

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 April 25, 2013. The official record of each meeting, the meeting minutes, is usually approved by the council at the next business meeting. Much more information about this meeting, the work of the Judicial Council, and the role of the state court system is available on the California Courts Website at <http://www.courts.ca.gov>.

>> This is the business meeting of the Judicial Council. This is part of a 2-day session. Our business meeting will continue tomorrow, Friday. I'll go through my disclaimers before we start every meeting. All of our meetings are audio cast live with real time captioning on our California Courts website. For the benefit of the online audience, please speak into your microphones and address each other by names so listeners and the real time caption leaders can follow our discussion. Also, as you know an seen and been part of, segments of your meetings are regularly videotaped for future posting on the California Courts website. Our first item of business is the approval of the minutes of our February 25 and 26 meeting. Do I hear a move for adoption?

>> I would so move.

>> Thank you.

>> Rosenberg seconds.

>> Thank you. All in favor say aye?

>> No?

Any opposed? Motion carries. Thank you. Any on our agenda is my regular report to the council summarizing engagements and ongoing outreach activity since our last meeting, which is February 26th. This particular period of time turned out to be an exceptional one. It's not often I get to meet, let alone advocate for the purpose of civic learning, with Sandra Day O'Conner to address the importance for the need for adequate funding for the judicial branch. Also to share a joy of reading with children, Doctor Seuss read to 3rd graders at the Court of Appeal and last but not least to receive a report from a work group commissioned by the Governor and myself with the major finding that the judicial branch has substantially complied with the Trial Court Funding Act. All in all a productive rewarding period. February civic learning California summit making -- making derock a SI work is great. Civics education bridges all branches of government and all communities and I was grateful to have the participation and support from education, labor, business and community leaders, law school deans, the state bar and elected officials and ed of course the teachers and students. A few moments ago I received communication from PPIC and based on the judicial branch's movement it included in one of their regular surveys a question of how important civics learning is to the 1,700 people they surveyed. Over 80% said it was very important. Many courts appellant and trial courts have been active. All of these efforts contribute to the public's understanding of our court system, builds public trust and it is on an going council goal. In March I had the great pleasure of participating in read across America day with the theme of reading is the window to opportunity by creating a

video on the JOI of reading and with many Dr. Seuss quotes. I read to 3rd graders at a classroom in Mark Hopkins Elementary School in Sacramento. It's a diverse community and the school is slated to close and merge with other schools. They face many, many challenges but they have a strong spirit. I was able to read to them about courage and bravery. I think it would be appropriate to associate the words with CLAIRNS with -- giddeon and the importance of attorneys to our justice system and how necessary a courtroom is. I encourage our decision makers in Sacramento to reinvest in justice and that a penny on the dollar is not sufficient to run the judicial branch of the most diverse state in the nation. Budget remains the ongoing focus of many of my meetings and yours. Mine with the Governor, the Legislature and justice system partners but I was pleased to be able to attend and see many of you at groundbreaking for renovated or new courthouses. The Judges Institute, the California Judges Association, events of the Los Angeles County Bar Association and the Bar Association of San Francisco and the great pleasure of administering the oath of office for 12 new judges in the Los Angeles court. The San Francisco bar awards, I was with colleagues from the San Francisco bench to recognize people in pro bono. Also, I attended the California lawyer attorneys of the year awards due to the outstanding awards given to attorneys in different categories and different fields recognizing the importance of the work. You can tell that based on all of those kinds of activities that are going on in your community throughout the state, there's a passion in spirit reflected in work for pro bono, all of this volunteer time put in by professionals. I think that same spirit infects the Judicial Council members who serve here; volunteer your time to serve the council, the branch, the people of California. The highlight of April is the final report of the work group. We will hear from the work group first thing tomorrow morning; all of the positive accomplishments are documented in the report. The process, the findings, the recommendations, also remind us of that old saying that improvement in the administration of justice is not a task for the short winded. Luckily lawyers and judges are never short of wind. I will conclude my report with two quotes relating to my most recent outreach activities. Dr. Seuss puts it, a person is a person no matter how small. Size or any difference, such as race or gender does not mean that a person has difference or lesser rights. All are protected equally. For Mr. Giddeon, each era finds an improvement in law for the benefit of men kinds. The important work for public access. Thank you. We'll now hear from Judge Jahr for his report.

>> Thank you, Chief. Good afternoon. You've received a copy of what is frequently and this is no exception, an extensive update of activities. I suppose I should just mention by way of highlighting that administrative director's report is really an excellent one-stop shop place to see everything that has been going on in administrative activity since the latest council meeting in support of directives or initiatives, in support of the standing advisory committees. If there's one place that you have time to go to the catch up on things that have been occurring since the last council meeting, I strongly invite you to review those reports along with the myriad of other document that is you read, of course, in preparation for these meets. Tina Carroll, our excellent liaison, is responsible for compiling does and always does so in a way that's exceptionally transparent. Just a couple of areas of emphasis. Jody and I met with the director of finance very recently relative to the continuing concern that we have as we approach the next budget year relative to the business of the 1% reserve amendment toize end berg that occurred last year. It's a problem that obviously required a long-term solution. We continue to engage in dialogue with the department of finance concerning that topic and we'll continue to do so, obviously as things move forward. Many in the Legislature are equally interested in finding sensible solutions so that

issues of cash flow and long-term planning can be addressed. On the budget advocacy, we've had a number of hearings in the chambers of Legislature relative to the issue of budget, the impact of the budget on different populations of court users. We continue in our advocacy as do our stakeholder friends in the Bench-Bar Coalition judged by O'Malley and the Open Courts Coalition, I'm appreciative of the work the OGA office has done as they have changed and brought on new staff. The messaging is so important that we are all emphasizing the crucial points because that reemphasis enables us to move forward in our advocacy, which I believe has been successful in the legislation. As most of you have been exposed to the snapshots that OGA has prepared, one per court, those have been especially effective with Legislatures in illustrating for them what's going on in the courts within their areas of jurisdictions of responsibility. In fact, in a recent hearing, it was quite plain that one of the legislators who was speaking for the proposition that the courts need to have a reinjection was reading off. So kudos for that fine work. With respect to the quarterly report on AOC vacancies and the vacancies in over 6 months in conformance with the number 46 directive to the council, you will find in addition to our standard metrics report, which is at page 19 that just gives you population numbers, that on paging 21 through 23 there's actually a summary at length of those vacancies. 84 have been -- vacant. 26 are in ITSO. That office has August meant ed -- we are now in the process of reducing the number of contractors and are conducting a recruitment for regular employees to fill long-term maintenance and support roles. The net effect in terms of population is zero. It's a zero sum game. Will be resulting dollar savings associated with that activity. Just a couple of brief pointing that are underscored in the written report relative to the exceptional work the staff has been doing on a variety of fronts about which each of you has knowledge in particular areas because I know of the work that you have been doing with our AOC staff. The staff members are dropped on the order of 300 in magnitude over the last year and a half and there's this considerable vacancy rate for the regions indicated. Staffer called upon to engage in activities that are of crucial and usually time sensitive importance with the council to most obvious of which, the chief alluded to and will be before you for your consideration tomorrow. That is the final work of the trial court funding work group and the final work product and recommendation of the trial court budget work groups, new allocation formulation, those involved a considerable number of staff from fiscal services and the office of research. I know that the members of each of those groups have repeatedly thanked and commended staff for their work, which has involved weekends and the late-night routine work that is mon -- that is me moral memorialized in e-mails long after bedtime. They have hit the ground running concerning another time-sensitive project, the rapidly MORPing and development realignment world in criminal law, the legislatively mandated workload reporting. They have worked tirelessly to develop a strategy for capturing that data and reporting as required. 43 courts have been trained on the data collection process so far.

>> [Captioner's listening line has static]

>> And staff have worked diligently also to prepare for upcoming educational programs relative to the soon-to-be rolled out parole violations, reality that we will all be embracing in short order. And I might add that staff has been doing so in excellent collaboration with seizure. We have also a small core group of staff that are supporting the Chief's civics education initiative which most recently was illustrated by the excellent summit that was conducted in Sacramento as the Chief referenced in attendance and participating being Justice O'Connor. Our court interpreters

program, many are new in that program and they just recently successfully launched the oral proficiency exam for registered court interpreters, all-important. Somehow while HR has balanced its regular workload commitments including representing 10 courts in labor negotiations, two regional interpreter negotiations, and providing routine ER assistance to 17 other courts, also somehow managing the temporary and contractor conversions about which I referred earlier in reference to ITSO and dealing with an out of class promotion project that we're in the midst of, they have taken on the initial phases of the class and classification and compensation efforts particularly as they relate to the fair labor and standards act activity, shifted gears and pivoted after the February meeting to prepare the extensive RFPs that we hope to have report progress on for you at your June meeting. And somehow in addition to all of the above, have successfully developed the kinds of support that the executive office needs in rolling out the new pilot telecommute program. Legal services has had an enormous reduction in staffing. And yet has been able to continue to meet the workload demands in an array of areas, not the least of which of course is labor negotiations. I'm very proud of the capital programs project as you are aware from the report. They recently received the 2013 award of excellence from the AIA Academy of architects for justice relative to Contra Costa's artisan justice center. There are eight constructions in process, eight more will come online in construction this coming year. And after the folks finished their day jobs in managing all that, in capital programs, they head home at night and I'm told, to work on developing and completing the policies and procedures manuals that the Pegasus report recommended be conducted. The list goes on. I suppose I should finish by mentioning our special projects office also. It's a small group. It has been responsible among the array of reengineering projects also for tracking all Judicial Council directives, assisting in the restructuring of AOC and the ongoing restructuring processes associated with the legal services office. It has worked with each of the three division chiefs in the core activities evaluation, it's planning a customer service survey program that we will roll out in due course. And has also simultaneously assisted the executive and planning committee with the restructuring of all advisory task forces and committees also on calendar for this meeting. Needless to say, the division chiefs and the office directors who work with them are most frequently working 12 hour days and uncomplainingly so. Things are obviously challenging in the agency. The date—dedication to service of these folks to me every day is amazing. I'm very proud to be among them. And that concludes my remarks. Chief?

>> Thank you.

>> [Captioner's listening line has a lot of static]

>> Thank you, Judge Jahr. Next we'll hear from the internal committee chairs with their respective digital County committee reports. Justice Baxter, chair, Policy Coordination and Liaison Committee?

