long time. They were masked or not seem because at that time the Judicial Branch was more financially stable. The lack of financial stability and issue such as CCMS brought to a head the need to take a look at the AOC and how it operates. The questions that we sent to hundreds of trial Judges and others in the state as part of our work, we told those folks those are your confidential responses. But what I will do is share with you the responses that were given to the Chief before we started our work because it set the groundwork for what we later did and they mirror to a large extent the concerns that were expressed in the course of one year work that our Committee did. They were many favorable comments to the AOC from the presiding Judges and the comments from the courts. And the comments that the small courts need services. That was a theme identified frequently that's mentioned in the report. Many people felt there were no problems at all with the AOC and those are reflected. And the very successful programs in the AOC including procedure. The theme about performs essentially functions was also reflected in some of the answers and comments given to the Chief by various trial Judges such as the AOC has gotten out of hand, should be a better definition, the AOC appears to be performing nonessential functions. Many persons commented on the fact that they felt that the AOC was top heavy and had too many layers. Of management and that there was a lack of accountability because of that. Many people commented and had the perception -- and I'll talk about how we pierced the perception -- many had the perception that the AOC was oversized citing the growth over a ten-year period and this it expanded at a rapid rate when trial courts were struggling with budgets similar to the comments you heard here today. And an issue that was festering and present for a long time was the whole issue of whether or not the amp OC is a service agent or a control agent. One person stated as the Chief stated ream, the AOC is not a control agency but one could sure not tell that from the trial court level. The AOC needs to be trim, and the new bill Vickery needs to understand that it works -- and not the other way around. These are the comments. It formed one of the themes we were trying to look at in our work. Other issues surfaced regarding the restoration of credibility. Many people did not trust the AOC. They did not trust certain aspects of the operation. They didn't like the culture. Because our Committee was asked to do a top to bottom review of the AOC that necessarily included a look at the AOC divisions. Many people in the Judicial Branch commented about various criticisms they had on specific AOC divisions including people that worked in the -- including the comment on the screen in front of you. People in the advisory Committee with comments regarding their experiences with the AOC. In the course of our work, the SEC did not single out any particular division but there were divisions that raised more concerns than others. Those comments are reflected in some of the comments regarding the office of general council. There were questions about how many offices they had, how many people that were working there and whether or not there were conflicts in representations and a number of specific problems. There were problems or comments raised regarding divisions until the AOC that are popular, such as CFCC. Several speakers spoke here before we talked. To the uninitiated, the Judges that came to the Committee without prior experience of the CFCC, that was an eye opening. The point that I'm making here this -- is that we came to the task with an open eye, trying to figure out the criticisms and concerns, trying to figure out if they're popular, whether the divisions are not popular; our task was to look at the efficiency and the transparency of the various parts of the AOC. The criticism was not spared. The SEC also received criticism. Criticism was not spared. The creation of the Strategic

Evaluation Committee staff by the same loyalists who serve on other council nothing more than --t the SEC has taken pot shots like you do here in the Judicial Council. I don't know what it means to be considered an AOC loyalist or not, but I can vouch for our Committee. Everyone on there is a Judicial Branch loyalist who came to the branch with passion and dedication to try to make the AOC leaner, nimble, more effective, so the branch can succeed in its core mission of providing access to justice for people who need to get to the courtrooms and resolve the types of disputes such as Mr. Dolan talked about before I spoke. I want to talk very briefly too about the process that we used. This was not talked about in the report. Our guiding principles when we evaluated information was to be objective, inclusive, thorough, and fair. We hope that that surfaced when you read the report. We decided at the beginning what our methodology was going to be, which was to gather as much information as possible and to verify as much information as possible. In the course of our work, we certainly out surveys or questionnaires to every sitting Judge or judicial officer in the state, both Appellate and Trial Court level. And past Judges. We felt we owed a special obligation to court executive officers. Our Committee did not include a court executive officer. We made special attention to reach out to them because they're on the front lines with the relationships between the trial courts and the AOC and they deal with the problems on a day-to-day basis when men of the Judge do not. Discovering information, analyzing information, and preparing a report is what we set out to do. I want to tell you that the information that we received was voluminous. We talked to anyone and everybody that had something to say about the AOC. When we heard something, that didn't mean it was true, but it was considered. Some people have asked about the way in which the SEC came about with its recommendations and findings. How did you get a room of a dozen or so Judge so reach decision on anything? It's a fair question. And I just have to say, it was incredibly simple. The information that we received was so powerful and so consistent and so voluminous that it could not be ignored. Our Committee, the entire Committee interviewed -- the former director, Bill Vickery, Ron Overholt, as a Committee we interview each division director and that was followed up with written requests, more e-mails and requests for information than the AOC probably thought it would get. We know we were a pest but we will felt we needed to be thorough and diligent in our information finding. We interviewed as many court CEOs as we could. Broke up into groups of three. Talked to CEOs of presiding Judges together. What I have to say about the interviews is this. They were incredibly candid. Many people expressed that they had been wanting someone to tell their concerns to for a long time in a safe way and there would be no possibility of any retribution or financial consequences to their courts or whatever. It was almost like a confessional at some point, but they were very, very candid conversations. The conversations often ended that we not divulge their comments and assurances of confidentiality. I think one of the strong suits of the report is the objective and thorough manner in which the Judges on the Committee and the advisory members sifted through the information to find out, not only what the themes were, but what was the verifiable information. What I have said before is that any reasonable cross section of a dozen Judges in California when confronted with the same information that we were given from all of the multiple sources of information that we derived would have come to probably 95% of the same recommendations and findings that we did. It was not the members of the Committee that were speaking; it was the information that was speaking. It was the Judicial Branch speaking. There were questions -- I've heard it here today -- about the tone of the report. And I would like to say that I believe based on the information that we have that the tone was completely appropriate. When you are looking at problems, when you are looking at personnel rules that are ignored, efficiency management systems which he

outlined in the report, and various problems that we saw, they had to be discussed. Sometimes there's just not a really pleasant nice way to talk about those other than to identify them and say that there are problems. I can say, too, that the tone of the report could have been much harsher but it wasn't. At the end of the day, we felt that the report was a judicious, fair, reasonable assessment of the information that we were provided. I want to talk, too, because it's only giving lip service in the report, I want to talk about the difficulty in getting information. You would expect that any organization, not just this one that is being investigated or examined would have some reluctance, some resistance to providing information that would be a normal thing in a management review. That would be expected. And we encountered that. Our report, if you will notice, never made a conclusion that the information was withheld intentionally or to obfuscate or derail us. But the information that we received was the result of a lot of digging, a lot of requests. The interviews with the division directors and the managers of the AOC, some were very candid, some helpful, some very forthcoming, and some were not, flat out not. That was to be expected and it was a fact that we had to work around. The other thing about acquiring information, whether it had to do with staffing levels or budgets is this, the information that we asked of the AOC was not often kept in a consistent, organized manner. The charts that you see at the end of the report detailing staffing levels and budget for each division, that information did not exist in the form that we have presented it to you. We have given that as a gift to AOR. That was our work. That information did not exist. It had to be extricated from the organization. And, again, we make no judgment about whether or not it was withheld in any wrongful or purposeful manner, it just often did not exist in a consistent manner. Some of the answers, some of the responses that we received from AOC staff in response to our questions for information, were simply nudging responsive of people. People on the Committee would joke sometimes that if we were in court and heard that answer and someone objected that the answer was nonresponsive, all 12 of us would have sustained the objection. A question, for example, about whether or not a division used a cost-benefit analysis is -- in trying to decide which programs to offer seems like a fairly straightforward question, but it often diverged into multiple e-mails, request for clarifications, letters, correspondence, and at the end of the day, the answer was no. So this is the kind of tension, the kind of difficulty that we sometimes face. And, again, not across the board, but it did happen. One of the tremendous advantages to our process is that a lot of the critical information regarding the operation and functions of the AOC came from the AOC itself. It came from the AOC division managers who were candid about the decision-making process, the operations, and functions of AOC. I want to talk just a little bit about the perspective of our report. There's a -- perhaps a natural tendency to say, well, this is backward looking report. We're looking back at things that happened. We're looking back at 1256ing levels. We're looking back at what the budget was. Looking back at staffing levels and what the budget was. Really, what the point, as far as we were concerned for the Committee was to develop a strategy. The name itself, Strategic Evaluation Committee, implies that we were trying to develop a strategy for the organization to move forward and succeed. The Committee was asked to under-never undertake a strategic evaluation for the Administrative Office of the Courts. And the organizational structure, management, processes, and size. Also stated in the report was that consistent with the goals of transparency, and efficiency, the intent of the report was to recommend an organizational structure that would better position the AOC for future success and which would be leaner, nimbler and more responsive to the Judicial Branch. That's as forward looking as we could get, the prism which we looked at our assignment. One of the other things that was difficult as we moved along was the fact that there are changes occurring in the Administrative Office of the

Courts. We were not looking at a static organization. We started in May 2011, here we are a year later, and obviously things were happening in the meantime. And Ms. Patel will tell you what some of the changes are. We did take into account the changes that have occurred since May 2011. The starting point of our task was what the AOC looked like in May 2011. In the intervening months the AOC made a number of changes and continues to make organizational changes. Event over the past year resulted in what we considered a slight contraction of the organizational structure. A coordination of events, a retirement of a former Administrative Director, resulting interim appointing, and revision of director, and retirement 6 an office administrate that led to some reorganization. We also noted that it was merged with another division which became known as C pass. The CCMS management process and the information services division. And divisional office retired and management responsibilities were transferred to another director. Placed in the executive office. In late 2011 and the council made a sea change in regards the technology division in March when it stopped the statewide employment of CCMS for statewide for case management. That was in the report. We reviewed the divisions and functions that attached to the different divisions and parts of the organization. We also made a judgment on whether or not that was a solid way to move forward or not. We characterized the AOC's change in the last year as inching towards consolidation and functions and not necessarily as one that came through a predetermined game plan. The organizational consolidations that occurred in the last year many of which we felt resulted from extraneous events, retirement, attrition, that type of thing. I think the AOC is moving towards the predetermined game plan and structural reorganization but I don't think that that has occurred yet. And our Committee commented on that. That's our view. We commented on changes in staffing levels that occurred in May 2011. I will tell you that in many points in the recent history was the most difficult thing we tried to accomplish in the report. That's because the information ever information did not exist in a consistent unified fashion. It had to be pulled and many of the directors had different understandings of what temporary employees were, what contract stuff were, and the like. Those are talked about in the report. We found that, obviously, as mentioned in the report, the AOC sustained tremendous growth as a result of the monumental changes that occurred in the organization start, in the late '90s with the trial-court unification and those types of events. As of December, which we use is a benchmark in our report, we found the total staffing positions were approximately 1008. All numbers came from the AOC. They're self-reported numbers. We have no ability to count 1008 people but that's the information. We note 9 it was a decrease. We tried to make the report as current as we possibly could. We turned in the report on May 24. May 11, ten or 1 is days before the report or so we sent an e-mail and said please tell us the current staffing level of the AOC. As -- the staffing level at that point was 883 and that's not much of a drop from the 1008 that existed at the end of the year. My personal belief, I know this is shared with other members of Committee is that no one really knows how many people worked at various points in time and that's just the way it is in our view. It's a little unnerving to come and give you the report and tell you that you need to do something. It's unnerving to tell you that our Committee found that the Judicial Council has to exercise greater oversight but because it's a top to bottom review of the AOC necessarily the review starts at the top and I'm looking at the top right now, which is the Judicial Council. We made various findings about that. We feel that's a critical part of the entire endeavor because the tone of the AOC, it's mission, whether or not it's a service or control agency, and those types of things are determined in a large part by the actions and oversight of the Judicial Council. We specifically recommend that the performance of the Administrative Director of the Courts be reviewed. And reviewed in a very specific regimented

