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>> The meeting will begin shortly.

>> Good morning everyone. Nice to see all of you here in Sacramento.

>> Good morning.

>> This is a business meeting of the Judicial Council of California, January 23, 2014. The meeting is in session, and we will adjourn later today, at approximately 2:55 p.m. For housekeeping matters, I remind you our meetings are audiocast live with real-time captioning on the California Courts website. For the benefit of council members joining us by phone, welcome Presiding Judge Ellsworth and Angela Davis and our online audience. Please speak into your microphone and address each other by name so listeners and captioning readers can follow our discussion. Before we begin, I want to comment on the significance of being here in January and February for council meetings. Since I became Chief in 2011, the Judicial Council has met twice in Sacramento, most recently in 2012, to discuss the government revised and this year we will have two meetings in Sacramento: now our January meeting and next month our February meeting. This will enable council members to conduct regular business and to advocate with sister branches of government for necessary reinvestment in the judicial system. We had a number of productive and informative visits yesterday, we had the opportunity to get the case there were issues around equal access to legislators and their staff, and we had many voices sharing the needs of our branch of the public we serve, but importantly we had one vision for our branch and the need for a fully functioning judicial branch. I thank the members of the Office of Governmental Affairs for organizing the visit and I thank the Administrative Office of the Courts for arranging the Judicial Council meetings in January and February in Sacramento. I look forward to continuing the dialogue with the Legislature on our strategies and our needs. And the needs cannot continue in February but throughout the entire budget process culminating with the Budget Act in June. I believe that our case clearly will continue the collaborative process with the trial and appellate courts, judicial branch agencies, and our coequal branches of government. The first item on our agenda is the approval of the minutes of our December 12 and 13 meeting. I know you had the opportunity to look at those. Is there a motion to adopt and a second?

>> Moved for approval by Judge Walsh and seconded by Judge McCabe. Matter is approved. Second is the regular report to the council summarizing my encasements and outgoing outreach since our last meeting in December. For this report I'm going to take the liberty of not reporting chronologically or by topic or audience and engagement and activity that occurred since December 13. I will focus on a key issue that in spite of improvements in economic outlook and

the related forecasts remains a key stumbling block to access for all court users: as you know, adequate funding for our courts and justice system. It was appropriate this week that we celebrated Dr. Martin Luther King Jr. day with a day off which is a day to explore what Dr. King's legacy means to us individually and the community, and we took this time as we prepared for this council meeting to make the case for adequate funding for all of our courts throughout the state. Dr. King is often quoted and one of his quotes is, "Injustice anywhere is a threat to justice everywhere." That statement rings true as we know because we see courts close and services curtailed, and we hear reports from people in the courts seeking protection to small business owners trying to resolve civil disputes and to access needs of Californians as outlined in my vision of Access 3D and to be responsive to requests from legislators to show them the numbers as I launched a three-year blueprint for the judicial branch at a press conference in Sacramento and I announced a plan for a blue ribbon commission on the branch, and there will be more on this charter and membership in a future Judicial Council meeting. The blueprint, which all have seen, itemizes the reinvestment of \$1.2 billion needed over three years to deal with the ongoing budget cuts to the branch since 2008. I welcome, as all of you do, the reinvestment in the proposal to the branch but we agree that more is needed this year especially as in the coming budget year.