>> Thank you, Chief. The policy committee met four times since our last council meeting. Taking positions on behalf of the Judicial Council on 19 separate pieces of legislation, improving seven legislative proposals, to go out for public comment, and adopting recommendations on six proposals for Judicial Council sponsorship. On March 7, the committee acted to support Assembly Bill 492 relating to Proposition 36 probation cases. And opposed Assembly Bill 515 and Senate Bill 123 relating to the California environmental quality act. The committee also

considered OGA a 's of providing the legislature with fiscal analysis of pending legislation that has a fiscal impact on the branch. The committee directed that OGA prepare fiscal impact statement for bills that do the following. First of all, add new or expand upon existing courtroom procedures. Jury service requirements, hearing requirements, sentencing guidelines, or administrative requirements. Also, direct any one or more of the entities within the judicial branch including the Judicial Council, the courts and the AOC, to develop or evaluate new training pilot programming or projects. Also, bills that track and report or develop specified data, develop new committees, studies, groups or reports. And also, bills that require the creation of new or modified rules of court and judicial forums. The office of governmental affairs was specifically directed to low -- no longer prepare and submit fiscal impact statement identifying costs to the trial court on legislation which create new or expanded civil causes of action and new or expanded crimes. The policy committee also reviewed nine proposals for Judicial Council sponsored legislation on operational efficiencies cost savings and new revenue. Of those proposals, the committee adopted six recommendations for Judicial Council sponsorship and rejected three. The recommendations are at item three on today's agenda. On March 28, the committee voted to oppose AB E36 dealing with probation officer appointments and Senate Bill 366 which would implement broad changes to the laws that govern how civil assessments are imposed and processed in the traffic arena. The policy committee also acted to oppose Assembly Bill 515 relating to the California environmental quality act, which the committee previously acted on at its March 7 meeting. And Assembly Bill 566, relating to the trial court employment protection and governance act. But corrected OGA to work with the authors to explore possible alternatives that are more workable for the courts. Staff also presented the committee with an informational item regarding a report required in Senate Bill 678 relating to the California community corrections performance incentives act of 2009. At its April 11 meeting, the committee revisited Senate Bill 123 requiring the Judicial Council correct the creation of a minimum of 12 new environmental and land-use divisions at the Superior Court level to hear SQA and related cases and continue to take and opposed positions. The committee also acted to oppose Assembly Bill 723 relating to post release community supervision and Assembly Bill 1118 regarding the statewide rail schedule. And at the same meeting, the policy committee also approved for circulation for public comment, six legislative proposals from the mental health issues implementation task force criminal law advisory committee and the California tribal court state court forum in conjunction with the family and juvenile law advisory committee. On April 18 the committee considered nine bills. The committee opposed the following bills. Assembly Bill 301 requiring elections officials to cancel certain affidavits of registration. Assembly Bill 655, relating to court reporters salary fund; Assembly Bill 756, dealing with expedited judicial review procedures to public works projects; and Assembly Bill 1008, which would eliminate the ability of a judge to perform the duties of a clerk, which are currently permitted under the Code of Civil Procedure. The committee also acted to oppose Senate Bill 530, specifically the provisions relating to certificates of rehabilitation. At this same meeting, the policy committee supported Assembly Bill 1006 relating to the ceiling and destruction of juvenile court records. And Assembly Bill 1403 which revises the uniform parentage adage—act to make it gender-neutral. The committee also took a support if amended and funded position on Senate Bill 597 dealing with a pilot project to provide interpreter services to limited English proficient parties in civil matters and also voted to take a no position on Assembly Bill 868—I'm sorry, take a no position, in other words, not take a position.

>> [Laughter]

>> On Assembly Bill 868, because the current curriculum for juvenile and family court judges would comply with the requirements of that bill. Also, since the Council met last, as you know, the Chief Justice delivered her state of the judiciary address to a joint session of the legislature. The Chief's address was immediately followed by a meet and greet with legislators and guests. In addition, the bench bar coalitions day in Sacramento occurred that same day when bench and bar leaders met with legislators on issues of critical importance to the branch. Finally, our Judicial Council sponsored proposals have been introduced and continue to move through the legislative process. You will be kept informed of the progress of the Council sponsored legislation and other bills of interest to our branch. And that completes my report. Thank you.

>> Thank you, Justice Baxter. Next we'll hear from in PE executive planning.

>> Thank you, Chief. The committee has met six times since the Council met in December both twice in person by telephone and e-mail and once jointly with and the technology committee. We set the agenda for today and tomorrow's meeting. We also reviewed recommendations regarding two out of cycle vacancies on the criminal law advisory committee and made recommendations on those to the Chief Justice. We reviewed comments from the accountability and efficiency for the judicial branch AMD committee regarding the audit reports for the AOC facilities management unit item e.g. And for the Superior Court of Alameda item R and also Nick consent agenda for Los Angeles Superior Court. We reviewed nominations for three upcoming appointments to the Judicial Council for those council member terms ending in September 2013. We reviewed and approved annual agenda for the number of the advisory bodies to the Council and that was in conjunction with participation from RUPRO and technology committees. And we finalized again with RUPRO and technology our recommendations on streamlining the existing structure of the council's advisory groups to consolidate committee activities, strengthen Council oversight, and reduce the costs associated with committee operations. And I will report on that later this afternoon. And, Chief, that concludes our report.

>> Thank you, Justice Miller. We'll hear next from Justice Harry Hull, chair of Rules and Projects Committee.

>> Thank you, Chief. Good afternoon. I'd like to set the outset that I was pleased to hear Justice Miller's ENP report especially that ENP had not met 38 times -- [Laughter] that makes what I'm about to tell you much better looking. But in seriousness the rules projects committees met three times since February 26 Council meeting. On March 11th RUPRO met by videoconference jointly with E&P and the technology committees to continue reviewing the structure organization. And oversight of the Council advisor groups matter, which Justice Miller just referred and as he said you'll hear more about later. On March 22, RUPRO met by telephone to review seven proposals that had circulated for public comment during the winter rules cycle. And a technical amendment report that was not circulated for comment. RUPRO recommends approval of these proposals which are items A through H on today's consent agenda. RUPRO also met by videoconference on April 15 to consider 35 proposals to circulate for public comment. RUPRO approves circulation of the proposals and directed staff to make several changes to the invitation to comment form as you recall, on the invitations to comment, normally

on the last page there's a box that specifically asks for comment on particular matters. And we decided that that was that needed to be expanded. And so the changes to those questions now will include the following. Does the proposal reasonably achieve the stated purpose with the proposal divide cost savings? If so, please quantify. If not, what changes might be made that would provide savings or greater savings? If this proposal would be cumbersome or difficult to implement in a court of your size, what changes would allow the proposal to be implemented more reason recently or simply in a court of your size? And would this proposal have an impact on the public's access to the courts? If a positive impact please describe. If a negative impact, what changes might lessen that impact? The purpose of the changes is to solicit comments that will assist the advisory committees in providing the Judicial Council with more information about the effect of a proposal on the costs operational impacts and public access. RUPRO members also approved proposals by e-mail on March 18, April 5, and April 17. In addition to the meetings of the full RUPRO committee I would like to note that informal education committee made up of five RUPRO members and chaired by RUPRO vice chair Ashland met earlier today to address Judicial Council directive number 79 concerning relaxation of mandatory education requirements for AOC and court staff. Chief, if anybody has any questions, I'll be glad to answer them but that that does conclude my report.

>> Thanks, Justice Hull.

>> We'll hear next from chair Judge Herman.

>> The Judicial Council technology committee had two meetings and meetings attended by the chair and vice-chair. At the March 18th meeting we discussed the technology planning task force and committee review, the judicial branch technology working group and work stream efforts, the Court Technology Advisory Committee annual agenda and the remote video proceedings pilot project which Fresno began in April. The technology committee also approved a recommendation to distribute \$600,000 in funds to 25 of the 42 jury projects involving technological support. At the April 22nd meeting there was a progress report on the appellant E filing project. They generated a no-cost to the branch solution and 7 of those very viable choices. Demonstrations were held in San Francisco for all 8 vendors. The next team meeting is May 2nd. A selection of vendors is expected for May 6th, 2013. This pilot will begin in the first district but will be available to other districts if they choose to use the service as well as to the Supreme Court once the program goes live later this year. An update on the jury grant distribution project was provided by mark. 20 courts will be receiving funding for jury systems and they have been notified and funding is being moved to their budget. We discussed a proposal to add family law and juvenile depend case types to the system. Because of the unfortunate disinformation that's been spread on this issue of recently, I want to carefully trace the history and the context of this issue for the council and for those that are listening on the audio feed. I'll start out by stating that this issue did not originate with the technology committee or the council. It originated from trial courts. As council members will recall in July 2012 the Legislature directed the branch to spend no more funds on B 4 without the approval of the Legislature. None have been expended. However, the Legislature also directed the council to continue to maintain V-3. V-3 is the system that's managing 25% of the branches civil and small claims case load. Thereafter as I noted in mid 2012 #13 several of the V-3 courts communicated an interest in expanding V-3 to include over case types. They then participated in one of the work streams in order to attempt to come to

a collective decision on the future of V-3, including the addition of additional case types. That work wrong group, by the way, is composed of representatives from numerous trial courts. By early March of this year, 2013, the work stream leads informed the technology committee that no consensus could be reached on the issue of expanding case types. The technology committee as part of its due diligence in technology over sight role Ann interested on case type expansion. We did so because we believe it's important to review requests of the trial courts regarding technology issues. This council knows that there are numerous requests or proposals from trial courts that have come before the technology committee and on to the council, such as the Fresno project, Kings county need for replacement system, et cetera. We feel it's our part to address and evaluate these requests. The last response came only last Friday from one of the trial -- from one of the V-3 courts. Two courts, San Diego and Ventura, requested to expand the V-3 civil and small claims management system by adding family law and juvenile depend SI. Three courts, Sacramento, San Joaquin did not want to expand. Those courts have expressed strong reservations about case type expansion based on the view the effort might divert staffer resources from maintenance of V-3 and impact participating trial court resources because of the need for those courts to participate in a larger than usual testing effort called regression testing. The technology committee did not make a decision for a recommendation to the council on case type expansion at this last meeting but has in fact requested additional information to be reviewed by the technology committee sometime next week. We will, of course, report to the branch, on our recommendation to the council after our careful review and analysis. I do want to emphasize that the technology committee process in reviewing this trial court request is similar to that employed by the court facilities working group. Our recommendation will be based on a cost-benefit analysis taking into account an array of factors, including the cost to the branch in dollars and staff time of expanding case types, the diversion of staff impact and the legislative frame work with V-3. In addition to the full technology committee meetings, regular check point meetings have been conducted with information technology service officers, staff and various members of the technology committee including our vice-chair, Justin Ashman and Judge Kaufman. We have met a number of times. The chair has also regularly communicated with members of court technology advisory committees. I made a presentation at their last meeting on March 7th and judge moss attends all of the meetings as liaison. As well as various other meetings in order to keep abreast and so we have an open line of communication. On April 19th the chair attended an all day quarterly meeting of the trial court information technology forum in a humble village called Santa Barbara. A theme of that meeting was the need for collaborative efforts the move forward with the technology initiatives and improves. The judicial working group asked Judge Moss to provide an update.