way. I'm not going to spend time going over the organizational structure. It's in the report. But I want to make just a couple of comments about it. What you see before you is the organizational structure of the AOC when our Committee began its task. A picture tells a thousand stories in this case. This is a picture of an orange that is top heavy. When we started it, it had 17 separate direct reports to the Administrative Director including various divisions, specialized offices, and regional offices. The difficulty in decision-making whether it's fiscal processes or not, was rendered very difficult by the manner in which the organization was established. In a trial, there are always a few phrases that stick out in a case and when talking to some of the divisional directors during the course of our interviews of the division directors, one of the things that stuck out was a characterization that went like that. The AOC has grown in its organization like a coral reef without seeming function or shape. And this is what happened. This is where it ended up. That's where we started. Our recommendation, which is simply that, a recommendation, was to streamline and reduce the number of divisions and basically if I could describe it in a sentence, to push down the organization to make it less top heavy, to make it more streamlined to put it more in line with other organizations in state agencies and the like which would include basically operation site and administrative side. And in this case, the Chief of staff would be charged with some of the policies, legislature matters, and also to elevate trial support and liaison services to make that at the top of the organizational chart. Someone else here, I think, already noted that we found it interesting that when we started the organizational charts, and we received many, that reflect the organization of the AOC over years never showed the Judicial Council at the top. That says a lot. It says a lot about Judicial Council oversight but it also talks and speaks about the perspective or a viewpoint of the organization itself. That it's an organization unto itself and that has to change. Very briefly, in addition to analyzing the organizational structure, we took a hard look at some of the management systems and processes. The -- and those are detailed in the report. I won't reiterate those. We found the decision-making process to be unclear. This information came from administrative managers, division directors and high level managers who were saying that to us. We found that the program and project planning and monitoring system needed improvement. There was a lack of system wide fiscal planning and processes and a lack of buy-in from courts on a number of important projects. The performance appraisals and personnel policies, that part of the organization is broken. We were surprised to learn that with few exceptions the divisions were not conducting and had not conducted a regular personnel evaluation of their employees. It's important for a number of reasons of which are set forth in the report. Personnel policies were violated or ignored. One of the most noteworthy was the telecommute policy. I want to -- just as a side note -- tell you right there that when we see these types of policies and identify them it's hard not to do that without sounding overly critical and not having a tone, but these are the facts. We looked at the physician classification system. We found that to be out of balance and not applied in a consistent manner and followed by problems with the compensation system, which we noted. One of the more significant problems we found was when we talked with the people running the finance division and charge of the financial policies in the organization. We found they were frozen out. We think there's room for improvements there in the rulemaking process.

>> We talked about the grants process, and I somehow manage to leave off of the power point, the rule making process. We think there's room for improvements there. I want to tell you that one of the loudest, most vocal concerns that we hear in the trial courts was complaints about the rule making process, the numbers of rules, and the number of times we heard that. You look at it and say what is the local rule making process. They accomplish good purposes such as some of

the speakers identified before me, but also pose a risk. We wanted to describe the staffing and resources for the various divisions. We wanted to identify the core functions of each. Unless you do that, you cannot tell if they're performing non-essential functions, which is one of the criticisms we were receiving up and down the state. We also identified what we identified ASCII issues and findings. We did not include you will of the issues with all of the divisions, only those we found to be consistent, verifiable, and noteworthy. We made recommendations for improvement. And looking at the divisions, we did not accept a single antidote of a complaining Judge or complaining CEO about a problem with a particular division. We tried to identify patterns and problems that were reappearing. We also looked at the budget process. I told you we were blessed as a committee with a high level of expertise and experience on our committee with advisory members that were there to guide us. They found that there's a big problem with the transparency in the budget. I know that steps are being taken to fix that, and that's one of things that has to happen before the AOC starts to regain credibility with its budget process. We made specific recommendation regarding tracking systems, information displays, and tracking appropriations and expenditures so members of the public, members of the judicial branches and others can look at the AOC budget, can look at the judicial branch budget and make an apples to apples comparison of one year to another. On staffing levels, again, we didn't start with the preconceived notion that the AOC was too big or that it had too many people. I shared with you some of the comments we received, some of the perceptions that were widely shared perceptions amongst judicial branch, but we set out to try to find out what staffing level was. We noted that it was consistent data on staffing levels, because neither the HR division nor AOC division regularly maintained complete information about that. That was the hardest area to get data. None of the charts in the appendix as I mentioned existed before. I would say this, too. That if the report is viewed as a snapshot in time, as to staffing levels, I would tell you that if it is a snapshot, it contains a panoramic view. It looks at ten years or so what the staffing levels were with the budgeting levels were for the various divisions in the AOC as a whole. We made a recommendation that was limited in my view, and by the committee, based on the information that we had. We did not have workload studies that would tell us whether or not there should be three employees in a division unit instead of two or four. We didn't have that information, but we did have what I think is also better information than a piece of data, and that is we had the conversations candid admissions of many of the directors and managers within the AOC who said, look, there's too many people here. We don't need that unit. We have too many people there or one unit talking about another, and it helped focus our examination of those issues. We think that whatever the staffing level is at the AOC, it must be made more transparent and understandable. It needs to be as with the budget information, something that anyone can look at and made some suggestions about that. I think that the budget, state budget situation is out-stripping the recommendations that we made in terms of staff size. What the budget crisis is forcing the AOC to do, probably should have been happening all along, which is this, to examine your most critical, essential functions that serve the trial court and the public, to put our resources there. You have to make some hard decisions about some of the functions that are not essential, given limited resources. Our proposal on staffing levels was really modest. We simply said don't exceed the number of authorized positions that the legislature gives you, that's where 880 came from. That's in the governor's budget. We suggest that after that, that a reorganization of the AOC with efficiencies and some of the other recommendations that we're making would result in a much smaller organization, and we took our best stab at that. The final thing I'd like to say is this. People wonder whether or not the SEC report is a landmark

document or it's a blueprint for the future, and a number of other things, and I think the answer is we don't know. It could be, or it might not. That depends on what you want to do with your power as members of the Judicial Council to move the branch forward, and to take a look at the organization as we see it. If I was critiquing the report in hindsight, and judges need be accountable, I would say that we did not properly emphasize the strength of the services provided to the appellate courts by the AOC. By definition, though, as I tried to say earlier, our focus was on the problems that we were seeing not necessarily on the positives and to the extent that we didn't emphasize that particular strength, I give myself a demerit and our committee a demerit, that was not intended. Our focus was on the trial courts which is where the bulk of the criticisms were coming from. In 2006, they were given a consultant report KPMG, it made changes and recommendations regarding the administrative infrastructure of the AOC it made recommendations to the state technology. It recommended that there be a business case analysis. It recommended a number of things. It critiqued the office of general counsel. It did a number of things, and that report gathered dust to be blunt. So our concern is that many of the recommendations that we're stating have been stated previously, and that we hope that they are not only considered, but that some of them are implemented. That would be the conclusion of my comments, Judge McCabe.

>> I'll keep mine brief, noting that the Judge took and the bulk of what we wanted to present to the council. Chief Counsel and members of the public, thank you for the opportunity to speak with you. Briefly, our mission was to do an in-depth review and I think the SEC accomplished that mission. Two, our purpose was Ales to initiate discussions. I think we succeeded in that area, as well. Our report, it's toned, it's objectivity, of not meant to be a feel-good report, and we had discussions about this. We had discussions from everything about how long the report should be. Fifty pages. To everything we want in it. 800 pages. And so the committee had to draw a line on accomplishing our mission in somewhat of a reasonable fashion and using the resources that we had, remembering that we didn't have staff. Those charts, I now know how to build charts with the best of them and I can build charts again, and it was a fascinating process, but we did the best we could with the recourses that we had. We do not profess that this is the blueprint for the future. It's a tool that we hope each of you will analyze in moving forward. It's not meant to be take everything or leave it. It's to initiate the thinking process, the discussion process, and we hope that our point of view in the end is some semblance of what should be done, but we're not perfect. It's an imperfect process in an imperfect world, so it's there for you to consider. I want to start there. Next, our intent is not to restrict or tie the hands of the new ADOC. When they come in, whoever that individual is has got to have some freedom to put in their vision. Again, it's a tool. Tools is whatever you want to make of it. It really appears to me and I'm going to keep this short, that it's based on perspective. If you have a perspective about a certain role or the AOC and how interacts with you, how it helps you, you have to remind yourself that, that may influence your prospective. How do I know that? Because we struggled with that for months. Sat around the table, bickering and arguing with each other and it was a family atmosphere. I have kind of brothers and sisters that we've had some drag-out arguments, but in the end of the day, not personal, went and had a cup of coffee or wine or two, and we kept it in prospective. So it took us a long time, trained professionals to remove that influence, every one of us, and there's there is a knee jerk reaction. I've sat here and I hope I'm not disrespectful to anybody if I'm grinning, because I'm hearing what we've all ready lived through and we've all ready struggled with. Wow, they're going through the same thing that we went through, expect

we had 55 weeks to do this. So in closing, I hope that you receive it for what it is. It's a constructive criticism of issues affecting AOC.