>> I was grateful that many of our legislative colleagues could attend the press conference and speak to topics of access and judicial branch funding. Senate President pro Tempore Darrell Steinberg spoke as well as Senator Noreen Evans, also a Judicial Council member, a family member, and I appreciated members' support and Assembly Member Richard Loomis comments on the funding made following the press conference. It was also important that we stood shoulder to shoulder with people that use the courts. Marcy has previously spoken to the council. Ms. Knickerbocker and Travis Hauser, small business owners in Sacramento, have spoken about how they have benefited from services and support the courts provide as well as many colleagues and judicial system partners at the press conference including administrative presiding judge Court of Appeals and Appellate District as well as a number of justices from the third DCA. Judge Robert Glusman is president of the California Judges Association and member of the Judicial Council. Judge James Mize from the Bench-Bar Coalition; Mr. Luis Rodriguez, president of the State Bar of California; Mr. Allen, Sarah Burke, president and CEO of the California Chamber of Commerce, chief executive officer of the consumer attorney in California, cochair of the California Open Courts Coalition; Michelle Orrick, National Federation of Independent Business; Mr. Tom Scott, president of California Citizens Against Lawsuit Abuse. Ms. Kimberly Stone, president of the Civil Justice Association of California; Mr. Brian Allison, representing the American Federation of State, County, and Municipal Employees. Also Mr. Robbie Hunter, president of the state building and construction trade council. The president of the Sacramento Bar Association and Ms. Mary Burrows, Executive Director of the Sacramento Bar Association and other bar leaders as well as Judicial Council members, Justice Harry Hull, and I believe others, Judge David De Alba and others have those pastel of the committee came to the press conference and a San Diego judge present that came to the press conference. We had a number of other folks in the audience including retired Justice Art Scotland who has been leading the charge in Sacramento and has helped put together the book about the impact to the Sacramento legal communities as a result of cuts. It was a great opportunity at the press conference to show

the diverse group of interests and discipline, and otherwise advocates against each other, that support the common goal of access to justice for all Californians. As you know and we know dearly, you cannot run the largest state court system in the nation on only one penny of every general fund dollar. Yesterday I was pleased to attend the state of the state address with other constitutional officers and statewide officials including my colleague from the Supreme Court of California, Dr. Marvin Baxter, and Justice Goodwin. I believe with Gov. Brown's closing statement we will build for the future, but not steal from it. And I look forward to the opportunity to constructively help him shuffle his deck of financial playing cards because in a prior life, I know something about a deck of cards of Trenton. Dr. King also said the time is always right to do what is right and the best way to solve any problem is to remove the cost and I am optimistic that through your and my and all of our ongoing advocacy efforts with the support and collaboration of our justice system partners and her sister branches of government we can continue to do the right thing and remove the cause of the problem with a reinvestment in a fully functioning judicial branch. That concludes my report and next we will hear from the administrative director's report.

>> Good morning to all members of the council. The regular written report of the administrative director is contained in your materials. As always, it contains a summary of the programs and services with which the administrative office has been engaged on behalf of this council and our courts that I would like to bring a few items from the report to your particular attention.

>> On the subject of language access, a meeting was held yesterday in San Francisco with the Certified Federation of Interpreters representing court employee interpreters and that's concluded the third of what are being turned listening sessions taking place this month with organizations representing independent interpreters and representatives of legal service organizations. The listening sessions are being convened to inform the development of the statewide language access plan for our courts as part of the effort to gather public input. The chairs of the joint working group focusing on the plan, Justice Rivera focused on key statements and put pen to paper on the plan. Two sessions were held in Burbank earlier this month and contract interpreters and legal service providers with their input on a range of issues with interpreters and language access with limited-English-proficient users of our courts. The final listening session will be with the presiding judges and court executive officers at the end of this month. In addition, there'll be three larger public hearings on language access in February and in March. As you know, the council will receive a draft report in June and a final report from the working group in December.

>> On this very important and timely subject of language access with the use of the organizing skills of our Chief Operating Officer, Curt Child, as you are aware of the Chief Justice and members of the administrative office have met with representatives of the United States Department of Justice on the West Coast and in Washington D.C. in recent months. I am pleased to let you know that today we have special guest with us for the council meeting and if I could ask Curt Child to make the introductions.

>> Thank you, Judge Jahr. We have a couple of special guests with us, and it is entirely appropriate as we have these issues on the council's agenda today. We have Anna Madena from the U.S. Civil Rights Division from Washington D.C. and Richard Park from the U.S. Attorney's Office in Los Angeles. They have been the point persons that have been working closely with us as we are having discussions, which I would describe—and I hope they would share this view—as good strong collaborative discussions as I think we all move forward and looking at improving language access in California and as Judge Steven Jahr mentioned the conversation of the Chief was able to have with the Department of Justice officials in Washington last month. I say further that it was a collaborative atmosphere and it has been a candid, forthright discussion and I anticipate they will continue to be constructive. They have also agreed and will be spending some time with our chairs and other members of the language access plan this afternoon after the council meeting and then they will also be spending some time with staff tomorrow morning in a meeting so I think we're moving forward. Thank you very much for making the trip out and for coming up and spending time with us. [Applause].