>> About a year ago, maybe 13 months ago when CCSM was taken offline, the council directed the technology committee then known as the CCMS Executive Committee, to investigate five areas of concern. These directives were handed to the technology initiatives working group and the approach that we used, I think, was a very good one. It was the brainchild of Robert O. Young, the CIO of Santa Clara County. That was for reach directive we created a work stream. Work stream is project. Robert O. Young and the rest of the working group came up with lead persons for each of the work streams and they proceeded to advance the directives that were made. These directives were one to come up with a technology road map, where do we go in the wake of CCMS; number two, to come up with a universal RFP that a court can use if they need replacement; three, a road map for E filing for courting that are interested in achieving E filing;

four, to come up with what we do with V-2 and V-3, the systems that CCMS was supposed to replace; and five, can we use any components of V-4, such as portals and things like that instead of just putting them on a shelf. Well, the last of those road maps was quickly put to rest when we had no funding to investigate V-4. We had to maintain a computer environment to test and analyze before and there was no funding for that. We did not proceed with that work stream. The road map work stream was chaired by Jake Chatters, the CEO of Placer County. A paper was published outlining the work streams suggestion for where do we go from here. In a nutshell, this is a very brief one sentence summary of their conclusion, is that technology projects should be classified as local projects or state-wide projects. Local projects should be funded by local funds, their allocation and state-wide projects should be funded statewide. That paper, which is available to everyone to see on the website is the basis, the foundation for a technology task force, which is now looking at a government structure and tactical plan and business plan and strategy to advance where we go from here. That was a very important first step in outlining what our plan is from this point forward. The CCMS R was headed by Heather Pettit. They've done a fabulous job. They took RFP's from other counties and developed an RFP so any court, any one of the 58 counties, they don't have to but if they wish to acquire new CMS system they don't have to public their own RFP, they can go to this universe one and use this and the vendors we had selected if they choose to without going through that process. They don't have to reinvent the wheel. This was a very, lengthy process. Tyler Tech just signed the MSA April 22nd. The justice system signed on April 24th of this year and Thomas Ruters has just received [phone line froze] and we're waiting for them to sign off. Once this is done any court can use this RFP if they need to require a CMS. All of the CEO's and PJ's will be notified when this is finally completed so they can utilize this RFP. The next work stream was an E-filing plan. That project was chaired by snory [CEO?] of Orange County [and] Alan Carlson. The E-filing plan came up with two documents. One is called the destination. This involves strategic considerations for E-filing within the California trial courts. This document is more for the judge, the layperson who is not a tech person as to how you get from here to there, how you get to E-filing. E-filing is one of the big pay offs of the technology system, that case management system. If you just started case management system and add it to your paper system you're going to add money not spend money. When you eliminate paper that's when you can save money with these projects. This tells you how to get to that point. The second paper was a road map and play book document, electronic guide for California trial courts. This is more of a technical document for the technical people that literally lays out in schematic form the hardware, the software that you need. It was a wonderful project and end result. Those documents are always available on the website. Last but not least is the V-2, V-3 work stream. The V-2 was easy. Fresno has decided to replace that so that's not an issue any longer. V-3 was difficult. There are five courts, although as Judge Herman mentioned, this represents 25% of our civil filings in California. There are five courts use, V-3. The five courts could not agree, they could not reach consensus -- Judge Herman has already eluded to that -- on whether each court should be given the code and them been allowed to do what they want or be maintained centrally. There's also the issue of whether we can expand V-3 to include additional case types. The courts could not reach consensus on those. I don't consider a failure. Now we know there's no consensus and that's an issue the technology committee is struggling up right now and trying to come up with recommendations. That's it on the work streams. I do want to commend -- these are just the tips of the iceberg. We used trial court people. We have tremendous talent out there in technology and administration. I think every week we had meetings. Judge Herman was there at almost all of them. I think he was there

at all of them. I also want to mention the AOC. This was not without AOC involve, mark, Rene, Jessica continued their efforts and many others and were cooperative in trying to achieve this end. I commend them all for their service. I think that's a good summary.

>> Thank you. I want to add to that. In addition the AOC staff also developed the prototype for the RFP as well as assisted in that effort. I also want to, again, congratulate this group, Judge Moss's work is the nationally court information officer group is just recognized the California E-filing road map, which Judge Moss mentioned as a terrific piece of work that the National Center for State Courts is using as they develop their next batch of E-filing guides. In addition, one of the conference of state court administrators, board members indicated that their E-filing working group was extensively using information from that document as well. Again, my congratulations on this specific recognition. Thanks to Judge Moss for his leadership and the support of AOC staff. This is into the technology planning task force because we learned a lot, I think, from the deliverables, meaning the stuff that the working group has produced in terms of designing a technology project so that they are specifically focused and then leveraging their work product. For the technology planning task force, we'll be leveraging the vision and road map work stream efforts. The task force was, of course, appointed by the Chief Justice in February of this here and held a face-to-face kick off meeting here February 27th and then met by phone on March 18th and April 23rd as a whole group. The task force is charged with working with the court and stakeholders to define branch technology governance and a good strategic and tactical plans across all court levels. Really with a being focus on the funding piece, which I will talk about in a minute, to accomplish all of this within a 1-year time frame, three individual tracks were launched, a governance track with lead facility being Jake Chatters, STRA TEE -- strategic planning plan and membership of this has been informed it's broad-braced in terms of representative courts. We have a total -- we've got the original 19 members who are the core, but then in order to keep everybody up to speed throughout the branch with what we're doing, we've got another 27 associate members. We have 41 folks that are working together in moving these tracks down the road. Members in their rep representative capacities will be required to seek input and report. This is part of the council's charge to us to make sure that in any go-forward effort relative to technology we get the input from the courts. All three tracks in addition to the meetings of the entire group have met a number of times in order to move forward with the -- with the planning task force objectives and we are on track to complete on time and make deliverables for the benefit of the courts. Alright. The final thing is the Fresno remote video proceedings pilot project. The court approved for February 1st of this year. It allows all trial courts to implement remote pilot projects. Fresno launched in April out three locations. Fresno and Doda? Am I saying that right?

>> Yes.

>> And Coalinga. Criteria they must travel 15 miles from where the citation was issued, a variety of services are offered, access to forms, information on hearing via the remote video on the same day or on separate days if that's requested, there are interpreters on request at remote sites, no money transactions at the remote sites. The project has really generated a lot of interest from courts with closed remote courthouses. It's just a great example of court initiative on E-business practices that quickly move through process and will benefit numerous courts. I had the opportunity when the CIO meeting was held last year to look at a demonstration and it's

extremely effective and technology is very inexpensive. In fact, they're using off-the-shelf video cameras at \$150 apiece. That's as good as it gets in terms of technology costs. I'd like to close, again, by thanking Mark and all of the information technology services office and staff. They are really doing more with less and of course all the members of our technology committee. Thank you.

>> Thank you for that report. We're also now at the part of agenda to hear from judicial members about reports. I believe we have six reports started with Justice Judith.

>> Thank you. Before I start with my report it's important to that the technology efforts are coming from the trial court. It's not being imposed on the trial courts. The task force comes from the court, member offense the bar, member of the trial court and myself to focus on the courts of appeal and to keep everybody honest. Moving onto Ventura. I went there on April 17th for the monthly meeting. They technology does allow for video participation for their bench officers. They were also at the meeting. Pj noted that the court unfortunately due to budget constraints is now only open two days a week. They handle traffic arraignments, trial trials, and UDs. They had a full agenda of discussion matters at their meeting. They have a new court rule about photography and recording and broadcasting in court. That is based on a high profile trial. The patrol issue as mentioned by Judge Jahr did come up. July 1st is the first day for trial courts to handle the patrol revocation matters. This resulted in a vibrant discussion with concerns addressed. They feel there's no sentencing alternatives. They recognize that the impact of the new role is unknown. They have absolutely no idea what the budget is going the permit. Are they going to get a bench office? They don't know. If there's a new case file based on a new -- if there's a new case and there's an arrest, he's going to proceed with a new case. He's not going to go a revocation route. So the Ventura criminal bench is concerned this is going to increase their case load and they don't know what that's going to look like. One of the judges did express concern about the council's role in the realign and patrol issues and would encourage -- encouraged the council to somehow get involved and try to help resolve some of these issues. As expected, the budget was on the agenda. They indicated that their fund balance is actually better than they had anticipated because of some relief that was provided by the council. The focus was on what could be kept, what could be spent, the ongoing issue of furlough days which they have had for a long time in Ventura in the hope that maybe they could eliminate them in the future. As Judge Herman has mentioned, Ventura is one of the V-3 courts. They are one of the two courts that would like to add family and juvenile cases to V-3. They noted that their system has crashed several times and they feel that there's a risk of it crashing permanently. Their -- my questions whether funding for the current V-3 cases will be pulled. He noted that his IT group is considering off the shelf products, leveraging with other V-3 courts or various solutions. I explained what the new technology task force was doing and what our plans were. Several of the judges are new. We discussed the issue of mandatory education. Their new appointees both indicated that they like in-person programs. They found significant benefit to the interaction with other new judges. Several of the member OFGS the bench are very active in CJA. They suggested that CJA was willing to step up their education activities to collaborate on programs and ensure that wasn't a duplication of efforts. They told me the court has been reaching out to its local council members to educate them on the effects of the budget cuts and would encourage those kinds of ground up activities. As of last time they could not have been more gracious and

informative. It was a pleasure to ensure them that they have a voice on the council. So thank you very much for hearing this program.

>> Thank you. We'll hear now from Presiding Judge Laurie Earl.

>> Thank you, Chief. On April 9th I traveled to the Sutter Superior Court and met with Suzanne [Susan] Green and Mary Beth Todd and three of their other judicial officers. They have a total of six judicial officers in Sutter County. Sutter County, their superior court sits in Yuba City, not to be confused with Yuba County. It's within a mile. They have two facilities in Sutter that are across the street from each other. They have a new courthouse construction project that would get rid of the need for those two buildings which are currently leased county buildings. I'll get more into their construction project in a moment. We talked about their budget situation and the impact that recent reductions have had on their budget. Since fiscal year 2008 they have seen as they go into fiscal '13, '14 a 23% reduction in their court budget and they're at a 20% vacancy rate for their court. They've tried a number of things and taken a number of steps to alleviate that as we all have. They've reduced hours of operations at their front counters, they've extended a voluntary separation program to employees, their management is on furloughs. They have seen a significant reduction to their self-help center at the time when the needs and complexity of self-represented litigants is increasing. We talked a great deal about that. We talked also a great deal about what is this new budget methodology anyways and is it going to help us. We had a discussion about the work of our sub-committee as well as the trial court funding working group and explained the differences and the relationship between the two. We also -- Sutter County has been resourceful even in the mist of this crisis they've come up with solutions on how they do things. At this point they have all of their traffic matters and fraction matters are E electronic and it's a paper on demand system. They have a document imaging program. They have a pretty robust enhancement collections programs that. Are one of the Supreme Courts that's serviced by the Riverside Superior Court for procurement services, which they have found to work quite well for them. I indicated that they also have a construction project, the new Yuba courthouse which has working drawings that are -- have already been prepared. They -- back in October of last year in light of the further cuts to SV-1407 appeared to see if there were reductions they could engage in. While they understood the necessity of it, I would have to say that it was not without frustration I think that experience for them. They had some good I think suggestions for how that subcommittee might improve the manner in which it analyzing cost reductions. They felt there was not any specific standards or guidelines on how reductions were decided. They noted that they were invited to attend an 8% reduction in their project. They worked -- walked away with a 15% deduction. They were frustrated because it was a public dialogue and then it was closed session and they felt they were locked out of the process. They do have some suggestions for how to improve that and would be happy, I think, to speak with any of us on that, mainly, I think the process should be more transparent in their opinion. Over all, it was a good meeting. I enjoyed my time with them. They are a great group, which was nice to see.

>> Thank you. Next Judge Emilie Elias.