We've all ready identified the essential role of the AOC in the branch, and I think our report is very clear on that, that they are a necessary component. There are a lot of hard working, quality employees at the AOC, and no apologies for not going into that in the report, but I will put that out there as a side note. I speak on behalf of the committee and our chair has emphasized that point as well. There are a lot of folks here that should be proud of their work, but this is about figuring out what our core and essential functions are versus aspirational. We'd love do a lot of things and we had those discussions over months, and we 180-degree, I mean it was one against some and then it was five. It was almost like the movie 12 angry men, starts out one, then it builds, because it was a process. I welcome the Judicial Council reviewing this report. I welcome the opportunity to have the three members that are now on the Judicial Council be a part of that as advisory members. We're here to serve, we're here to help, and we're here to provide whatever input we can to clarify what we did so that you have a better understanding, then you can make an informed decision. With that, thank you very much and are there any questions?

>> Before we begin the question period, I first want to thank the judges for the illuminating presentation of behind the scenes. Very helpful. I think it answers a lot of questions and helps us understand I think the bonding and the pain, quite frankly, but what I'd like to do is field questions after we hear how the report will proceed because I think questions and process are going to merge, and I don't want to artificially distinguishing between questions or comments what people may have. I don't think what Justice Miller wants to say will take long, or maybe a short break and then comment.

>> Who am I to argue with the Chief?

>> I'll turn it over to Justice Miller.

>> I also wanted to join the Chief Justice in thanking the judges, and all of the members of the committee that either are here in person to others who couldn't make it here today, and again I wanted to give you a personal thanks because I can imagine the time and the energy and the dedication that you devoted to that, and it's an inspiration to us in that regards. As a side note, I wanted to thank the speakers that we heard from today and those who have submitted written comments. If Anthony is still here, if I were a lawyer, I would be at your law school graduation signing you up as an associate, also. I wanted to take a moment to thank the Chief Justice for your dedication in helping shape a judicial branch at this time ensuring access to justice and serving the public as our state struggles through this ongoing fiscal process, and also to your dedication over your term and direction to tackle some of the difficult judicial governess issues we've been talking about, and your support of executive plank in that endeavor. It's now the job of executive&Planning to propose a process for consideration and implementation of the recommendations that we have heard from the SEC report today. I would like to note that while the SEC performed its important work, the Judicial Council over the last 18 months has been making changes to governess an oversight, and that work will continue for projects all ready started, and for those that will be apart of the SEC recommendations. When Jody Patel became Administrative Director, interim, the Chief Justice directed her to fast track plans of the AOC. Under the leadership of Jody Patel and Curt Soderlund, they have reduced their size. Additional

plans are underway as we know. I'm also pleased to see that several of these efforts are included in the SEC recommendations that are in the report, and I believe in fact that we'll find out that at least later today or tomorrow that about a third of those issues identified in the SEC report had been discussed and identified by Jody Patel and her team, and they have all ready begun to make steps to address them. But, as the report, there's still work to be done. As a result of the SEC report being provided to the Chief Justice and in the interest of transparency, and really mindful of some of the impacts that we have heard about today with regards to the SEC recommendations, the findings, if it's approved by the Judicial Council, that the report be posted for public comment for a period of 30 days. In our executive an planning meeting where we discussed this, we heard from P.J.'s, from court executives, from appellate justices, and from attorney groups that they wanted to have that opportunity to publicly make comment, so we are going recommend that those be collected, that once they are received, this they immediately be posted on a public website, and then we will bring it back to council those particular comments. I'll tell you more about what our actual recommendation in that regard is. We also understand the many branch-wide concerns involved in the SEC record and the recommendations, and therefore we are recommending that E&P take full responsible for preserving the integrity of the SEC report and bringing back to the council recommendations with regards to each of the SEC recommendations.

We also as we've heard today, appreciate the urgency of taking action in the current budget environment. We are also mindful that we are actively recruiting a new Administrative Director and one of our recommendation also be that there be will an expectation that once that new director is selected or if not, then the interim director will be charged with the responsibility for implementing what we as a Judicial Council recommend with oversight from executiveE&Planning in a process I would like to review. Our recommendation from executiveE&Planning is going to be that as of today, we send it out for a 30-day public comment period, that those public comments will be public and be posted on the web page, that the report will be assigned to executiveE&Planning for our ownership and for our review and consideration of each recommendation, that E&P will evaluate, prioritize each recommendation, and also determine if there is additional information that E&P needs with respect to any of the recommendations. We are recommending that we not assign any of the recommendations to another group for any further evaluation, but that if we have questions or concerns, we will ask people to contact us and we will discuss those with them. It may be the interim director, the new director, the Chief Justice, litigation management, the construction committee, the Internal Committee for technology, whoever it may be, but our intention is not to assign it to anybody, but to keep that to ourselves. We'll ask the three SEC members who are incoming new advisory members and a voting member on the council to serve as liaisons to our committee, to help us in the prioritization, the timeline, the evaluation, and the implementation of that. Again, E&P has all ready scheduled an August 9th meeting, and at that time we will review the public comments, we will prioritize the recommendations, we will create a timeline, and we plan to report back to the council at its August meeting with regards to that. We don't intend to wait until we have reviewed all 147 as we make progress through this them, then we will report back on an interim basis at the Judicial Council meetings. Lastly, we believe it will be the administrators to report back to the council and executive in planning with executiveE&Planning and the council providing oversight along with our three SEC February who's will remain in that advisory meet for the implementation. Chief Justice and Judicial Council members, that is the recommendation for the review of the SEC report from executiveE&Planning.

>> Thank you. What we'll do is come back after our 15-minute recess break to discuss, have you field questions about the report, here from Council members about the report and how to proceed, so we're going to take a break in 15-minutes and come back at approximately 3:05. Thank you.

>> Chair Cantil-Sakauye: So we're back in session. And as an adjustment to the agenda, we're going to move item J, which is the budget update, to tomorrow at our half-day meeting. So we have items G and H. And this is our discussion opportunity. And I open the floor for discussion. Justice Hull.

>> Hon. Harry Hull: Thank you, Chief. First of all, Judge Wachob and Judge McCabe, as your positions as chair and vice chair I would like to add my voice to the many others. I don't think it can be said very often that this is a very significant effort and a very significant report. However it's characterized in the future, I'm reasonably certain that it's going to be looked upon at least one of the foundational documents for the future of the AOC. And I think we all thank you for that. I was particularly as chair of rules and projects interested in the recommendations in chapter 6 relating to rules. We have -- we have all heard the complaints. Indeed voiced the complaints many times. I was just wondering, last fall, actually we've started some -- some efforts. They were started when Justice Miller was head of RUPRO, chair of RUPRO and I took it over last July 1st. Last fall we had some 67 rule proposals that ran hundreds and hundreds of pages. We made a decision with very few exceptions we were only going to consider those statutorily mandated and those required to be conformed to statute. And we have continued that effort this year in this rule cycle, we're down to 21. I, speaking not as chair of RUPRO or for the council certainly, I don't think that it would be healthy in the future to limit rules proposals to those that are statutorily mandated. I think there are a number of very significant and very positive rules that have come forth over the rules that were not statutorily mandated. But I certainly agree that we need to take a hard look at what should be rules of court and what should not. I mentioned also this morning that we're undertaking an effort and have been to identify rules that can be either amended, or suspended, or even repealed based upon their sort of a cost-benefit analysis to the branch. And also we've already undertaken, or we are in the process of undertaking a review of the rule-making process in general, including examining how other jurisdictions make their rules of court. With an emphasis -- not the only emphasis -- but one in getting rules proposals before the trial and appellate courts early on in the process so that we can have their input into the costs and consequences of rules that may not be apparent to those who are proposing them. I guess my question is -- not looking for a pat on the back -- but it seems to me that these efforts, while they don't parrot the SEC recommendations as to -- as to changes in rule making, they seem to me to be at least consistent with the spirit of those recommendations. And could I have your views on that?

>> Yes.

(Laughter)

>> Thank you, Judge Walker, that's all I have.

(Laughter)

>> Judge Walker: We're all trial lawyers here and you don't ask any more questions when you get that --

(Laughter)

>> Judge Walker: That's the spirit, that's exactly right.

>> Chief?

>> Chair Cantil-Sakauye: Judge Wesley.

>> Hon. David Wesley: Thank you. Members of the SEC committee, it is with sincere gratitude that I thank you for all of your work and the dedication that your committee had. The goal of the report, as I read your report, was to make reasonable recommendations that it followed conformed part of the strategy to promote and increase transparency, accountability in the AOC. I believe you accomplished those goals. I want to congratulate you. And I think the title of judicial branch loyalist, I like that a lot.

I thank you very much for a job well done.

Chief justice, in reading over the comments, the presides judges know this around the state -- you are congratulated in those comments for selecting a committee that was well balanced and considered -- considerate, thoughtful, considerate of judicial officers and others in creating a committee described as a bold move.

And also I heard today described as a brilliant move.

So I congratulate you also. And I join those comments, chief, in congratulating you.

But I think it's time for the council to be bold also. But before I -- I have recommendations that I'll make, but before I do that, I have a question. And Judge Wachob, how would you recommend -- you've heard Justice Miller's recommendation, how would you recommend that this council go about prioritizing, implementing and monitoring the implementation of recommendations by the committee?

>> Hon. Charles Wachob: You would have to ask, wouldn't you?

>> Yes.

(Laughter)

>> Hon. Charles Wachob: Well, I think we reflected on it. And there are probably a number of ways to do it. But what concerns me is the focus seems to be on methodology, what type of committee do we want to have, what kind of process do we want to have. And it seems to me, in my humble opinion, that the first thing that has to happen is a commitment, that there has to be -- you know, here we are at this historic one moment in time for this judicial branch to get things right and to get things moving. And there has to be some kind of a commitment. And once you

have that commitment, then there's probably a number of ways, a number of ways to implement that will.

So having said that, I heard Justice Miller's proposal. I would agree with that. I would have an interest in trying to make sure that the recommendations were properly vetted. And that is the stage that we're at. We're not at the stage of adoption, we're at the stage of considering this. There were some criticisms in the letters that were submitted that people didn't have a chance to comment on our report. We were not asked to put it out for that, but that is now what's going to occur. So I think that that should occur. And then I think that there should be some -- a very tight control over how this is monitored.

I think anyone involved in government knows that the best way to kill a project is to assign it to a committee. And if you really want to kill it, assign it to several committee, and don't set a timetable. And so that's my concern. I think we need some time limits, and I think we need some will, and I think we need to implement.

>> Thank you.

>> Chair Cantil-Sakauye: I see several hands raised.
Are you finished, Judge Wesley?

>> I'm not going to make a motion until the appropriate time when you tell me it's time to make a motion.

>> Chair Cantil-Sakauye: Judge Miller, Justice Rubin and -- please remember your order.