>> Thank you and welcome. With respect to the subject of labor negotiations, you will know from the written report that trial courts are continuing to seek the assistance from the administrative office regarding that subject. Our HR office has just finished assisting for trial courts in their concluded negotiations and is currently assisting 12 other courts in the process. With respect to administrative office restructuring, internally, and related to the council's restructuring directives, HR staff in offices across the organization are managing the rollout of the comprehensive classification and compensation study underway and the mandatory employee management process, severed and apart was also to begin this month because the job descriptions are preparation process for the classification and compensation study are so intensive and involve a PDQ for every employee in the agency and a responsibility on the part of the supervisors and managers to review the PDQ. I find it excessively burdensome to be engaged simultaneously in the performance evaluation review. Each needs to be done very well indeed. So I notified staff yesterday and advise you today that I have delayed until April 1 the beginning of the performance evaluation review process. What that means is the initial review which is a one-year process triggered by an employee anniversary date and was originally envisioned to begin January 1 and be completed by December 31, 2014, which would give rise to recurring an ongoing annual reviews will begin on April 1 this year and that initial review process will be concluded on March 31, 2015. So we're moving at one quarter to enable the preparation and processing by our class consultant of the PDQ in the next two months which are intensive months [Indiscernible] in a way that doesn't disturb either of those processes or qualities of output.

>> Advisory activity and group activity is concerned, the written report summarizes the [Indiscernible] of the standing advisory committee meetings that have occurred since the last council meeting as everyone is aware there has been considerable activity in the Governor's office relative to the appointment of branch officers. 17 judicial appointments were made in December and three were made effective this month initiating a series of outreach efforts from the administrative office involving the HR office relative to payroll and benefits concerning education offerings and requirements legal services office regarding litigation insurance our

office of security services on the judicial privacy protection program, and the Chief and I and others welcomed a group of new judges participating in the New Judge Orientation program. On a final note regarding SB 794, a written report makes reference to that bill, proposed and sponsored by the California Judges Association in order to simplify and reduce the number of challenges available and criminal misdemeanor cases and the public safety committee on January 14 as most are aware and will be heard in the coming weeks on the Senate floor. I want to highlight the branch's work in support of this bill as an example of the collaboration that regularly occurs between the courts and administrative offices on behalf of the council on so many issues. In response to a call to action coordinated by our Office of Governmental Affairs, the courts responded quickly with letters to legislators and provided information on potential cost savings, and the collective approach, and swift action, and branchwide focus, and supporting advocacy efforts, and an approach we will need to benefit from in the coming months. Justice Miller and I attended a meeting of the board of the California Judges Association in Los Angeles and once again being the component of this bill, [Indiscernible] enabled us to and I think it is noteworthy that their legislative advocate paid a special tribute to Corey and [Indiscernible] for their assistance relative to SB 794.

>> Thank you Judge Jahr. As you can see from the agenda, we will hear from the internal chairs at our February meeting. Next is public comment. I believe we have five speakers. However, none are speaking generally. The five, how I understand, are speaking to items D and E. We will call those speakers to come forward before the presentation of the program council. Next is the consent agenda. We have three items at syndicated and these are including reports to the Legislature to report on expenditures, revenues, and balance constraints that we have had no request from council members to remove any of the consent agenda items to the discussion agenda so I will entertain a motion to move the agenda in the second.

>> Thank you, Judge Jacobson. Second by David Yamasaki. We are ahead of schedule so we are not going to take that break at this time. [Laughter] I think now with all parties present including the speakers who would like to speak to this issue, we can address discussion of agenda item D. This is on your calendar as court interpreters expenditure of a new savings. I believe we have two speakers and I invite them up to the podium.

>> [Indiscernible]

>> They are not here. They will get a couple of minutes.

>> Okay thank you.

>> To have enough for the facilities update this is not an action item?