>> I went last Friday on the 19th to the Imperial County court. To give you an idea of where that is, it's 10 miles north of the Mexican border and 50 miles west of Yuma. I think it's the furthest from San Francisco you can get. They have 10 judicial officers, 10 judges, and one-and-a-half

commissioners. They have a part-time 1058 commissioner. I meet with the judge and the executive officers and had lunch with the rest of the judicial officers that were available. I took a tour of some of their facilities. They have an interesting location there. They have 60% of their county that works for the government, which makes -- that makes jury selection easy. They have two state prisons located in their county. They also have a significant number of highway patrol there because of their location. They said the highest number of infractions in the state and that's because they have all these overweight trucks and speeding on Highway 8. They have a population of about 178,000 people. They estimate that about 6,000 people a day come across from different borders to work in El Centro. They have a significant daytime population and go home at night. They say people working for the court does go across the border. They have a historic courthouse that's in El Centro. The courthouse still has plastic up from the earthquake. None of the work has been done on the building. They did finally get one of the stair ways opened up so you can go up the main stair way. They have other locations. I visited two. They had a jail and juvenile hall that are located next to each other. Those are hearing rooms. I guess we would call them courtrooms but there's no room for a jury box. They were probably 25 by 25 feet. There's no security. While the juveniles are coming in from the back the family members wait to see and are participate are in the waiting room in which all of the juveniles have to walk by them within arm's reach. With regard to the arraignment court located in the jail, they finally have a wand to wand people down coming in to watch the proceedings. There are no metal detectors. They also have a rental building, a leased building they're concerned about because this is one of those leases that was signed by the AOC for them and that they're concerned now with the no reserves how they're going to make the payments. They don't know how that's going to happen. The lease only runs for another few years. In anticipation of the lease running out they purchased land which they also showed me the vacant land near downtown in which to build a six-courthouse and there's no money now. I think they have plans and everything but it's still a vacant lot. They're concerned when the lease runs out where they're going to put everybody. What they are doing to try to save money is close the arraignment court in the jail and juvenile facility and closing their branch out in Calexico That's where they are. We discussed the Judicial Council and Administrative Office of the Courts. They did not -- they seemed to be happy with the services that were provided. They use court council. They also utilize the assigned judges. The assigned judge is somebody I was a seminar leading at the college, 20 years ago, with. He's still there doing that. They -- for technology they're using sustained but they are on the windows version of sustained. They have everything on the one case management system. They've only had to lay off two people. Those were specific jobs. They showed me a big chart that they have to show all of the attrition. They are just losing people and have lost a significant amount of their staff. Other than that, they seem to be pleased with everything going on. They are supportive of the realignment, of the allocations and it was a very pleasant visit.

>> Thank you. Judge Jackson.

>> Yes. Unfortunately I'm going to have to dash out. I've just informed that I have a grand jury that returned an indictment so I'll make this real quick. I am also a liaison for NJO and I want to say that it's been -- along with Judge Jahr I have gone to all of them were the last year. The last two I can remember was one where we had a new associate justice for the first district who was a participant. It was very good the meet him and to talk to him about the process. Then this last NJO we had a visiting officer from Japan. One, he didn't understand why our court system is

going through the budget problems in view of the fact of our importance and we being the third branch. He also shared with me in Japan they just implemented a jury system modeling themselves somewhat after the United States. Their jury composition is made of the majority of judges and the other are laypersons. I asked him, do you have very many hung injuries and he said no. Why? Because of the judges. I thought that was interesting. Nevertheless, on March 8th I went to visit San Mateo, my hometown. Jim Fox can relate to this. It was great to see many of my former colleagues and friends who I still am around. It was a very lively robust and informative meeting. First and foremost, the consensus of the bench, they wanted the council to know what San Mateo is going through. Their northern branch, which serves a heavy concentration, and Jim Fox you can relate to that, they're closing their northern branch only the hear preliminary hearing. That means their small claims and traffic court. For that matter, just through jury pool, which comes from mostly the northern part of the county, they're now going to have to travel to Redwood City. As you can think when you have a jury crawl, which I just got my summons so I know, you have to be there at 8:30 in the morning. If you happen to be taking public transportation, which many people are doing, that's a 2-hour bus ride to be there at 8:30 in the morning one day. They are very concerned about what that's going to do for their jury participation. Those who traffic, small claims and other litigation also. The bench wished for me to stress how they are now as of July laying off seven -- excuse me. All but two of their commissioners. They're concerned about that and the ongoing problems their bench as well as all the benches confronting. They wish for me to stress if there's any additional money to be directed to the trial court to service our end users. This was a roundtable and very informative. There's no fillers. My rep representative as probably one of our rep rent -- any representation, anything you want to raise, you can raise it. One of the judges raised the issues about whether members could be voted on to the council. I explained that requires a constitutional amendment. More importantly, that is the constitutional authority of our Chief Justice. To voting members on would greatly impair the authority that's been granted upon our chief appointment powers. Another issue was a discuss how the executive and planning and technology we were looking at many of our advisory committees to see if some have sunsetted, some can be merged with others. One of the judges made a recommendation who sat on the civil and small claims that another in this process of reducing the advisory committees if the council would consider reducing or if not eliminating support staff from the AOC. The recommendation by that particular judge was that the judges can do the research.

>> [Laughter]

>> Another judge raised the issue about traffic and the fines and whether or not the council could sponsor special legislation in order for the fines that are collected by the particular courts. Another judge asked did I know what the comp -- or the organization make up of the Judicial Council members versus how -- specifically I was asked how many alliance members are on the council. With that my response was "I don't know." We don't discuss our organizations, memberships, at least 13 I'm a member of. You know, that is not an issue. Then there was a question regarding the --- let me back up. They asked if -- one judge asked if the alliance could have a seat at the council as well -- similar to the CJA. My response was there are various other organizations as well. You know, that was what was raised and then the question was about the telecommuting. One judge asked why did we disregard the SEC report on telecommuting. I then informed him that it dealt with not adhering to our former policy and that the one that is now in

place is a pilot program. Those were some of the issues raised by individual judges, not necessarily the reflection of all the other judges on the commission. I was informed that it was a roundtable. Everybody has a say. What I was told by the presiding judge is they wish for me to stress is that one, there are problems in budget constraints going on in San Mateo, the big concern is what's going to happen to the biggest population, which is in the northern part of the county and being able to have access to our courts, which is down in Redwood City. And to the methodology. At that time we did not know what the methodology was going to be. I have since spoken to the presiding judge. He's well aware that -- that's Judge Freeman [Judge Robert Foiles is the PJ of San Mateo]-- that he sits on the trial allocation budget committee can. He understood and we all are going to wait until the final product comes out. With that being said, I also spoke to Santa Cruz. They too are looking to see the final result on the methodology and would like to have further input. That's my report. The bottom line is I am very appreciative of being able to go to NJO, going to the courts and being able to bring back the information of what our judges are thinking throughout our state.

>> Thank you.

>> On that note I'm going to take an indictment. I'll be right back.

>> Thank you. Judge Jacobson.

>> Thank you. Since our last council meeting I had the opportunity to visit two courts. On February 28th of this year I went to Contra Costa County and I met with Barry Wood in chambers. He was very, very generous of his time with me. He was with me from 9:00 in the morning until 2:00 in the afternoon. For the morning part of it we were joined by their CEO carry. Over the lunch hour judge good gave me a tour of the court facilities in Martinez, which was interesting. I was given a rundown of their current situation by way of an over view. The court is a medium size court. It's a court that has long had a reputation certainly in our region for being well-managed, business like and high functioning. It served Pittsburgh, and Walnut Creek. The court had 46 bench officers and 450 full time employees. This court at that time provided robust family, juvenile, traffic courts and self-help services. Now things are different. To quote Judge Good, the accumulation of 4 years of cuts has brought us to our knees. The budget crisis has required us to do the unthinkable to deprive people of access to justice. In terms of court closures, that court has closed its conquer courthouse completely, it's shut all Walnut Creek operation with the exception of traffic matters, it's closed one of six family law departments, one of five civil departments, it closed juvenile courtrooms in Richmond and Pittsburgh, all juvenile cases are now heard in Martinez. To give you context for that, Richmond is 20 miles away and Pittsburgh is 16 miles away. They've closed the family courtroom in Pittsburgh also moving them to Martinez. They reduced their child support court from five days a week to four days a week. In terms of the reduction in bench officers, the start of this year the court let go of most of its 8 commissioners. They retained two commissioners and hired another at 80% time to cover the child support grant calendar. So now they have 2.8 commissioners. The court has a total of 40 bench offers down from the authorized 46 positions. The clerk's office has reduced its services. It now closes at 1:00 each day. In terms of staff reductions since 2008 have approximately 30% reduction in staff from 450 full time positions to 312. Included the court reorganized its administrative structure. They reduced structure. They no longer provide court

report0001 don't need them, we just can't afford them. In terms of self-help services, they've cut it by 50% and had to institute a rule that a facilitator cannot spend more than 10 minutes with someone that may have waited hours and hours to see the facilitator. In terms of backlogs, it's growing in a frightening rate. The examples that judge good gave me were that they had more than 600 family law judgments waiting to be processed, more than 750 civil default judges, more than 1,000 limited civil complaints waiting to be filed. In terms of their infrastructure, the court is in dire need of replacements of the dysfunctional phone system. Judge good gave me specific examples of complaints he's received and went onto state, our phone system has crashed. He concludes you do not want to call our court. In terms of positives, the bench is strong, hard-working and committed. They're in process of replacing their case management system. Currently the court paying the county over \$1 million a year on a system. They're now in process of migrating to a new system as part of a -- I think it's ISD if I have that correct. The new system is going to cost them between 1 is and \$2 million but will ultimately cost far less than the current costs and they'll have a far better case management system in as a result. The court has negotiated with unions a 4-year labor contract that involves the court gives a \$500 bonus the exchange for 30 furlough days. That's good for their financial structure over that period of time. The court also enjoys good relationship with the strong and support of local Bar Association. They have two worthy programs they told me about to offset the loss of services. First is they've trained -- they offer training to local lawyers and 70 lawyers showed up for this training. This has allowed to court to use the labor pool to outsource case load. Another separate group of local lawyers have signed up to serve a SIL discovery facilitators and the court now requires the parties to go through this informal mediation before filing discovery motions in court and they're seeing a good yield from that. On a final note, judge good asked me to report back from the council about the great support they receive from the AOC services. He said he found three people helpful. Bill, Lyle and Patty. On April 5th I had the pleasure of visiting Marin County. I met with Kim Turner in her office. She also gave me a good deal of time on that day . I was with her from 10:00 in the morning in the 3:00 in the afternoon. I was able to enjoy lunch with Judge Richie, Judge Adams, Judge Chew, Judge Simmons. At an off-site function on another day I got to visit with Judge Sweet. Richie met with me for an hour after lunch and Ms. Turner gave me a tour of the court. I was given a rundown of their current situation. It's a smaller size court with 15 bench positions, 12 judges and 3 commissioners. It has earned reputation for being well managed, providing good service and being creative and innovative. It had 177 employees, including 14 court reports 5 years ago. Among other things, it had one of the best self-help clinics in California. Like almost everyone else in California, this court has been hit hard by repetitive years of budget cuts. In terms of court closures, this court has a somewhat unique situation that insulates it. Its operations with one limited exception is housed in one courthouse. This has provided them -- or protected them from the wave of courthouse closures we've seen across the state in the last couple of years. In an effort to address the budget court falls the court has reorganized their criminal operations and dedicated from 7 to 5. In terms of the reduction in bench officers, the court has three authorized commissioner positions, one commissioner has just retired and he will not be replaced. In addition they have one judicial position DHAS been open for some time. The clerk's office hours have been reduced somewhat. The criminal clerk's office now closing at 3:00 and the civil clerk office closes at 3:30. In terms of staff reductions, they've lost almost 1/3 of their staff over the last 4 years from 177 full time employees do 119. In terms of court reporter reductions, they've done from 14 full time reporters to 7. The court no longer provides court report reporter in civil, family and MD cases. They do for felony. They continue