(Laughter)

>> Mine's easy. I'm first. I appreciate those comments because I agree with them. I also agree that the first start has to be commitment. And I can only tell you that for the last 16 months, E&P has been given the charge, to look at the governance of the initial council, to look at the oversight of the AOC, and we have had a number of meetings which I have talked about where we have had closed session meetings without staff, without AOC to talk about those. We came up with different ideas. And we have reported back on a number of those, and we have many, many more that we are still considering and now will even consider in a broader sense that aren't being -- were not a part of the SEC. So I can only give you my personal commitment that we look at this serious. That's why we didn't want to commit -- create an SEC committee II. That's it's going to be E&P's responsibility. And we're going to put the public comments on the Web page, we're going to report back at every meeting; and it will be transparent and accountable. And you can hold me and my committee members accountable.

So yes, there's a commitment. And yes, we're going to do the things you talked about. Prioritize, timeline. We hope to have that all ready by August. And we're going to monitor and implement. And we're going to do it with -- put an additional burden on the three of you to help us in that regards.

>> Thank you, Chief. I too want to say thank you to all the members of the committee for a year of really hard labor outside of your day jobs.

As you know, I'm chair of the presiding judges advisory committee for another two months, 23 days, and six hours.

(Chuckling)

>> And as the chief mentioned and as Judge Wachob mentioned, the PJs have been really actively involved in this process, both at the inception and also most recently. The PJs under my predecessor, Judge Enright provided about 180 pages of input, that the chief read, through it, all the pages and input, that was provided to the SEC as they started. And the PJs at that time I think were very reflective, both pro and con, of issues that were of concern to them.

So I guess I have a comment and then I have one question.

My comment is there is a memo that the PJ committee sent to all of you. We wanted to provide input. We posed at the request of the PJs several questions to the PJs. And I presented to you the -- as the raw votes, if you will. I can tell you my sense is that the PJs are united, frankly virtually unanimous. And I only say virtually because I haven't heard from each and every one. But from the ones that I have heard from, they are all supportive of the SEC report.

The only division, if you will, is a substantial number of PJs want to have this council immediately adopt and implement the report; and substantial number of PJs want a more deliberative process in tracking and implementing the report.

I think the end result would be the same.

But that's the dividing line. And frankly, that's what we heard today in the public comments.

Those two different approaches.

On balance, I will say that I agree with Judge Wachob, and what I heard from the members of the SEC, with the recommendation that has been made by Justice Miller. I sit on the E&P, I can assure you that I will keep the SEC recommendations front and center. Will track them.

Nothing will be swept under the rug. We'll deal with them straight up.

So here's my question.

Judge McCabe, you mention the something that really threw me for a loop a little bit. And I want to get your feet back on this.

>> Is that a first?

>> First of many. You -- you said that you don't want to tie the hands of the new ADOC, the new administrative director, that that person should be involved and that person's vision should be implemented in running this agency; the AOC.

In a sense that's inconsistent with the council just adopting the recommendations. Because for example the recommendations clearly lay out a restructuring. This is the new structure. Now, there can be 10 different structures. But you've laid out a particular structure and a plan.

So how -- how are we going to involve the new administrative director, how are we going to implement that person's vision if this council were to adopt those recommendations?

Number --

>> Frankly, if we were to adopt them today, we would really be tying that person's hands.

>> Not necessarily. And here's why. And let me expand on what I said.

It has to be a collaborative process. And don't kid yourself, the new ADOC, which is administrative director of the Courts for those watching on camera and don't know what we're talking about, ADOC, the new ADOC has to work with the governing body, in a corporate structure, this is the board of directors, and they are the CEO of the corporation.

And every one of those private sector relationships, and as here in this governmental organization, it's a collaborative process. They have to work with each other.

So there's going to be some give and take. This is the body that passes policy. Like every other board of directors. But they're going to come in and tell you, well, here's my vision and here's what I'd like to do. It may be inconsistent with what you've already approved, but I'd like to modify this by doing this.

And this may result in a little different result, however, maybe the spirit is the same, close result, et cetera.

And I would say, this board -- this council needs to be flexible. But they shouldn't tie the AD's hands to sweeping reforms before they've even arrived.

I don't think that's fair to them because, quite frankly, you may get somebody who is very intuned to all the elements that are necessary to run this organization. Managerial, political, leadership, right down the line.

And they may have a different perspective that requires folks to bend a little.

And so, what -- that's what I'm saying is this should not tie their hands. This body should be flexible enough and open enough to be receptive to any suggestions from the new director and those are in a collective wisdom appropriate, or meet the spirit of it, so be it. Then you modify. So even if you for whatever reason adopted every recommendation today, I would tell you if the new director comes in, two months, three months, six months, whenever, and says I'd like to change this, be open to it.

I don't have a problem with that. Of course I'm nonvoting advisory member, so I don't have a vote.

(Laughter)

>> But I don't have a problem with that. And I hope you don't either. So I hope that answers your question.

>> Yes, thank you.

>> Chair Cantil-Sakauye: After Judge Rubin, Judge Friedman, Alexander, then Jody, then Judge Kaufman.

>> Thank you, chief, I wanted to make a statement on behalf of CJA, which I am lame duck president as of yesterday or the day before.

The SEC report the CJ feels is an important contribution to this branch. Looks critically at the AOC with an eye towards improving its service to the court, the public, and making it more efficient. And CJ wants to start out by congratulating the chief for her leadership. And undertaking this difficult and important process.

We also feel that the branch and everyone in it owes a great debt of thanks to Charlie W -- I'm sorry, Judge Wachob, Judge McCabe, and all the SEC committee judges who took a lot of time out of their day jobs and wrote this outstanding analysis.

Of the AOC, our colleagues are to be commended for their hard work.

We also want to recognize the hard work of Jody Patel, and Curt Soderlund, and Justice Judge Wachob, and Judge McCabe talked about today. We don't see this report as an attack so much as an important look at AOC structure and management.

As it describes -- and as we've heard, we've discussed around this -- this room in the past, there are some past management decisions and attitudes that have had a negative impact on the AOC's important work and on the branch, and the processes that allow that occur, we're now looking at and obviously going to be taking efforts to make some corrections.

As everyone here knows, CJA for a long time has advocated for greater role of the council in terms of its oversight over the AOC. And the beauty, we think, as you look at this report, is that it starts that conversation without intending to be the last words we've just heard from Judge McCabe, and Judge Wachob. Has to be some discussion and input from all the stakeholders including the 2600 or so members of CJA.

On the thoughtful presentation of the 147 -- 1-some -- many, many. Proposals gives us all that opportunity to assist in the modernization of the council staff agency.

CJA supports the work of the SEC committee and its report and encourages the Judicial Council to move as quickly as practicable to implement the appropriate recommendations obviously after input from the different stakeholders, and we look forwards to the opportunity during this comment period to actually make some suggestions on some particular proposals that we would like to weigh in on. But thank you Judge wait a second Wachob, Judge McCabe.

>> Chair Cantil-Sakauye: Judge Friedman.

>> Hon. Terry Friedman: Thank you, chief. Thank you to the SEC for putting before the council such an important report.

I just have a question that arises very much from one of the themes of the public comments earlier today.

From most of the speakers.

And it has -- I guess it's a methodology question, addressed to the -- the overarching obligation of the council to assure access to justice to everyone in the state of California.

Was the SEC able to survey and interview legal aid providers, the attorneys that depend upon the draft program that provide counsel in juvenile dependency cases and others like that whose interests are so tied up with the work of the AOC and many of the divisions in the AOC?

>> I would comment that our group sent questionnaires and surveys to many groups and entities outside the judicial branch who were stake holders in our system, to and including the state bar, specialized bar associations, and so forth.

So without looking at my list of who we sent those to, I know that we tried to be as inclusive as possible. And in that effort, I'm sure that we probably missed someone. But we gave everybody that we could think of a chance to respond.

And we knew too that when we were done with our report, there would be a further opportunity for people to respond.

>> If there's any way to let us know who were some of those stake holder groups that you surveyed and interviewed, I know many of us would be interested in that. It's obviously very difficult to identify everyone that might have something to say. But certainly those who are most

vulnerable in our state and have the least access to the court system, who depend upon legal aid programs, that are funded in part by the access funds and other related funding programs, and are assisted by the center for families, children, and the courts, are vitally important to our mission and our obligation.

>> Understood.

>> Thank you.

>> Chair Cantil-Sakauye: Sue, then Jody, Judge Kaufman, and then Kim --

>> SUE: My question is for Justice Miller.

In the past we have -- when we had some concerns about CCMS, they set up the internal committee, who made -- was a regular reporter for every judicial council meeting. And gives a report of what's happening and led to the meeting we had where some decisions were made and ongoing now with regards to IT services. Is the expectation of E&P that the review of this and maybe some piecemeal recommendations regarding specific -- recommendations regarding recommendations -- regarding some specific recommendations would come up at each meeting that we have, or is your -- are you thinking of some other process?

>> Our intent was clearly not to look at all 147 and whenever that time may be come back to you with all of those at one time.

So our goal was to meet August 9th, to prioritize, go through the public comments, and create a timeline. And maybe even come up with some recommendations at that time of ones we may be able to recommend to the council to adopt. And then to continue that process until we've gone through all 147 and just like the commission for impartial courts that I was on, come back when we're ready with recommendations for implementation.

So would that be every meeting?

I hope.

Would it maybe every other one, sometimes I can't say. But our goal is to do them quickly and to have a timeline for you in August.

>> Sue: I was just thinking that for the idea that if it doesn't get pushed under the rug and people aren't paying attention, is that if it was something as part of your regular report --

>> I'll do it.

>> Sue: That said this is what we are considering, we don't have any specific recommendations for this meeting, but this is where we are and this is what we're working on, would go a long way for people thinking it's being paid attention to.

>> Great idea.

>> Chair Cantil-Sakauye: Jody, you're next.

>> Jody: Thank you, chief. I don't have a question, I just wanted to say and join in with everyone else who's spoken so far, thank you to Judge Wachob, and Judge McCabe, as well as the SEC committee for your informative report.

I can say confidently that my executive team and I, as long as I'm interim director here, and I'm confident that whoever the permanent ADOC is, will do the same thing. But that the executive team and I are committed to working closely with Justice Miller and executive in planning as well as the judicial council to continue to further the priorities and goals, not only of the Judicial Council but of the judicial branch in its entirety.

So we -- you have our commitment as well on behalf of the executive team.

>> Chair Cantil-Sakauye: Thank you. Judge Kaufman, Kim Turner, then Justice Baxter, then Alan Carlson.

>> Two areas. One is, Jody, how many employees do we have in AOC now?

(Laughter)

>> 300 and what?

>> 884.

>> So we've made a 20 percent cut since --

>> We're making significant progress, yes.

>> Since the last four months.

Okay. I'm listening to everything and I think we all share the same goal, and that is we need to make this work.

We started 15 years ago, and we got to where we are today.

And the point is, it didn't get broken in one day, we're not going to fix it in one day. So let's take our time and do it right.

This is an opportunity. This is an excellent opportunity. The chief has created a -- the SEC, we have the report now.

Now it's Judicial Council obligation to ensure that nothing happens. Although Justice Miller and I have disagreed and how it should happen, I'm now convinced that his alternative is appropriate. Because somebody has to own it, and I have the utmost faith in Justice Miller and the other members of the E&P to do something, and to make -- and not let them drop the ball.

And I think the reason I say we have to take time was -- is demonstrated by two -- one -- one area. Is that Judge McCabe says we should start with implementing changes and let the ADOC, when he or she comes in, make some suggestion and make some changes. But in today's package, dated June 20th, a letter from Clark Kelso, and when he says something, I read it. I don't always agree but I read it. His take is a little different than yours. I certainly urge everybody to read the letter and then take into consideration when Judge McCabe is saying. Not saying whether it's right or wrong but demonstrates why we need to take the time to do this right.

Different views, different ways of doing things. And it's not a question of -- of the SEC was right or wrong. It's a question how do we work together to correct it.

And get there. And it's the old saying, is you may be wrong, and I may be right, but come let us sit down and talk, and then maybe we'll find the truth. That's what we have to do.

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

>> Kim Turner: Thank you, Chief. And I want to join the chorus of accolades for the work you did, the significant contribution for helping us to chart the course for the future. But I also wanted to just piggy back on some of the comments that Judge Friedman made. Because what was interesting to me today -- I'm grateful for the testimony we heard earlier today, from Mr. Piko, and Wachob, and others. We talked about some of the pieces of the AOC's work that are outside of what AOC does specifically and directly for trial courts.

Back in 2006 when the Judicial Council adopted the strategic plan that is currently in place for six years -- this is the final year of this plan -- we were really awash in money. And we identified at that time many, many important aspirational goals for the council. Some of which had direct impact on trial courts, and some of which had more of an impact on equal access and how our citizens are served, and how the branch would function to be a really public service responsive organization.

And I think I was really pleased to hear Judge Wachob, that at the beginning of your comments you talked about how your focus was really on the services to the trial courts. And perhaps not on some of these other aspirational areas. So I want to make sure that we go on the record and say that the council set the course for the AOC. The AOC does not on its own decide what projects it's going to do, and doesn't decide which things to do and how to prioritize and which things not to do.

But that's the council's work. The council does that in a public way. The council did that in 2006, in 2008 the council adopted an operational plan that -- gave further guidance to the AOC and what to be doing with its time.

And in fact, over the -- over the course of this down turn, over the last three or four years, the council had an obligation to, I think, reset the priorities of the AOC if there were things that the AOC should stop doing. And it's more focussed to be on direct service to the trial courts and less focus on other things.

So I wanted to make sure that I got that comment on the record. And I also want to just make one further comment about the issue of tone. Because you -- you commented on it, I know you've heard from a few people that they thought the tone was somewhat harsh. And you don't believe that it was overly harsh. And I appreciate that.

But I do want to say is that for the many, many people that are listening today, that read that report, especially current and former employees of the AOC, I think they felt somewhat hurt and devalued by the tone of the report.

And I want to say publicly that I think every employees, whether they're providing direct service to the trial courts, or whether they're providing service in some other area, needs to be recognized by this council as having provided amazing contributions to the quality of justice.

And I would like to make that comment.

>> Chair Cantil-Sakauye: Justice Baxter?

>> Hon. Marvin Baxter: As the senior statesman here --

(Laughter)

>> Hon. Marvin Baxter: Not only in terms of tenure, but also in terms of age --

(Laughter)

>> Hon. Marvin Baxter: I'd like to also add my congratulations for the work you've done. I think the chief's decision to initiate this investigation and report, and the results of it is historic. I think the -- if we learned anything at all from those who spoke to us at the beginning of this afternoon session, I think the message that we could take to heart is that there must be healthy discussion and the opportunity to dissent on virtually every recommendation that bears discussion.

And I think the format that Justice Miller has outlined accomplishes that.

I do have one suggestion, however. As I understand it, the public comment period would be for the first 30 days. And I would suggest that perhaps when your committee meets, you might want to consider having a more flexible public comment period, especially if it's going to be -- if certain recommendations are going to be adopted over a period of time. So that the public -- and I think it's really important that the public weigh in here. So that the public can set forth their views as to whether certain recommendations should be strengthened, weakened or adopted as is. It's very difficult for that to be done in a 30-day period, especially when there's so many different things to focus on.

So I'd suggest that your committee might want to consider that as a possibility.

>> We will. I think that's a great idea. We'll try to think of other ways to accommodate --

>> Chair Cantil-Sakauye: Thank you, Justice Baxter.
Alan?

>> Alan: Thank you, chief. I want to thank the SEC committee for what you've done, add to whatever everybody else said, I got paid to do, it was my job. And you did a great job considering it wasn't your day job, to do that.

I also think that what you said today, the two of you, significantly adds to the report itself. I would ask assuming this was recorded that the recording, the whole thing, not edited be made available because I think if we send it out for public comment we ought to cite the -- where it is on the Web page you can listen to this report as part of it. I'm going to tell all my colleagues, I don't want to hear their comments until I know they've listened to this, because I think this is a relevant part of what's going on.

Also, wearing my hat as chair of CIAC, CIAC has talked about this and our response was we have a lot of positions, the same as the presiding judges do, but we're -- stand ready to help the committee or anybody else on suggestions and implementation. There was a lot of enthusiasm, let's go forward and do something taking off that hat and putting on a personal hat, I have a question -- and I think it's probably whether this was discussed in your committee. I'm trying to reconcile a little bit of what I heard today from the speakers and what's in the report, and I maybe have to go back and read it again. I hear two different themes here about what the role of the

AOC is. One has to do with the core value and services to the trial courts, which you talked about something it you focused on. But there was a lot of discussion -- Judge Friedman and Kim in particular, and several speakers about the role of the AOC on a bigger -- beyond just helping the trial courts.

Did your committee get into that at all?

Did you see part of what needs to be happening is a narrowing down to the services core functions, or did you talk about that in your -- split up as the rest of us are on that?

>> We talked about that for days. That was the kickoff question for the whole study, was what are the essential functions of the AOC. And we started -- you'll notice in each division report in the SEC report, that one of the first things we talked about and tried to identify was what are the statutory and other obligations of each division?

That's a starting point.

And we were actually surprised as a committee when we started fresh to see the sort of constellation of statutory requirements all over the place that impose these different obligations on divisions and on the AOC as a whole, that we never knew about.

And I think the public doesn't know about. And maybe some of us don't know about. But there's a lot out there.

And so the -- I think the -- the starting point was to try to identify what are the -- what are the essential services; recognizing that it is this body, it's the council, decides what goes with that. But we didn't think that there had been a concerted effort to try to identify what were the core functions, what are the required -- let's start there. Let's see what we need to do. Especially in this budget time where I think the budget is going to make everybody pear down to that question anyway. But starting there, and really it's the council's choice. We didn't make policy decisions. We didn't say services for -- or services provided by CFCC were a bad thing or a good thing. We just talked about the efficiencies and so forth, recognizing the policy decisions that have already been made.

CFCC is there for a reason, just to use the speaker's examples. So I don't know if that's answering your question, but we did try to identify as a starting point what were the minimum statutory imposed requirements, the rules of court, directives from the Judicial Council.

And then sift out where we thought the divisions and the activities of the AOC had sort of just grown; without a rudder, without a clear direction, without a clear policy statement.

Because just like any other bureaucratic agency, things just tend to grow. And that was our starting point.

>> Chair Cantil-Sakauye: Judge Yew and then --

>> It feels presumptuous but I'd also like to thank the members of the SEC for this report. It was so clearly and precisely written. I've started reading it over that weekend when I first got it, and I was amazed that it was so easy to read, you assimilated so much information, and you didn't have staff support or secretarial support. And I want to thank you for not making it 800 pages.

(Laughter)

>> Judge Yu: I also want to add my comments to thank the chief. It really is fearless that the chief is giving this branch the opportunity at this time to take a hard look at ourselves, to kind of appreciate whether we've done, and then to move forward.

I think that when we come out of this process, we'll find that it's been therapeutic and cathartic. I thank the speakers who came this afternoon. And I really can't add to what they said about the issues of access, self-help, serving self represented litigants, language access. There's some things that haven't been mentioned that I want to make sure that as we move forward and we assimilate the recommendations of the SEC, and then the further statements or comments of the public who will look at this and comment in either the 30 days or the rolling comment period, there's some things that I think that I'd like to make sure is -- they're considered, because I'm going to be going off this council.

So then as the grants piece. Because my understanding is that some of these grants are things that the AOC did not apply for but they're provided for by statute.

For example the violence against women education project. That's through a fund set aside by the federal government under the VOLA. In addition, there's other -- the equal access funds grant, for example, the family law information center, the five model self-help pilot project. Those are all statutory monies that we get that are in the state budget Act. So in terms of the comment that the SEC has made about grants, I'd like us to just pause there and take more stock and get more information behavior the council takes any action on deciding whether or not to pursue grants. Because certainly we've heard today about all the great work that was done through that seed money, for example Judge Biorn said you can't start a self-help center without seed money. Another thing we haven't paused on today is the work of the Judicial Council implemented by the AOC in the area of diversity and recognition of bias.

That's actually mentioned in the first goal of the six strategic goals of the council. Access and diversity.

In 1987 actually, chief justice Bird started the advisory committee on gender bias in the courts.

That committee came up with 68 recommendations, which were then adopted by the council.

In 1991 the Judicial Council established the advisory committee at this on racial and ethnic bias in the court. I believe that's what Judge Walsh mentioned. So he was on the council quite a long time ago. In 1994, the advisory committee on access and fairness was established. In April of 2002, the first statewide conference in race and ethnic bias in the courts was held in this state.

And I was there. And it was really a remarkable thing.

In October of 2006 the first summit on increasing diversity on the bench was held. And last fall a five-year subsequent look at that issue was convened here in this building with the help of the hard work of the AOC employees.

While the state bar also took leadership role in that, none of the strides that we've made with respect to diversity on the bench could have happened without the leadership of the Judicial Council and the hard work of the AOC staff. In fact all the pipeline projects dovetailed extraordinarily well with civic education because as we're going out there trying to increase the pipeline for minority students to understand the potential of a legal career, were also educating our citizenry about the courts and the judicial branch.