to try when they can to provide reporters for civil and family law. The court, again, going back to the single courthouse situation, they're able to take advantage of their single location. With all the courts being in a single building and they pull their courting rather than having them assigned to specific courts in an effort to spread that resource as far as possible. The self-help service cuts, this was perhaps the part of the story that I heard from Ms. Turner. In 2009 this court had the Rolls-Royce of self-help clinics. Their center was off site, had nine full-time employees, including two attorneys. It was opened five days a week from 8:00 to 4:00. This allowed staff to sit down with litigants, explain the forms and procedures, help them fill out the forms and provide service on a step by step basis dramatically increasing access to justice for those in need of help. This service was not only value to the litigants they served once they got in court. In 2010 was forced to dissolve the nonprofit. They have continued to absorb budget reductions since 2010. It's now operates on reduced attorneys with an office staff of three, with only one attorney half a day. They're in dire need of replacing their county case management system and they're in process of migrate. It's about \$1.7 million but the new system will only cost \$300,000 a year. Currently they're paying \$1 million a year to the county. If terms of security issues, the court has an unfortunate history in regard to courthouse security. These issues remain a high priority of concern. In recent years the court in 2007 was able to upgrade security screening so that now everyone who enters the hall way goes through screening. Other court functions, court administration, the civil clerks office, jury services and the court's IT department are not particularly protected. They share space in other areas where the county government offices are and they are -- have been resistant to setting up similar screening. As I said, this remains a concern. Additionally, as stunningly as beautiful as their courthouse is, it has significant issue with an enormous number of access point from the outside directly into the court areas, often with only glass or glass doors providing separation and security. In terms of positives, the bench is strong, hard working, committed. Their CEO is skilled. They've been very active in seeking efficiencies where they can. In particular I want to mention the following efficiencies they have been involved in. I think that's interesting. Many of the post-judgment activities have been shifted to the clerk's office. For example, proof of complex of court ordered classes, volunteer work, AA/NA attendance, things of that nature. Also in referral -- referral to such activity are done at the clerk's window rather than requiring a court appearance. Second, Ored from jail are given a date to attend a video arraignment. Where they're given a choice of walking down the hall that day and resolving their case if they wish with an offer from the DA or Alternatively be referred to the public defender or council of choice and a court date 30 days up. This process has resolved in a dramatic reduction in the number of causes that have required more than the single arraignment court appearance. These two together have allowed the court to get by with only 5 criminal courts. Previously that work was done by 7. It's certainly helped the court absorb its loss in bench officers. The court is trying a new process with a private mediation entity where that group has agreed to take the 12 hardest to settle civil cases and try to resolve them on a pro bono basis. With regard to limited civil cases, they have ever efforts underway to offer two hours of free mediation in an effort to reduce the case load. That is working well. The court is working with the local Bar Association to set up a discovery facilitator program. The court has worked for efficiencies elsewhere also. The court no longer pays the county for postage and shipping but found another vendor that's cheaper. They've embarked on a new jury questionnaire process. Once a questionnaire is completed by a jury scans it and makes it available online to the attorneys and judge. There's a security future but this process has saved them money spent on paper, copy machine costs and storage. In conclusion the court is

comprised of strong, smart and efficient judges and staff who are committed to carrying out their duties to provide the best possible access to justice that the current circumstances permit. It appears to me they're doing a very good job of that and are to be commended for their hard work and dedication. Of all the things that I've done on the Judicial Council so far, these court visits have been the high point for me. It's an absolutely wonderful opportunity to get out and see our colleagues and how they do it differently. I was very well received at both courts. Thank you.

>> Thank you. Last, Judge Rosenberg.

>> Since I'm last I'll be brief. This visit was the low point for me. Just kidding.

>> [Laughter]

>> Exhale, it was actually, it was a little -- actually, it was a little depressing hearing the challenges. Presiding Judge Paul Denon was gracious with time as I visited the judges and assistants and commissioners. Bryan Taylor, the CEO was there. It was interesting -- I spend almost all my time responding to their questions. I just opened it up and they had a lot of questions and concerns: 95% of the questions and concerns related to money, finances. They just don't fathom how they will be able to function in future years with a 1% reserve. It's kind of a non-starter for them. It just doesn't compute. They predict that they will be having to furlough employees because the options have run out for them. There's no more money in reserves, they don't anticipate any back fills. They've run out of options. They were very interested in the new budget allocation methodology that Judge Earl's working group had developed. We spent some time chatting about that. They have a -- they're a fairly small court but they have a vacancy for a judicial position, which they tell me is the older vacancy on the superior court in the State of California. They were wondering when that would be filled. I told them I have no idea, that's out of my jurisdiction. They were concerned about the assigned judges program and viability of that program in future years because they rely on that program quite heavily like many courts do. I told them, to the best of my knowledge, that program will continue because courts rely on it. They also have a courthouse project that they desperately need. Their current courthouse in Fairfield is very institutional. It reminded me of military barracks in some respects. I'm sure it's functional for their needs but it's not user friendly for the public in my opinion. In any event, we had a very good discussion. As I say, 95% of the questions and concerns related to the financial picture of the branch -- thank you.

>> Thank you. We have public comment. We have speakers for today and speakers for tomorrow. We have approximately five or six today who are in the audience now. Each has a three minute limit to be kept by Justice Miller. We'll call then our first person up for public comment, Mr. Brandon Skullville for the California Federation of Interpreters. Welcome.

>> Thank you Chief Justice and members of the Judicial Council. My name is Brandon Skullville. I'm from the California Federation of Interpreters. Normally I would say that I represent the court interpreter employees throughout California but as you can see, they're here representing themselves. Today I would like to focus on the report called enhancing language access. It will be presented to this council tomorrow to be adopted. I acknowledge the best intentions and mean no disrespect but we are asking that the Judicial Council not adopt this

report as it has incomplete and inaccurate information. In the short time we've had to review it we've found examples of over generalization and a false impression of what's happening in the courts. We intend to prepare a detailed written response to the report so you can consider it and its usefulness. The report cites the courting language access plans prepared with the advice and assistance of the AOC but it denies people interpreters in civil cases contrary to Title 6 standards. On page 18 the report says that for Spanish 95% of the surveyed courts are assigning interpreters of non-mandated proceedings. On page 46 it says it's 70%. Whatever one it is, either way we know that many courts do provide interpreters to civil proceedings to varying degrees and we're glad to see that acknowledged. What's missing from the report is acknowledgment that actual practices and policies are unclear and inconsistent from court to court and that the formal policy as far as we can tell is to deny access. Let me state it very clearly, the courts do not provide consistent access to all court users as is required under Title 6 and many courts are having interpreters that are willing and ready to assist in interpreting. Noninterpreters are being called on to interpret who are unable to provide it accurately.

>> 30 seconds.

>> The policy known as incidental use is a positive policy but is creating more problems than it's solving. Judges in civil courtrooms can never know when an interpreter will be available so they can't schedule around it. The glaring omission from the report is the enormous progress that California has made over the last decades in creating a larger and more reliable supply of competent interpreters throughout the court system in large part of it because of the Court Interpreter Act which has also led to significantly reduced use of noncertified interpreters and created the system that has improved access to the court's system --

>> Time is up.

>> I would like to go into more detail. My time has been cut off. I would ask the Judicial Council not to adopt the report. An analysis is needed but it should be done by a committee of people who understand language access and involve the people who are actually providing the service for interpreters and bilingual staff.

>> For council's information, the report Mr. Skullville is referring to is info 3 on the last page of your pink sheet. No action required by council. It's not being accepted by council. This is a study, Mr. Skullville. We'll be interested in seeing your response to the study. Thank you. Margo, certified court interpreter and employee of Alameda County. Welcome.

>> Thank you, ladies and gentlemen, members of the Judicial Council and Chief Justice, my name is Margo. I am a recently hired court interpreter. I work for Alameda County court. I hold a master's degree in interpretation. In all, it took me about seven years, countless hours of study and more than \$90,000 to be able to say that. I want to talk about how the change is being proposed in our contract negotiations creating a very demoralizing sense of uncertainty for new interpreters in California. Although competent interpreters provide the key to accessing fundamental and constitutional NAM rights for minorities, I've seen in my time working as an interpreter that we're still not respected and valued as a critical link to due process. 30 years ago, before court interpreters were here there was no standard to measure the accuracy. The

interpreters in life and death cases were janitors, audience members, or grandkids. In '70 and '80 statutes were passed and raised to extensive media promotion. It wasn't until 2005 that full-time and part-time positions were widely available in the courts after a 10-year struggle by interpreters to be recognized as employees. Now, in 2013, a mere 8 years after court interpreters finally won the right to be considered employees, we are facing changes that could effectively defeat rate working conditions and return us to labor stay status. Not because we lack to be trained but because the courts are searching for cheaper and easier ways. Because we are on the ground doing the work, we know that cannot be carried out unless we compromise quality. Without stable jobs and a career path that has promotional TUNLTs, the courts will not attract the most highly-qualified individuals to the profession. As it becomes impossible to live off what we earn interpreting for the courts, we will have to look elsewhere. What I earn does not allow me to repay my loans, loans that I incurred to be an asset to the profession where the stakes are high.

>> 30 seconds.

>> It's more important than ever in the current financial climate, fiscal climate that courts function as effectively and efficiently as possible. Educated trained and experienced interpreters make all the difference in achieving that in cases that involve non-abled speakers. In California we have 900 professional trained staff interpreters that are dedicated to serving the court and providing due process. I ask that we please do not turn back the clock. Thank you.

>> Thank you. Is Eric Rafael Bishop present?

>> My name Eric Bishop. I teach and I have been a certified interpreter working for the San Francisco Superior Court for the last 23 years. They express the desire to help the community just like I did many years ago. LAP is one of the principal reasons interpreters are in this line of work. My students seek to provide language access in the court system of California. Today, interpreters have more access to training programs than ever before. Interpreters work for courts all over California. This was not an easy road. Of all the prospective students who take my programs entrance exam, only 5% are successful at meeting the program's requirements, finishing the course work and becoming court certified. After years of struggle working regularly for the courts without any benefits or protections, an employment system was finally accomplished in California courts for interpreters. It has been a long process and one that has benefitted interpreters, the courts, and most of all Californians who require competent interpreting service to access the courts. These are excellent developments and developments that California courts and the AOC can build upon. However, I am deeply concerned that competent interpreters and meaningful access to justice are not what the California courts and AOC focus on today. They seem to be bent on undermining the employment system, devaluing the profession, and minimizing the skills necessary. At a time when California's language access programs are under scrutiny by the Department of Justice, California finds itself in a position to expand language access because it has created an employment system for interpreters. Instead, the AOC and the court seek to return us and future interpreters to labor by cutting full-time work and implementing VRI.

>> 30 seconds.

>> I am concerned for my students who work so hard to acquire the necessary skill set for this work and continue to work tirelessly to get these skills. Most of all, I am concerned for the communities my students and I aim to serve. I am concerned for 10 million Californians who require this. It's time the California courts value this highly skilled group of professionals who are still needed to serve California. A true career path is necessary to recruit and retain these young professionals. Thank you.

>> Thank you, Mr. Bishop. Kate Van Court Croft.

>> Good afternoon. I'm Kate, full time staff interpreter. I've been interpreting for the courts for 20 years and finally recognized 8 years ago. Like all my colleagues, I am deeply troubled by changing our pay and that would shrink access to interpreters. They are proposing to send people home without pay—with this being suggested were judges, bailiffs or other employee groups who might not be actively working at any given time? The interpreter budget has not been cut. Why are we singled out for this special treatment? With wages and the increase of living we have already seen a 15% reduction over 10 years. What a slap in the face to trained and skilled interpreters. What a flow to access. Are they giving access to people? The Judicial Council reimbursement policy won't allow it they say. Who is responsible for this? For the courts, the claim a lack of funding is the only thing in the way is not right. In past years, close to \$30 million has gone understood spent and under AOC management has been used for other operations. I believe this is not understood or supported by the judges who need interpreters in their courtrooms. Surely there's a direct connection between what is happening to us and language access and action or inaction here at the Judicial Council and the AOC. The chief negotiator is paid by the AOC and other lawyers and representatives are at the bargaining table but no one explains why equal access to minorities is served by policies and practices that actively deny it. Why is this happening when it's known that courts in California are already failing to meet civil rights standards for access?