A couple weeks ago I spoke at the pathways to justice conference. And I realize even small little things, or seemingly small things that AOC staff does have extraordinary impact on meaning for some people. So for example now we post the report for judicial vacancies on our website. And I heard at the pathways to justice conference that for legal services attorneys, that was an

extraordinary step, it was very meaningful. Because otherwise they wouldn't have any idea as to when there were vacancies and when they could apply.

And in terms of diversity, we would like to see, you know, including more lawyers with legal services backgrounds, as branch officers in the state.

So I think that there's many things that we can't foresee right now that will be impacted once we start implementing some of the recommendations that come from the SEC report.

Another thing that I think is probably going to be impacted as we cut staff, but I think would be too bad and I hope that the council keeps sight of as we move forward is just the level of responsiveness that many of us in the state have enjoyed when we deal with people at the AOC. We're not just dealing with lawyers who are experts, we're actually -- it comes through that they have a love of their job, that they are really purpose driven. I taught a few weeks ago at the national judicial council. And when I was there as an aside, every judicial Judge from all over the country said you guys are leaders in judicial education. Your procedure is great in terms of what it does in judicial education.

But there were two co-faculty members who -- not from the California judicial system, and they didn't have what they needed in terms of teaching this class. So I said, oh, I think I can get that. So I sent an e-mail to Bonnie Hough, and within 60 minutes she sent me five e-mails that had attachments, reports, procedure and the AOC had promulgated. That level of responsiveness is actually I think legend, that the AOC staff has been Herculean, to respond quickly. I get e-mails from people on holidays, late at night, on weekends.

So I would hate to see that get lost as we move forward and make cuts. And I hope that we can be thoughtful in that process.

Lastly, we heard from very eloquent speakers today, and they had important things to say. But unfortunately we didn't have any court customers come forward. And I know a number of years ago a survey was done of people who have been users of the self-help center. Or self-help centers across the state. There's just two comments out of really I think almost 100 that I'd like to highlight. Because I want the court customers or the clients voices also to be part of the mix when we consider what we're going to be doing in the next few months.

One was from a person who says, the family law center has helped me every step of the way. I don't know where I'd be without it. The people are very helpful. I'm a single mom with low income. And without this center, I would not have been able to accomplish anything.

The other is: I have not taken care of divorce for three years because of financial and lack of knowledge&Procedures. Staff guided me through this kindly and intelligently. Extremely helpful. Without it, I probably would have just taken the paper home, paperwork home&Put it aside for three more years.

So thank you so much for the report. And I'll be listening and watching after October when I'm no longer a member of this body. But I -- I -- I know that you have a hard task before you. And I'm in some ways relieved that I won't be here.

(Laughter)

>> Chair Cantil-Sakauye: We know where you are.

(Laughter)

>> Chair Cantil-Sakauye: Thank you for those very thoughtful comments. We'll hear from Miriam Krinsky and then Judge Earl.

>> I'm another part of that group. I wish I were going to be there. I think there's no dispute that these are incredibly challenging times. And that there's some difficulty issues that the council needs to grapple with. But in my mind, one of the biggest take-aways from this report is that it's the council that needs to grapple with these issues.

I think we've heard the message increasingly over time that leadership ends with the council. I mean, it starts and ends here. That we are -- that presence that you all criticized wasn't on the org chart. And for us to simply adopt a report en mass would be inconsistent with that. And I think that the chair and vice chair of the committee have acknowledged that and made that clear.

For us not to have a process that includes the transparency and the input of all users, legal services organizations, clients, stakeholders, and hopefully I'm sure the public comment after it would be a very robust effort to include all of those voices.

For us not to engage in that kind of a process, again, would be shirking our responsibility.

And so I think this is kind of our moment to step: And the way we step up is not -- is to start the conversation, not to end the conversation with simply taking work that's been done and adopting it without engaging and forcing ourselves to grapple with what it sounds like the committee grappled with, namely what should be the vision of the AOC.

And I just -- I have to say in that regard, challenging times force you to reevaluate when is an organization, what is an entity, what is a branch about. And obviously there has been problems over time. And I think some of the problems may be as much perception as they are actual problems. I think many of the problems have been communication problems. That's not to say that there aren't things that could be done better.

And I think the chief, you've done so much in a short period of time to move things forward.

And Jody, you know, her herculean severities have been to try to implement changes and not simply keep the chair warm in the meantime.

But I think that I have a little bit of pause and concern with the notion that even in tough times, that what the AOC or what leadership of the branch should be about is simply a business model. I mean, you all have presented a phenomenal business model. And I understand and you've acknowledged today, a lot of limitations in terms of what you've viewed as your charge and what you did or didn't have access to, and the resources you did or didn't have.

And it wasn't about applauding good things that are being done, it was about identifying problems with, you know, limited resources, with self reporting, with information, you know, that you viewed as not always giving you what you needed.

But I think it's a time to grapple among the council, what is the right model?

Is it purely a business model, or is it one that acknowledges that access to justice, that, you know, the needs of the most vulnerable people in our community may not be a business-minded decision, but it's the right decision.

So I think that not simply as the process that Justice Miller suggested, the right process -- and I would encourage part of the send-out to include Alan's suggestion that not just the presentation today -- which I think was phenomenal, and added richly to what I had read in the report -- it added very much layers to it in my mind. But I think also that audio that includes the public testimony of the morning is equal -- was it the morning or the afternoon?

It's running together.

After lunch.

Feels like a year ago.

(Chuckling)

>> I think that's equally valuable.

And I think that the other part I would add in addition to the importance of underscoring in a public comment send-out, the link and that people be encouraged to listen to all of it.

I also think to make clear that we take seriously and we are committed to this process, and we're committed to grappling with what we are about, that when this comes back in August, that we should put front and center a discussion of chapter 4. And that that needs to be -- that needs to start. And that that should start quite soon. Because for this council to really start to think about where does it come out and are there, you know -- why can't we start to really commit to how do we define our role?

And I think that there needs to be a sooner rather than later discussion about that.

The only other thing I would add is -- and again, maybe it's easy for those of us, you know, who are sort of going to be moving on -- I work with some incredible people at AOC over the years. And I also know that there have been concerns over the years. And I think that this report well articulates those concerns.

But I frankly did find parts of it -- and I know it wasn't intended to be viewed that way -- I found parts of it to be justifiably troubling in their tone for the committed people who work in this building, who are, you know, dealing with the tough times. There are obviously people in our trial courts who are dealing with the tough times as well. And I think if one went out and looked to study, you know, things that have been done wrong throughout, one could do it. But I think it's important for this dialogue to occur in a way that acknowledges not simply the problems, but also to try to capture what's of value that -- in what's been done; so that as we try to move in tough fiscal times to a more dollars and cents approach, we don't get rid of what we need to be valuing, but that we have an adequately -- haven't adequately at times known about or captured through a business-type analysis.

>> Chair Cantil-Sakauye: Thank you, Miriam.

And this is available on the Web, as are most -- in fact, all Judicial Council meetings.

>> For the insomniacs.

>> Judge Earl: I want to thank the members of the SEC for your report and the way you offered the report and chief, for your courage in demonstrating your leadership in forming this committee.

I have a different take on the tone of my report than some of my colleagues. Perhaps the beauty of having multiple people that sit on the Judicial Council with various experiences. I got the sense that the tone of the report was the author's conveying the tone and feelings of those they interviewed; not that the -- the tone of the authors' themselves.

And I think to not have included that would have given us an unrealistic impression of the feelings that exist among trial court judges and trial court employees, and the frustrations that exist among them as well.

So I think it is important for us to consider that, that those feelings do exist among trial courts.

And I don't believe that the tone itself lends itself to devaluing any of the work of the AOC employees. I think the -- the report itself reflects perhaps some shortcomings of those who are responsible for oversight of AOC employee, including the council.

And I think we do have a good opportunity here for change; I -- Justice Miller, applaud you for welcoming the SEC members of the council into the E&P committee. I think that that will be important as we move forward in looking at the recommendations. And I do think -- I'm sorry that we're losing some folks from on the council, but I do think is a good time to be involved. And I look forward to working with everybody on this. Thank you.

>> Chair Cantil-Sakauye: Thank you. Judge Herman, then Judge Wesley.

>> You know, I am very concerned for the AOC employees, because I think I've shared the experience that many have expressed here. The experiences I have been by and large extremely positive.

The other side of the coin, though, is the report is here. And as judicial officers by and large, on the council as well as lawyers, as well as court professionals, you know, we're -- by training we look past tone. And I think we got to get past the tone issue, look at and evaluate substance on a go-forward basis. Just my thought.

>> Chair Cantil-Sakauye: Thank you, Judge Herman. Judge Wesley.

>> Hon. David Wesley: I'd like to make a motion, but I don't want to cut off discussion, chief.

>> Chair Cantil-Sakauye: I was looking around and it seems I would call the question in terms of motion.

>> Hon. David Wesley: I have two motions. The first motion is that the council accept the SEC report with gratitude; and endorse the report, acknowledging its significance and timeliness. And allowing free public comment period before discussing implementation. That is my motion.

>> Chair Cantil-Sakauye: Is there going to be only one motion?

>> Hon. David Wesley: I have a second motion after that. If you want me to make it now, I can.

>> Chair Cantil-Sakauye: I'd like to hear it too.

(Laughter)

>> Bradley amendment to your first one.

>> Hon. David Wesley: My second motion is that the council follow Miriam Krinsky's advice and that it step up, and that it also take the advice of the SEC commission and show commitment by endorsing and implementing recommendations 4.1 through 4.4. And I'd like to take them up one at a time.

>> Chair Cantil-Sakauye: We'll first take the first motion. I had a second. Off of this side of the room.

>> Over here.

>> Chair Cantil-Sakauye: No, no, no. Who -- Sue, you seconded.
Any discussion on the acceptance --

>> I have a question for Judge --

>> Chair Cantil-Sakauye: Yes?

>> Use your mic --

>> Can you repeat again what it was?
We accept it, we endorse it --

>> Hon. David Wesley: Endorsing the report, acknowledging its significance and timeliness and allowing for a 30-day comment period before discussing implementation.

>> I wasn't sure what you meant by endorse.

>> Yeah.

>> Hon. David Wesley: What I mean is I endorse the report, doesn't mean you endorse every single one of the recommendations, but endorse the report received from this committee as a -- as a significant, important report for this council.

>> Question.

>> Chair Cantil-Sakauye: Okay. So Judge Kaufman?

>> Hon. Ira Kaufman: How does that conflict with what you're asking the E&P committee to do?

>> Doesn't.

>> Hon. Ira Kaufman: I'm not sure I agree with you, Judge Wesley.

>> I think there has to be a joint motion that --

>> I agree.

>> That entails some of that and the recommendations of E&P.

>> I made my motion, if you have --

>> Chair Cantil-Sakauye: I have a second through commissioner Alexander; correct? That is accept, endorse, acknowledge, with a 30-day comment period. Notwithstanding other discussion.
Okay. Judge --

>> I make a substitute motion. I would adopt -- I would support Judge Wesley's motion without the word "endorse." So my substitute motion is delete "endorse" from his motion.

>> Point of order. That would be an amendment. It would not be a supplement --

(Laughter)

>> Chair Cantil-Sakauye: either a friendly amendment or you reward it to have a substitute motion.

>> Chief, wait a minute.

>> Chair Cantil-Sakauye: Is it a friendly amendment?

>> He's not going to accept a friendly amendment.

>> Chair Cantil-Sakauye: It's a substitute motion?

>> It would be a motion to amend.

>> That would be a motion to amend. Thank you.

(Laughter)

>> In other words, if that passes, then the main motion is on the floor as amended.

>> Chair Cantil-Sakauye: Okay. Judge O'Malley.

>> I would like to add at least comment at this time about Justice Baxter's recommendation that it not be strictly a 30-day comment period, but a rolling comment period depending upon the issues as they arise. Certainly it's going to be at least initially a 30-day period but leave it open as issues arise, not closing off completely the -- the comment period after 30 days.

>> Chair Cantil-Sakauye: That sounds like a friendly amendment too.
Judge Wesley, are you interested in that friendly amendment?

>> Hon. David Wesley: My only -- and -- my only problem is that if we don't have some place where we say, okay, we're going to move forward with this, we discussed this at E&P, and we thought a 30-day comment period because it's been out for discussion already, was sufficient.

But I -- it's clear to me that when we get into some of these recommendations, there's going to be further comment.

I don't know how you phrase that without having some specific cut-off period so we can move on.

>> Chair Cantil-Sakauye: Judge Hull and then Miriam Krinsky.

>> Hon. Harry Hull: Thank you, chief. I don't think this is in nature of a further friendly amendment. I'm confused on the Parliamentary procedure enough. But I think that -- the difficulty I have with Judge Wesley's motion at least is it's somewhat in the nature of a compound question or a -- violates the single subject rule or something like that.

(Laughter)

>> Hon. Harry Hull: So if it is put to a vote as moved, I agree with -- I agree with parts, don't agree with other parts. And I'm going to be in a difficult position whether I should vote yes or no.

>> Chair Cantil-Sakauye: Miriam Krinsky and then Judge Baker.

>> Ms. Miriam Krinsky: Could the motion -- could you reread it one more time, Judge Wesley?

>> Hon. David Wesley: I don't know if I could. I think -- I think the motion was that the judicial council accept the SEC report with gratitude and endorse the report, acknowledging its significance and timeliness, and allowing a 30-day comment period before implementing the report.

>> Chair Cantil-Sakauye: What do you mean by --

>> Ms. Miriam Krinsky: Okay. I have a question, and I think the chief -- I have a question and then I have a thought on the 30-day.

So maybe the thought.

It seems to me that the 30-day makes a lot of sense, makes good sense. And Justice Baxter, I understand your thought. I would assume that as other issues over time come to the council, there's still an opportunity for people to comment, the way they have by coming today, by writing letters.

But at least initially a 30-day period where this can be put out, where individuals who want to give input have a chance to give input, and they don't feel that it's rolling so they don't have to give input right now. They're given a chance, it's out there.

But if specific issues then in later months come forward, there's no prohibition on input on specific issues at a later time.

So I just think there's some value to knowing that there's an end point so that groups aren't misled by thinking, oh, I'll wait, because they haven't gotten to chapter 7 yet or chapter 9, and that's what I'm really worried about.

I think we need to have a chance for people to see this, to give input on it, and to not sort of rest assured that they'll later have that chance if that may not come up.

So -- but the question I have is I'm not sure I understood the last part, which is so we put it out for 30 days, and then we implement.

I -- it didn't seem to me like that sounded consistent with what E&P is recommending. And I don't know, Judge Wesley, if you're intending to be recommending that after the 30-day, it moves through the E&P process, or after 30 days, it all comes to the council for an up or down. So I just wasn't sure about that last part.

>> Hon. David Wesley: Being on E&P and having discussed the process, I have no problem with the idea that somebody has to oversee this. And the agreement was I think from the E&P group that SEC committee members on the Judicial Council would be advisory to the E&P, and that the E&P would move the recommendations forward, call that implementing -- in a timely fashion. So somebody has to do that.

>> Could the motion --

>> Hon. David Wesley: I'm trying to get us to accept and endorse -- change the word "endorse" the importance of the recommendations, so that we get this report before us. Because I can't make my second motion until we get this report before us.

And we have to accept this report. And then the procedural manner of implementing is what I think E&P is talking about. That's a different motion.

>> No.

>> Chair Cantil-Sakauye: Judge Baker, then Judge Jacobson, Judge Elsworth, and Justice Baxter.

>> Hon. Stephen Baker: With respect, I think the current motion is very ambiguous, overly broad, compound.

(Laughter)

>> Hon. Stephen Baker: And I think we should vote it down. It's well intended I know. And I think alternatively we should accept the report for consideration, without placing any value judgment on it. We accept it for consideration. That motion then passes and then I would think that the next -- just hear what if anything appears to be a loose consensus, I would think the next motion would be to move to adopt the E&P recommendation subject perhaps to modification of the public comment issue as outlined by Justice Baxter.

>> Chair Cantil-Sakauye: So it sounds to me, Judge Baker, that you have an amended motion to accept the report for consideration at this time. And so let me -- so unless the other speakers wish to add to this, I'd like to take a motion and get some of these off the table.

(Laughter)

>> Chair Cantil-Sakauye: I will hear from Judge Jacobson.

>> Jacobson: Thank you. One thing Justice Miller said one thing E&P would like to do between now and August 9th is set a priority list of which of these many, many recommendations to deal with. Perhaps the public comment period initially ought to be on the issue of prioritizing these 147 or so recommendations. And then we deal in groups later on. We're now going to be addressing this grouping of recommendations and get it out for another public comment period at that time. That may be a way to deal with this complex issue of needing a rolling public comment period. So that's a suggestion that I'm throwing out.

>> Chair Cantil-Sakauye: Thank you. Judge Ellsworth?

>> I would hold my comment until we --

>> Chair Cantil-Sakauye: One of these votes?
Justice Baxter.

>> Hon. Marvin Baxter: My comments on the comment period --

>> You have 30 days.

>> Hon. Marvin Baxter: Were not restricted at all. I think the comment period should start immediately.

>> Agree.

>> Hon. Marvin Baxter: And perhaps 30 days is an arbitrary cut-off date. In other words we just have an open comment period, the matter will be coming up with Justice Miller's committee at a later date. And at that point the -- the schedule as to which recommendations are going to be focused on, when, would then be public.

And the comment period would be adjusted accordingly.

But I didn't intend at all to delay the comment period. I think the comment period should be immediately. And I don't think 30 days really makes any sense, because why restrict it to that, especially when we have as many -- as we have in this report.

>> Chair Cantil-Sakauye: Sue.

>> Sue: Withdraw my second.

>> Chair Cantil-Sakauye: Thank you. There's no second on the original language of accept with gratitude, endorse, acknowledge, et cetera.

But we'll wait 'til we get there.

Judge Erica Yu, you're up.

>> Hon. Erica Yew: Thank you, Chief. I was wanting to address Judge Wesley. The comments are kind of moot now that the second has been withdrawn. My concern is that as a leadership body, the Judicial Council can't really look like it has an agenda with respect to that motion. And your motion has an agenda attached to it. And that's why I couldn't support it.

And when the council has accepted other reports in the past, for example, the fair courts 1, or Bias 1, I doubt the council's ever passed a motion like that. So that's why I wouldn't want to enter into that area.

>> Chair Cantil-Sakauye: Edith Matthai.

>> I would second Judge Baker's motion.

>> Chair Cantil-Sakauye: A second to a motion for accept the full report for consideration. Judge Rosenberg?

>> Hon. David Rosenberg: I was going to accept the motion.

>> A substitute second would be in order.

>> Hon. David Rosenberg: I just want to indicate if this motion passes, it's a powerful statement to accept a report is a powerful statement. And I think the next action the council should take is to adopt the recommendation of the E&P committee, which is a process.

>> Chair Cantil-Sakauye: Is that your motion?

>> Hon. David Rosenberg: I will wait until this -- baker's motion passes.

>> Chair Cantil-Sakauye: I'm going to call the question, in terms of Judge Baker's motion to accept the report for consideration. All in favor say aye.

(A Chorus of Ayes.)

>> Chair Cantil-Sakauye: Opposed?

>> No.

>> Chair Cantil-Sakauye: So noted. It passes.

>> I would move -- I'm not sure I need to move it since it's a recommendation of the committee. We should just vote on that recommendation. I don't think it needs to be moved and seconds as a committee recommendation.

>> Chair Cantil-Sakauye: Let's have you restate it because you indicated agreement to some of the comments on the round table about changing the process a little bit.

>> The recommendation of E&P was as of today the SEC report be sent out for a 30-day public comment, starting today.

I would agree that we should be flexible, but I kind of feel that we need to start out with a defined period. So people in some sense take it serious.

And then if comments come after that, we're not going to throw them away. They'll be a public document. We will still have them. And as we move through the process, if there are areas that E&P feels, you know what, we're kind of conflicted on this, and we're getting mixed information, we'll start the process again. And we'll come back to the council and recommend -- we need to have some public comment on this. And we'll specifically define what our concerns are. Like we do sometimes with the rules and forms.

They have that information. So that would be the first part. The second would be that E&P would be assigned to review and consider each of the recommendations. I know there's been some discussion that -- that Jody Patel has already gone through a list of the 140 and indicated some that may have already been adopted in full or in part.

My motion is that we will go through each of the recommendations, even ones that may have been indicated by Jody that they have been instituted. We will go through each one. We'll evaluate them, we will at the August meeting come back with a summary of the comments. We'll come back with all of the comments for your consideration from the public comment. We will prioritize them. And we will create a timeline for them.

We will also seek additional input from other groups or individuals who may have specific information. We will not assign to any other group or create any other committee to do this work. It will be the responsibility of E&P. We will ask the three SEC members who are sitting on the council to be advisory members to the E&P to help us in that process.

The responsibility will be of either the interim director or our new administrative director to implement those with oversight -- to implement those that the Judicial Council recommends for adoption with oversight by the Judicial Council. E&P, with the assistance of the three SEC members. That's E&P's recommendation.

>> Chair Cantil-Sakauye: Your recommendation.