>> 30 seconds.

>> We're ready to expand our services to meet Justice Department civil rights standards. Let's work together to improve language access, not undermine it. We have the expertise to help with that. Let's identify staff interpreters can cover this. If equal access and equal treatment is truly the goal it's time for the AOC to set a new course in their relationship with us, the interpreters.

>> Thank you. We'll hear from Angela Satawaski.

>> Good afternoon. My name is Angela. I am a state and federally certified interpreter with a PLD in literature. I was a founder of the San Francisco legal certificate program and I am employed by LCI. I'm here to comment on the report and clarify inaccuracies with respect to the program and the association with the superior court. It's played an important advisory role in the 6 years since our program was initially developed. The structure and curriculum was created by the faculty. It's been revised and is undergoing a rigorous approval process by the state. Why is it important to point this out? Because the report is an accomplishment of the court that other courts may replicate, with little recognition of the complexity and the challenges of creating an

accredited program truly capable of training interpreters at a level necessary to become the competent court interpreter. In my experience, courts tend to underestimate the skills and knowledge required for this job. It takes far more than a few trainings or courses and a little job experience to produce a court interpreter ready for the job market. The report does not fully reflect what is required to establish a visual academic program in this field. The report at a page 63 mentions an internship program as another accomplishment from collaboration between the Alameda Court and colleges. Some students were able to get internships but there's currently no internship program in place because the court's proposal does not recognize the necessary standards for quality training, oversight, and protection of LEP rights. They wanted to work at no cost to the court. The reports from other those practices that rely on volunteers and members of the public to achieve language access, I suggest that this approach is inadequate to meet the need for language access. The Judicial Council recognizes the need to reduce the supply of interpreter programs through educational programs and to recruit individuals with adequate --

>> 30 seconds.

>> It seems counterproductive to reduce the pipeline of viable jobs by relying on volunteers. I propose these efforts be refocused for the competent and profession interpreters that the state so desperately needs. Thank you.

>> Thank you. Next I believe our last person to speak on this issue will be Ms. Fanny Suarez.

>> Good morning. As you said, my name is Fanny. I'm a state and federally certified interpreter. I have a master's degree in legal interpreting and served as a consultant for the judicial county advisory panel. We're being asked to agree to this. We're told the AOC and the court will not make the decision on how and when it is used. This is being presented right now. At the table we are being—they can tell us nothing about what the plans for VIR's use for spoken language applications are. This issue has thrown a monkey wrench in our contract talks. We're being asked to remove anything in the way of VRI from our contract. While VRI and other technologies may have limited applications and may be useful to the courts right now, they are not the solution to expanding meaningful language access and ensuring due process and equal treatment under the law. A study that looks at how effective and cost-efficient VRI is identifying serious problems and limitations. VRI is not appropriate for evident RI proceeding or testimony. It is 40% slower and requires that the consecutive term be used. This should be a serious concern in California where thousands of cases are more efficient with on-site interpreters. With VRI, there's no human being present to assist a limited English proficient community at points of contact with the court. On-site interpreters do a great deal of work off the record at various points and locations that are essential for the LEP person to have equal footing in the court process. Corporations that stand to make millions promote it as a way to save money. Every study clearly concludes that in-person interpretation is more effective and efficient and VRI is appropriate only when an in-person interpreter cannot be used

>> 30 seconds.

>> It looks like they're doing an inexpensive and poorly conceived technology. Let's learn from the past. Let's look at the resources you have before us, competent live interpreters. We are

willing and able to provide language access and provide it to all courts. Let's appoint a task force to include all stake holders, including our representatives and let's have a plan that it looks at reasonable parameters for this use of technology. This is what we urge the Judicial Council to do. This is what is necessary for California and the 10 million Americans in California that we serve in the court system today. Thank you.

>> Thank you. Thank you to all the speakers. I will also say that we have not received any written comments on this subject for today. It sounds like some may be coming related to the study. We'll take a short break, standard recess for approximately 15 minutes.

>> [Break being taken for 15 minutes]

>> [Captioners transitioning]

>> The meeting is now in session. We begin our educational and discussion session. This is not an action matter. It's the California state auditor March 2013 audit report. And take it away Kurt and John Jednet.

>> Thank you, Chief. It requires six courts by statute to be authorized as part of a pilot to assess the implementation of the judicial branch contract law. There were six courts that were identified, two small, two medium, two large. Napa, Sutter, Stanislaus, Orange. The next slide—these are just the demographics. I am not going to belabor going through each of these points. Okay. And the following slide is just the number of transactions that were audited for each of the six courts that were identified. Additionally, the California state auditor audited the judicial branch contracting manual. That was approved April 24, 2012, as well as the AOC's semiannual report to the Legislature for the budget period January 1 through June 20 of 2012. I will turn it over to John.

>> I will quickly summarize the audit results. Generally, the audit by the California state auditor was a very good audit. It didn't disclose very much and demonstrated good internal controls, in compliance with state procurement manuals. On page 17 of that report, you can see the results by the six courts in terms of the first column will be the local contracting manual. Second column is the estimates of the purchasing approval process. Third column is the bidding process of the courts. And the last column discusses controls over goods received and the issuing of payments. The three stars, especially on the last column, indicate strong practices. There are no weak practices as noted in this report. The results by court, and I've got on the next two slides the page numbers for each of the six courts, in general they found one out of four, one out of 16, or one out of nine in the three courts as listed there, there are very few expectations in the report. It's focused really on documentation in some of those procurements.

>> For Sutter, yellow, on pages 22 and 23, again documentation issues concerning procurement, non-issue concerning the procurement. For Orange Superior Court there were no issues as identified in the report.

>> AOC—Alan is not saying a word right now. For the AOC, the review of the judicial branch contracting manual itself, which took an extreme amount of time, disclosed just a couple of areas

that will be discussed with the California technology agency, review and evaluated. And then we will be coming back to the council later on this year to discuss with council potential changes that will be recommended to the contracting manual.

>> The semiannual report was indicated it contained inaccurate information. Information contained blank spaces for descriptions of procurement and didn't result in any particular issues of note.

>> The recommendations, I've got eight listed here, which correspond to the issues on the individual court audits. It's basically to revise your procedures and update your procedures in a couple of areas, which the AOC has corrected programming issues and each of the courts has listed here have addressed the issues that were identified in their audit report. Again, to summarize at a high level, the report didn't disclose that there were very many practices that were not being performed improperly by the courts.

>> Are there any questions?

>> Boy.

>> I guess just one question. Any of those that dealt with the AOC you've looked into, you have responded to them and they're being corrected?

>> Yes. That's true. We also took the opportunity, really quickly. The first covered a three-month period and this was actually the second report, which covered a six-month period. After the three-month report, we tried to get input from the California state auditor with regard to those reports and we received no feedback whatsoever.

>> So we've corrected the programming issues as identified and the other issues were coming back to council with recommendations later this year for changes for the contract.

>> Thank you, John. Thank you, Curt. Appreciate that.

>> That takes us to Item 2. Judicial branch court facilities construction procurement. This is the analyst office March 2013 report. Curt Child, this is a non-action item.

>> Good afternoon, Chief, and members. This is realizing the shortness of time.

>> And Kelly Quinn.

>> Yes. Thank you. This was an SB78 report that came from the legislative analysis, analyst's office. And just to remind you what that was, in the budget two years ago there was the question of the public contract code. And so as we were negotiating the terms of the public contract code it was—the question came up in those discussions of whether the construction projects would be included within the public contract code provisions. It was our position that if we were to do that, we would significantly delay the projects that we had in the pipeline. Ultimately, the Legislature did agree to exclude construction projects from the public contracts code. However, at the

insistence of others who were interested in where the construction program may actually lie suggested that we should include language in the bill that we should take the projects that we have completed as of the first of this year and then provide an analysis of the length of time, the delays, the dollars on those projects and give that report to the legislative analyst's office and the legislative analyst's office would be charged with doing an analysis of how we compared to the Department of General Services in their project.

>> So at the beginning of this year, just in January, first week of January, we got the report to the Legislature and to LAO, who had 75 days to conduct their analysis. Their report came out a few weeks ago. Largely, I think that report really shows favorably on the court construction program, and particularly as it's laid out against the Department of General Services and their projects. Just a couple of highlights on the LAO report. They found that DGS generally experienced greater delays in their projects than does the judicial branch. That DGS generally exceeded project budgets more than the judicial branch. That DGS generally incurred higher project management costs. They did note that that is probably attributed to the model of the CMS risk model that the contractor is responsible earlier for the project through design is as well as through construction. And so that was, in part, a reason for those increased costs. They did conclude that DGS had some average lower project per square cost. But what they did is they took our six completed from Department of General Services. Not many of those were really comparable to size or scope of your construction projects and the LAO did note that, for example, the size of smaller courthouses as relevant because you don't get the economies of scale from those projects. First of all, they were in remote areas that tend to have increased costs in nad. And so geography was found to be a significant part of it.

>> Importantly was really the complexity of building courthouses as compared to the buildings that the DGS had been building. Otherwise, like a building for the Forest Service. But noting that holding cells and the construction of holding cells, the circulation that's required, screening stations, so forth, all of those attribute to increased costs for the project. But importantly, and which we did have an opportunity to remind LAO and Senator Leno, the chair of the Joint Legislative Budget Committee, that beyond that Justice Johnson's cost reduction committee had been created and doing their work after the—these projects have been done and noted that that evident had saved about \$123 million in cost reductions on the 14—on just the 14 projects that have been reviewed thus far. I think there will be some more that will be looked at by Justice Johnson. I'm sure all are very eager to have the experience and the time with him as he does his work.

>> But we're fully expecting that, depending on future cost construction, cost escalation projects that are now in site and design, we'll have lower costs per square foot on the projects than were presented in this report.

>> So I think in the end this was a fairly responsible analysis, short term over just a few projects. Granted, six on each side. But certainly demonstrated that the projects that the judicial branch is currently building are competitive and, indeed, done more cheaply than DGS and, hopefully, those that would be suggesting that the program would be better served in DGS will lose a little steam with this report.

>> Meanwhile, I haven't heard really any serious effort as we have heard in the past to try to shift the control of the program to DGS. With that, I'd take any questions.

>> Judge Rosenberg and Justice Hull.

>> Not really a question. Just a comment that Mary Beth Todd and I are liaison from the Judicial Council Capital Program. We take no credit for this ourselves. But I just want to commend Curt and all the folks in the capital program. This was a neutral entity, the LAO. And this is an important report that possibly doesn't get sufficient public attention. I know that from time to time the capital program gets criticized. But this report shows that we can manage a construction program for the courts within this branch. We can do it well. We can do it cheaper. And kudos.

>> That certainly Kelly and their team, not the least of which Justice Hill and Justice Johnson, who are really doing double duty now working on projects.

>> Thank you, Chief. Curt, I just wondered on page 3 of the report you note or the report notes that the LAO recognized that a more in-depth comparison of the judicial branch and DGS construction, et cetera, would ideally be prepared by an independent firm. And then you have the report has the next steps heading there. Is that a matter that is going to be under discussion, or how does that stand?

>> I have not heard—Justice Hall, I have not heard anyone would be interested in picking up and doing that now.

>> All right. Thank you.

>> Judge O'Malley.

>> Just a quick comment. Reading the report, you know, I am happy that the LAO came to the conclusions that they did. I was a little bit surprised that they couldn't fathom why an appellate courthouse would be any more than a normal superior court courthouse and couldn't really grasp the issues of transport, transportation, inmates, holding cells. We don't want to walk the inmates down the hallway. You know, for their own protection as far as their own rights not being paraded in chains and shackles in front of their jurors and peers that are going to be listening to their trials, and/or the safety of witnesses and the public of having them go through the trials, depending upon some of them and their level of dangerousness. So it just—I was just very slightly surprised and/or irritated that they couldn't really grasp this difference in how, you know, when it comes to—and they talked about, well, we did observe—or we did look at building, you know, like labs. Labs, you might have one room that needs to be hermetically sealed if you have to do proper experiments and so forth, one, whereas we have to have holding cells that have certain access in these buildings with passageways and safety issues. And knowing—having gone through the courthouse project that I went through with just the sallyport, you know, to have a bus be able to come in, you know, where it can open and close and have a roof enclosure, because we've had, you know, attempted escapes at the Martinez jail and you want to make sure if you are going to build a new courthouse, you are going to look for those things that you can avoid. And that courthouse certainly does it. That courthouse was built on

time and under budget. And I'm very proud of it. It's very green. It's very sustainable, you know. We were able to use, you know, stone and types of surfaces that cannot be graffiti'd, cannot be scratched, cannot be ruined, and won't look like crap in a matter of five to seven years. It's going to be how—it's going to look like what a courthouse should look like. And it was done in a manner and the methods and the materials chosen were very wise, and that's why we were able to—it also made a comment that, you know, well, we don't know if the courts just didn't overestimate their amount, so now they look so good because it's under. And I challenge any of them to go through the sheets of the Arnison courthouse and see if we overbudgeted or tried to do anything of the sort to make it look as if we could come under budget. It's like every little aspect, every little step of that way is how can we do it responsibly, how can we do it as fiscally responsible as we can? And with resources that are going to last for a long time, because we don't want to have to build another courthouse and go through the old Pittsburgh courthouse like we did for years and years and years. So while I'm happy they came to certain conclusions, I was in a little bit of wonderment about the others. I thank the staff in having worked with the folks at our court construction at the AOC. It's an outstanding program. And like Judge Rosenberg said, we can do it and we can do it better.

>> Thank you, Judge O'Malley.

>> Many, many thanks to the team at OCCM.

>> Item 3 is an action item. Judicial Council sponsored legislation. Court operational efficiencies, cost savings, and new revenue proposals. Welcome Corey and Andi Leibenbaum, Office of Governmental Affairs.

>> Thank you, Chief. By way of background, you remember in the spring and summer and December meeting that the council approved a set of 17 efficiency, cost recovery, and new revenue proposals. Those proposals are ongoing in the Legislature. This is a trailing set of six additional efficiency new revenue cost recovery proposals that are coming before you. Currently, the proposals that are in the Legislature, 10 of the 17 are in proposed budget trailable language. The remaining six proposals, seven proposals are in four standalone policy bills. Integrate these six proposals into either trailer bill language or one of the four vehicles that we have moving forward in the Legislature. We have Andi Liebenbaum to walk you through the details. I would like to highlight for your benefit that presently our efforts in the Legislature, both in the budget trailer bill as well as in the policy bills, were running into lots of resistance from a lot of parties. The Chamber of Commerce, the counties, the public defenders, newspaper publishers. So it is not been an easy road thus far that—in both the budget process and the policy committees that—lots of objections to the proposals that we have. But we will, you know, continue forward and Andi will walk you through the details, happy to answer any questions.

>> Thank you, Corey.

>> Good afternoon, Chief, and members of the council. There are six proposals before you. They are under item number 3 in your binders. I'll go through the six unless somebody wants to raise a question as we go through individually. And I don't know if you want to vote on them individually or vote on them at the end. So please let me know. The first proposal before you

would be an amendment to Penal Code section 1000-A. And what it would do is exclude infractions for marijuana possession for health and safety code Section 11373B for deferred entry of judgment. What makes this proposal valid is that in 2010 Senator Leno authored a bill that was signed into law, SB1449, that changed it from a MD&A to an infraction. Since deferred entry of judgment usually is a deferral of time, incarceration time and infractions don't carry time with them, it seemed like this was a lot like clean-up legislation. In other words, the idea would be to take 11357B out of deferred entry of judgment, save the courts the time and money and confusion that it wouldn't necessarily apply to 11357. So that is the proposal before you.

>> Judge Rosenberg.

>> Just a quick question. This is not really efficiency legislation. This is, in fact, clean-up legislation.

>> Yes.

>> I would be careful to not couch it—this memo talks about these six items to court operational efficiencies, cost savings, new revenue proposals. I don't really think it fits in that category and should be dealt with as separate clean-up. This just makes sense. But it's just clean-up.

>> So noted—so noted, Judge.

>> Mary Beth.

>> If the court went through a deferred entry of judgment as opposed to the person going to traffic court to take care of it, it's also more efficient.

>> What court would actually do that on an infraction? I can't imagine them doing anything like that?

>> If there is any question they have a right to diversion, then you should give it to them. And, again, it might just be clean-up. But it's still on the books. I think it's a little bit of both. I would sell it as both and not just one or the other because if the person takes exception, well no, I want them to be able to divert as opposed to go pay the fine, you know, then that's not going to help us anymore. It's also going to be back in a couple of appearances and work of a probation officer. I would push it both ways. I really would. Mary Beth Todd and then Justice --

>> Yeah, this came up when—a couple years ago when I was still in Calaveras. There are some notice requirements that we were really grappling with when these became infractions as far as, you know, we're working with our courtesy notices. We are going to send out, they could bail forfeit on it. But we had these notice requirements that we had to make them aware of their right to the DEJ if they were interested in it. And it was a lot of extra work. We had to enter into some agreements with the D.A. and post information on the website. So there are efficiencies involved. Honestly, I don't know that a lot of courts picked up on the fact that it's still technically qualified. But for those of us who did, there was quite a bit of work involved in trying to pigeon

hole it into an infraction process when there were still requirements to give unless of their rights to DEJ.

>> Yeah. I'll support what Mary Beth and—all of the items before us are items that came up through the court execs and BJ's as efficiency items. Some may be more in the nature of revenue enhancements. But in any event, they came up the same way.

>> I'm convinced. Thank you.

>> Thank you. Any other comments before we move on to recommendation number 2? Thank you. Go ahead, Andi.

>> Alright. At the bottom of page 3, you'll see recommendation number 2, which would be repeal Vehicle Code section 23622, which would eliminate as the court's responsibility notification of subsequent DUI to courts that previously convicted a defendant of DUI. Essentially, what this would do is put that burden on district attorneys. And lest we think that that is an unreasonable burden, District Attorney Nancy O'Malley was the cochair of the ad hoc advisory committee on the efficiencies and she spoke very eloquently about how not only is this something that the district attorneys are able to do and they do it in other contexts, but didn't see this as an additional burden on the district attorneys' offices. So we felt pretty confident going forward that this was something that was a reasonable recommendation.

>> Thank you. Jim Fox and then Justices Ashmann-Gerst and Jacobson.

>> Obviously, the district attorney is making contact with the court where the prior existed anyway in order to obtain the prior to allege it for enhanced penalties. So it really makes no sense for the court to have that obligation when the district attorney is already or should be making that contact.

>> Good point.

>> I just had a question about the city attorneys because in Los Angeles, of course, it's the city attorney's office that's prosecuting 90% of the DUIs. And are the city attorneys also doing this? Is this going to include the city attorney matters, as well?

>> It should.

>> Can we make that—maybe make that clear someplace? I don't know if the city attorneys were consulted or have any problem with it?

>> The prosecuting --

>> Prosecuting agency.

>> Judge Jacobson?

>> My comment so much less serious. I just think Judge O'Malley should recuse herself on this one.

>> There are O'Malleys everywhere.

>> Thank you, Andi. Go ahead.

>> Alright. On page 4 of your materials, amend Evidence Code section 452.5. This would authorize the courts to prepare and precertify electronic prior packets. Currently, prior packets are ostensibly produced physically. Hard copies. There is a certification process that is both time consuming and hard on trees. To do so electronically is efficient and it's a technology that most courts haven't embraced very much. I would like to point out also, completely unbeknownst to us until the legislative process started, Senator Block has introduced legislation, SB approximate 78-378, that does substantially what this proposal would do. Should the council vote to approve, there is a vehicle that we could possibly use. We would have to enter negotiations with the senator's office.

>> But I would like to point that out to the council.

>> Thank you.

>> I don't see any comments or questions.

>> Recommendation number 4, you'll find on page 5, it amends Government Code section 73077. And in this particular proposal we would seek an efficiency that would calculate interest on late payments to judicial branch construction funds at the local agency investment fund rate. Currently, the statutory rate is 8%-18% and it is a calculation that is inconsistent with the trial court trust fund late payment remittance, which is also at the LAIF rate. And, again, there is a bill, AB 619 by Garcia, that exists in the legislative process. And should the council wish to support this as legislation, we would begin negotiations and discussions with Assembly Member Garcia to use her vehicle.

>> Any question or comment? Thank you, Andi.

>> Item number 5, at the top of page 6, would for 15 enumerated counties repeal a series of government codes. And the counties are Trinity, Modoc, Merced, Kern, Nevada, El Dorado, Shasta, Tehama, Monterey, Solano, San Louis, Modesto, and Mendocino. Those code sections and the government code redshirt use—code require the use of court reporters. A number of different kinds of case types that treats these counties different from the remaining counties in California. And so the counties seek the repeal of these statutes so that they can—statutes so they can allocate their court reporter and other budgetary needs as they see fit and not be tied to these specific requirements.

>> Any comment or question?

>> I assume that all of them have been contacted and they are all in agreement with this?

>> They contacted us. Yes.

>> I don't see any hands for comments or questions on it.

>> And then the final recommendation for you would be number 6, towards the bottom of page 6. It would amend Family Code section 3176. And this proposal would eliminate the requirement for service by certified return receipt postage prepaid mail. So it would be a reduction in cost. It would also specify that a court serve that notice. Currently, the way the statute is written, it is silent as to the party that serves the notice. But we know that self-represented litigants are often in family court and the courts do serve this notice. It would clarify that. But there are other methods of serving that notice that perhaps would be less expensive and more efficient. So we believe this would go far to reduce costs at the court level.

>> Thank you. Judge Jacobson.

>> I have a motion to adopt these six recommendations with one slight change. I'm not sure if it's a change as to recommendation number 4, that we seek to join forces with AB 619 to put a little more "umph" on that one. That would be my motion.

>> Thank you. Any further discussion? Judge O'Malley?

>> I would second it, but I think there was another number 2 that we possibly could join up with legislation. If you would amend, Judge Jacobson, to add that we negotiate with the Legislature as well, then I would second your motion.

>> I will so move.

>> I think that was number 3, though.

>> Either one.

>> Senator Block.

>> I would accept that friendly amendment.

>> If I could ask. What about number 2 where we were going to change it from district attorney to prosecuting agency so it's clear that city attorneys are also? Is that a friendly amendment?