>> Chief, may I make a comment on the recommendation?

>> Chair Cantil-Sakauye: Yes.

>> As a judicial branch loyalist, I would just like to say that those that might read the transcript of this hearing later or who might be listening to it, that referral of the report to the E&P committee does not represent unnecessary delay of the report, it does not represent some conspiratorial effort to kill the recommendations of the SEC report, and I would just like to note that this will be my first opportunity to vote as a council member. And --

>> No.

>> No, no, he's June 1st.

>> June 1st.

>> Dave, don't mess it up, okay?

(Laughter)

>> I believe I was appointed effective June 1st as a voting member, for those that weren't sure.

(Chuckling)

>> And I will take Judge Rosenberg's advice that I won't mess up my first vote.

>> Chair Cantil-Sakauye: Okay. So on this E&P recommendation, all in favor say aye.

(A Chorus of Ayes.)

>> Chair Cantil-Sakauye: Any opposed?

(None.)

>> Chair Cantil-Sakauye: Recommendation carries.
I don't --

>> Have another motion.

>> Chair Cantil-Sakauye: Okay. Your motion, Judge Wesley?

>> My second motion was -- now that the report has been accepted --

>> Microphone.

>> Hon. David Wesley: My second motion now that the report has been accepted, and I was waiting for that, is that the council endorse and implement recommendations 4.1 through 4.4, showing their commitment to the SEC's great effort.

And I'd like to take them one at a time.

So my first motion would be that the Judicial Council adopt the recommendation, it says the council must take an active role in overseeing and monitoring the AOC. I would offer to change the word "demanding" to requiring."

Transparency, accountability and efficiency in the AOC's operations and practices.

And I move with that amendment to adopt that recommendation.

>> I will second that motion.

>> Chair Cantil-Sakauye: Any further discussion?

Yes? Edith Matthai.

>> As of yesterday I was on the fence of this question of whether we should move forward at this time with any of these four recommendations with regard to the council itself.

However, as I've listened to the discussion and as I thought about this more, I'm no longer on the fence. For a couple of reasons.

I -- I have not spoken today, so I haven't had a chance to thank the SEC for the very, very long hours that I know that it took to put that report together.

Anyone in this room who's worked on any such project knows that it's an unbelievable amount of work. And I don't want anybody to think that I don't recognize and appreciate that.

But it is my understanding that the charge of the SEC was to do an evaluation of the AOC and make recommendations to the council with regard to changes that needed to be made.

I believe that every single person on this council is deeply committed to making sure that we do the right thing and we make sure that the necessary changes do get made.

The charge of the SEC was, in my opinion, not to direct the council or put words into the council's mind or mouths about what our obligation is. We understand our obligation; it is set forth in the constitution, article 6, and it is set forth in the rules of Court.

And I personally am committed to make sure that as a member of the council I live up to those obligations. As a member of E&P, I intend to live up to those obligations. And I believe that everybody on this council intends to live up to those obligations.

And I think that is sufficient.

>> Chair Cantil-Sakauye: Thank you. I think the motion is there. Summed up, we've had enough discussion. I call the question.

>> Yesterday I -- I was actually interested in maybe taking up 4.1 and 4.2 today because they seem pretty uncontroversial and it's -- as Edith has said they seem to reaffirm what is the role of this council. And given the observations made by the SEC report, I think it is in some ways proper for us to recommit and reaffirm our -- our obligation to carry out the role of the council. One of the concerns I have about adopting these recommendations now -- and I think it's a little bit problematic to take them one by one, because I think they're intended to be as a group and to endorse one of them now but then have concerns about, say, 4.3, which is longer and I think which many of us might want to wordsmith a little bit, I think is quite possibly going to send the wrong message and send a message of undercommitment. And undervaluing what I think everyone agrees has been highlighted, which is the critical importance of reasserting our authority and our accountability over the operations of the AOC.

The concern that I have, though, about adopting these right now is that -- is the concern that was made -- that was articulated very well by representatives of the public interest organizations earlier today. And that is that the recommendations are primarily toward efficiency and the business model.

And I think also toward fulfilling the AOC's obligations to courts and to the trial courts.

The AOC has another ultimate constituency, which is the public. And I'm a little concerned -- I would wordsmith these, quite honestly, to reintroduce back into them that commitment to the public interest. And for that reason I'm not entirely comfortable with endorsing these today.

Because I don't think they should be taken piecemeal. I think they're intended as a group. I am completely comfortable with and eager to participate in reaffirming the role of the council and dedicating ourselves and committing ourselves to that role; and not letting the AOC become a runaway organization and reining it back in. And all of those things. But I am concerned about how I would now wordsmith these and taking them piecemeal, I think, is in some ways problematic.

>> Chair Cantil-Sakauye: Thank you. Judge Baker, then Judge Kaufman.

>> Hon. Stephen Baker: Trying not to be redundant. I too am very grateful by the fine work done by the SEC. I think as these comments illustrate, it's important to put the report out for public comment. And perception is everything.

This fine report was prepared by 12 judges. And it potentially affect the millions of Californians, the people that we serve. And I think that if we're going to put the report out for public comment, we should put the entire report out for public comment, let this process play out in that fashion.

So I would be disinclined to vote for the current motion.

>> Chair Cantil-Sakauye: Thank you. Judge Kaufman -- then Judge Rosenberg.

>> Hon. Ira Kaufman: I agree with Judge Baker. The motion puts us in an awkward position. If we vote against it, I don't want it to be perceived we're saying, stop, we're hiding this thing. We're not. That's nobody's intention. Nobody here I've heard so far wants to bury this thing. We want to make this work. And by voting against this motion -- which I will vote against it right now -- I don't want to be perceived that I'm saying hide it or stop it or anything like that. I want to do it right, take my time. And do it right.

And I trust the people on E&P will do it right. So this motion -- all four of them are premature at this point.

>> Point of order, can it be tabled?

>> I was going to make a motion.

>> Chair Cantil-Sakauye: We could do this, but first I take that -- it's in front of my little -- but I need Judge Herman --

>> Hon. James Herman: Judge Wesley did ask Judge Wachob, the chair of the committee, what process he would recommend regarding this report. And the idea was that in line with what the contemplation -- contemplated process was that it would go to the council rather than being voted on either piecemeal or in whole today.

And you know, I think we all agree that this is a deliberative process. We need to go through. So --

>> I must say, I listened too, and I think that the SEC committee was looking for some kind of a commitment from this council. And these are noncontroversial recommendations. They are already in our governance model. And all they are is a reaffirmation of our commitment as a council to do whether a we're supposed to do as a council. And that is act like a council.

So I -- this motion made in good faith, to show a commitment, and all it does is restate what's already in our governing rules.

So I -- I'm not going to withdraw this motion.

>> I would agree with that, but I believe if there's a second made, this is a nondebtable motion.

>> Right.

>> I was going to make a motion to table this discussion 'til the August meeting. And let me explain why.

I firmly believe that these four -- there are two sets of recommendations from the SEC. 143 relate to the AOC. 4 relate to the Judicial Council. These are the four. 4.1 through 4.4. Not a doubt in my mind that this council will adopt 4.1 through 4.4.

I am convinced, however, as a result of this discussion that there will be some wordsmithing. For example, Judge Wesley already wordsmithed it by taking out the word "demanding" and putting in the word "requiring."

There may be a reason to put in the word "the public" in 4.2. There may be other tweaking. We've discussed the business model versus other models.

So with some tweaking, that may be appropriate. So I would move that we table -- and I think the E&P will bring this back at the very first meeting -- table this discussion on 4.1 to 4.4 'til the August meeting of the council.

>> Chair Cantil-Sakauye: I'm going to ask you a point of clarification on the rules. We have a second on this motion. You're the second --

>> Then I'll second it.

>> Chair Cantil-Sakauye: On Judge Wesley's motion. I believe. So now you're making the motion to table.

>> Correct.

>> Miss Davis had already made --

>> A person can make a motion or a second and then vote against it.
A person can't make a motion -- I think we just saw that a little bit earlier.

>> But I believe Ms. Davis made a motion.

>> That's correct. I raised a point of order, can we table.

>> She didn't make a motion, she asked a question.

>> Well, I raised the question. I would have raised the motion if the point of order would have been yes you can. We don't go by Robert's Rules here and I'm still getting used to that.

>> Chair Cantil-Sakauye: Go by Rosenberg's rules. And I realize there is a motion to table.

>> And I second that.

>> Chair Cantil-Sakauye: You secretary that. And I saw ought of my corner of my eye, Judge Earl. Are you speaking to this non-debatable motion?

>> No.

(Laughter)

>> CHAIR CANTIL-SAKAYUE: All in favor --

>> To table.

>> Chair Cantil-Sakauye: To table 'til August -- our August meeting --

>> You don't table to a date certain.

>> Chair Cantil-Sakauye: I hear you mumbling over there.

>> Do we table to a date certain?

>> You can either table without a date or table to a date.

>> Chair Cantil-Sakauye: Are you being more specific, Ms. Davis?

>> Under Robert's Rules if you table to a date uncertain, it's hard to resuscitate. So I would say I would table to August.

>> Chair Cantil-Sakauye: Our August meeting. So are you speaking to the --

>> To Roberts --

>> Chair Cantil-Sakauye: It's not debatable.

>> I know. But it's --

>> A motion to table is non-debatable.

>> But after the 30-day period. I want to make sure that that's after --

>> Chair Cantil-Sakauye: Yes.

>> After the public comment period.

>> Chair Cantil-Sakauye: All in favor of tabling the motion please say aye.

(A Chorus of Ayes.)

>> Chair Cantil-Sakauye: All opposed?

>> Opposed.

>> Chair Cantil-Sakauye: Motion carries.

>> I think that's two thirds. Is that by two thirds?

>> I think so.

>> Chair Cantil-Sakauye: So I don't want -- the Parliamentary business is very important too. I think with everyone speaking, you can see it's important to how we proceed. And I don't want it to take away at all from the import of this report, from your fine presentation. And again, with universal gratitude for the work you all put in toward this report. And it will live with council for as long as I'm here.

I asked for it. The hard look. I -- I have to be a bit of a masochist for this, but I intend to follow through with it. Thank you very much.

(Applause)

>> Chair Cantil-Sakauye: We have on our agenda one other -- well, let me point out -- I think given the -- the items we were to consider, Item I and J, we moved item J to tomorrow. We're also going to move item I to tomorrow morning as well. But I want to, before you leave, indicate for the record that there was nothing requested to be removed from the consent agenda. Items A1 through A2 and through F. And so those matters are passed by this council. And we will take up the remaining two items on the agenda tomorrow morning at 8:30.

Thank you for all of your attention to this very important meeting.