>> Sounds friendly to me.

>> I am smiling.

>> You are. I am smiling back. Okay.

>> It appears that they were repealing a statute (inaudible).

>> Right. That is exactly right. What the legislation does specifically is just repeal a statute. It was our description of it, and the result would be for the prosecuting agencies to pick up that responsibility. But the repeal itself wouldn't make any mention.

>> All right. Then I would so move. Friendly amendment? It was still friendly, though.

>> It was.

>> We have a first, a motion for all six as amended and a second. Any further discussion before I call for the vote? Seeing no hands, all in favor say aye. Any opposed? Motion carries. Thank you for that presentation, Cory and Andi. Very nice.

>> Item 4 is an action item. Judicial branch administration. This is a report and recommendations to improve the governance, structure, and organization of the Judicial Council advisory groups. Justices Miller, Hull, and Judge Herman.

>> All right. Thank you, Chief. Under the leadership of the Chief Justice, the Judicial Council has been examining itself and its processes. We looked at our meetings, the public comment portion, the oversight of the AOC, and as a result we instituted a number of improvements. We've expanded public participation in council meetings. We've improved public access to council decision-making, strengthened the council's oversight of the AOC, and identified and directed significant other branch efficiencies. We are doing this to improve the council's accountability and transparency to the public, to the branch, and to the two other branches of government.

>> By the fall of 2012, we found it was now time, though, to look at and review and find ways to improve the council's advisory group functions. To accomplish that, members of the council's EMP Technology Committee met several times over the past few months. We met with the chairs of most of the standing advisory committees, task forces, and many of its working groups. The Chief Justice has assigned to the three internal committees the oversight of most of the council's advisory groups.

>> We reviewed each advisory group's annual agenda, each group's objectives, and projects for the coming year. We also discussed possible changes in the group's governance, structure, and organization, and how they are operating now and how we would like to see them operating in the future. We have looked for ways to increase the efficiency, accountability, transparency, and cost effectiveness of the council's advisory groups while maintaining the valuable process that produces specialized and expert recommendations that can only come from the hundreds and hundreds of committed judges, attorneys, and court leaders who volunteer their time and efforts to analyze proposals and recommend improvements for our court system for the benefit of the people of California.

>> The Judicial Council relies on the sound and well-reasoned policy recommendations from its many diverse and expert advisory committees and groups. The chart attached to our report reflects E&P, RUPRO, and the Technology Committee's recommendation to the council which

were developed during this period, again to improve the governance and structure of the various groups. The chart does not include recommendations for those advisory groups that address technology, as those groups are undergoing a separate review by the Technology Committee.

>> To start, we also recommend three general propositions. First, an advisory group must solicit the approval of its assigned council oversight committee before creating subcommittees or subgroups.

>> Second, they must solicit that approval—they must also solicit approval before they add new projects that weren't in their annual agenda.

>> And, third, the council, through its internal committees, should regularly review the governance, structure, and over organization of the various groups. I want to highlight this afternoon those groups whose structure, membership and projects will be affected by the recommendations we have proposed. If the council approves these recommendations today, Justice Hull, Judge Herman, and I will work with the chairs of those advisory groups affected. And through our internal committees oversee to make sure that they are efficient and effectively implemented.

>> First, we recommend in the chart that the following groups, although they started as ad hoc temporary advisory groups, become standing council advisory committees with a formal charge, a rule of court, and appointments made through the annual nominations process. They should become standing advisory groups because the Judicial Council now regularly relies on them for sound advice in their areas of expertise and will likely continue to look for that advice. RUPRO will oversee the drafting of the rules of court. E&P will oversee the nomination process.

>> Following the sunset of the Court Emergency Response and Security Task Force, we recommend it be established as a court security advisory committee. Court Facilities Working Group to become Court Facilities Advisory Committee. The Trial Court Budget Working Group to become the Trial Court Budget Advisory Committee. The Trial Court Facility Modification Working Group to become the Trial Court Facility Modification Advisory Committee. And then, lastly, the California Tribal Court/State Court Forum, we also recommend to become a standing advisory committee, but to retain the same name.

>> Second, based on our review and discussion with advisory group chairs we recommend the following groups for either modified oversight or a change in reporting responsibility or restructuring. Procedure governing committee be given responsibility for the steering committee. Court ec he cans committee be combined into one standing advisory committee with an executive committee. This structure would mirror the structure of the Trial Court Presiding Judges Advisory Committee. The resulting committee would not include a position for appellate court clerk. All six appellate court administrators are already part of the California appellate court's association which works with the council's judges advisory committee. Domestic Violence Practice and Procedures Task Force. The chair will be asked to submit a report by August 1 for consideration of the August council meeting and the task force will be asked to complete as many of its projects as possible by September 1, 2013. It's anticipated that the remainder of the projects will be merged with the violence against women project, and again

Justice Hull and I will work with the chairs of both of those groups to consider how to merge the two groups.

>> The Elkins Family Law Implementation Task Force, and there is just a slight change. Following further discussion with the chair of the task force, we have a slightly different proposal from that which is included in the chart. This task force is scheduled to sunset on June 30, 2013, to allow for completion of projects. We recommend, however, that the sunset date of the task force be extended until October 31, 2013, and that the chair be asked to submit a report on the assignment of remaining projects by October 1, 2013, for consideration at the October council meeting. And, again, we'll work with the chair, Justice Hull and I, on the assignments of the remaining projects.

>> Mental health issues implementation task force. Again, there is a change with regards to the actual recommendation. Following further discussion with the chair of the mental health issues implementation task force, we have a slightly different proposal from which is included in the chart. This task force is currently scheduled to sunset December 31, 2014, to allow for completion of pending projects and again the orderly transition of remaining work. We recommend that the sunset date of the task be July 1, 2014, and that the chair be asked to submit a report on the assignment of remaining projects by June 1, 2014, for consideration at the June 2014 council meeting. Again, we will work with them on the assignment of any remaining projects.

>> Task Force on Self-Represented Litigants, and again a little bit of a change. Following further discussion with the chairs of the self-represented litigants task force, we have a slightly different proposal from what is included in the chart. This task force was scheduled to sunset on January 1, 2013. But to allow for completion of pending projects and an orderly transition of remaining work, we recommend, however, that the sunset date of the task force be extended until October 31, 2013, and that the chair be asked to submit a report on the assignment of remaining projects by October 1, 2013, for consideration at the October council meeting. And then it's anticipated that those remaining projects will be merged with access and fairness and some of their projects may be even assigned to other advisory committees, but that they will be merged with access and fairness. Again, our intent is to work with them over the next six months to decide exactly how that merger will take place.

>> Last is guidelines for advisory groups. Although we've accomplished a number of proposals—although we have accomplished a significant amount of work in the past few months, as always there seems to be more to do and E&P and RUPRO intend to do more review and consideration for improvements for the council's advisory group functions. We intend to next work on for the council's consideration guidelines for advisory groups. Some key areas the guidelines will address are definitions of the different types of advisory groups, the creation, the duration, and the membership advisory—of advisory groups, and reporting to the council or an internal council committee on each group's projects, timelines, resource needs, and staffing.

>> We clearly want to come up with a process where we're able to look at the priorities and determine the appropriate staffing level, the appropriate costs for those individual projects so that we can make in their annual agenda a determination as to what priorities this should be and how

they should be ranked. Again, we intend to work with the advisory chairs on the guidelines and ask them to participate in their development.

>> I don't know if Justice Paul.

>> I only have one comment. Justice Miller has covered this quite clearly. The last point, I anticipate—we all agree this is an ongoing process and probably something that we will have in the forefront of our minds each year when we examine the annual agendas. Obviously, the work of the advisory committees and task forces is not static. So I think this is something that we can address as needed and continue to work towards the efficiencies and cost-cutting measures.

>> Judge Jacobson.

>> I wanted to comment that in this process we had thorough discussions with the chairs of the committees. We had robust discussion amongst ourselves. And I'm pleased with the product that came out as a result, and I would make a motion to adopt Attachment 1 with the date changes that Justice Miller has mentioned.

>> Are you also including in the recommendation all that's stated on page 2 of your materials, the interim committees recommend, et cetera, that last sentence?

>> Yes.

>> Second.

>> Seconded by who? Jim Fox. David Yamasaki.

>> I have a question.

>> Please, do.

>> One of the items that is recommended was (inaudible). It calls for the sunset of advisory committee that was (inaudible). You heard earlier today that there was an audit. In the course of that audit there was a recommendation that there was something absent in terms of policies [coughing] with businesses. So the committee (inaudible), I have asked that that item—that no action be taken as to Item 30 pending (inaudible).

>> So what I would recommend on that, if it's okay, if that's the consensus of everyone, and I don't have a problem with that, that what happens with that group B assigned to E&P, so that we can make a determination when it would be appropriate for it to sunset and take into consideration what you've just indicated. So is that a friendly amendment?

>> Again, he is a friendly guy.

>> So the --

>> I'll accept it that way.

>> To the friendly attachment on page 9, Item 30 is under proposed oversight of reporting responsibility insert E&P?

>> Yes.

>> Mary Beth Todd.

>> Acceptable to the second.

>> I just had a question for clarification. I'm really not clear on the exact intent. Your recommendation is that before creating a subcommittee or subgroup, the committee would have to get permission to update their plan. Is that intended to preclude informal subgroups, so as a subgroup of advisory committee one and two, if an urgent issue arose and the three want to go off together and bring something back without the use of staff time, is it intended to preclude that or --

>> No. We were just talking about three people wanting to get together and top. This was more the creation of a formal subcommittee like we've seen.

>> Judge Brandlin.

>> It's just a comment, Chief. I wanted to thank the internal committee chairs for item number 20. As former member of the Court Emergency Response and Security Task Force, I'm pleased to see this recommendation. Thank you.

>> Thank you, Judge Brandlin. Any other comment before we take to it? I want to say this recommendation came up, I think, as part of the whiteboard brainstorming in June 2011. And I am so pleased that the council has stayed on focus to those initial recommendations that we had early in 2011 when all was so new, when the survey of the presiding judges of their trial judges had just come in. We heard from 35 courts. It was during that time that the idea of the SEC really came into play that was, you know, later brought to finish by members of council here. So I'm just really impressed by the focus. And I know that several times this was raised during reactive times in the branch. We were in the middle of budget and we were in the middle of the contracting code and changes in amendments. But always I know when anyone raised, well, where are we with advisory committees, council members said we're getting there. It's just not on the burner yet. And now here it is. So I'm happy to see we're faced with the issue and it's come to fruition. Judge Rosenberg.

>> Could I just add that I am serving as a member of the E&P and I will tell you that Justice Miller is relentless in keeping us focused on that task. And, you know, with Justice Hull and Judge Herman's committees working hand in hand, we spent a lot of time on this. And I think it's a good product.

>> Thank you. All in favor of recommendation number 2 as amended, as indicated by David Yamasaki, please say AYE. Any opposed? Matter carries.

>> Before we adjourn I would like to acknowledge that we have a very good student in our midst today. Someone who will be coming on to the Judicial Council in September. Appointed by the state bar, who was here in April. We certainly love that kind of preparation. Mark Benino, our new council member from the state bar. [applause]

>>And people listening can't see it. He has his 3-inch binder in hand and a smile on his face. And he'll be at the board table tomorrow.

>> This concludes our business—our education/business meeting. Tomorrow we will stand in full session to continue our agenda as it's publicized starting at 8:30. We stand in recess. Thank you.

>> [recess]