>> How about that break? [Laughter] I think we can do H. This is item H, not an action item. There are no materials for this item. We invite Mr. Curt Soderlund, and Cory Jaspersen, and Mr. Zlatko Theodorovic.

>> Welcome and thank you for being able to pinch hit.

>> Absolutely. As you know the Governor's budget was released on January 9—a day early—and a technical issue about getting that budget available and ready and folks had to scramble to get that out and we were caught off-guard in trying a brief overview and a Governor's budget proposes \$106 million of general expenditures under \$54.9 billion, all funds of which \$3.3 billion or for the branch \$1.3 billion just to give you context which is a low point in terms of a general fund. We are 1% of all general fund expending and 20% of our total budget came from the general fund with this proposed budget that includes, thankfully, some modest increases which raises our share of general fund expenditures to 1.2% of the general fund and 33% of our total budget comes from the general fund so there has been some increase in the movement backwards and forwards in terms of the branch as far as a general fund share. As I mentioned, the \$105 million is set by this administration to recognize reductions that have been taken by the branch over the past several years. As a particular note, late breaking pieces of information and the share for the trial courts to be distributed [Indiscernible] methodology and is an important statement to recognize the value of our model and last Tuesday at the press conferences in Sacramento state level judiciary we laid out the components at: \$600,000 Supreme Court, \$2.9 million Court of Appeals, trial courts \$1.2 million 6002 the facility branch with over \$200,000 that was at the trial courts were provided last year and the state-level entities were provided and just to put the budgeted context what is important to understand that recognizing the revenues that are being generated are concerning being ongoing versus one-time Anna makes substantial paydown of this debt that is referred to as the last several years reducing the long-term debt and these upcoming budget by \$11 billion in completely eliminating it by 2018 and that includes repayment of loans that there is no change in terms of payback of construction loans and it is unfortunate that they were taken in the first place as part of the repayment of loans and that is related to Proposition 98 where some of the budget solutions were taken and Proposition 98 was reduced and resulted in—that money and future years and \$6 billion deferred payments to schools. Also another important aspect is a proposed \$1.6 billion transfer to a rainy day fund, obviously these revenues are in part due to the Proposition 30 passage which increased revenues and attempting to put a position in terms of trying to move towards the point where revenues are not there will be can do with the state to be prepared for that. And in particular, \$200 million of retirement costs that have not been addressed have been concerned about the state of the retirement system being substantially underfunded so there is a concern about how to cover those files and the total state unfunded liabilities over \$350 billion. There are concerns about making good progress but there is still a lot of cost that is being accumulated by the state over the past several years that needs to be addressed.

>> An important priority for the administration, in the budget, is K-12 schools raising almost \$70 billion in general fund expenditures going to schools and ready to billion dollar increases and their other major increases in higher education in the UC and California State University. There are lots of areas in the budget that are seeing increases but an investment in one-time expenditures so the government doesn't. The boom and bust approach of bill programs up to the stable level with revenues in trying to turn around and cut them to the extent the revenues don't come in as expected I think we discussed previously in the previous presentation was made prior

council meetings have become more reliant on revenues and so I think the Governor is saying that message and taking it into a budget presentation the budget also though not specifically committing to does essentially a sound there is sufficient revenues to provide state employees with a 2% [Indiscernible] that is currently negotiated with them most of the collective bargaining units but the final determination is it to be made until the May revision that we do expect that that is an aspect of the budget that will come to fruition. There are some other important budget proposals that didn't happen that we are still pursuing and I think we wanted to bring them to your attention.

>> We have advocated consistently and strongly for the reversal of the 1% fund balance policy and the Governor and his message does address that straightforward in saying that they continue to believe that state levels fund balance is more appropriate than fund balance at a local level outside of the 1% that is approved saying that to the council to identify the needs of priorities of the branch in order to allocate funds for that so that it's sort of a restatement of physician from their May revision a couple of years ago they wanted to address it head on by stating that they believe the 1% is the most effective means of managing branches from our perspective. There are some other items in terms of retiring and health benefit costs that are also extensively discussed in the Governor's message that we did submit and requested funding for the state level judiciary for health benefits and retiree costs and no specific funding was provided in the budget but a lengthy discussion of the benefit issue in particular was discussed and we did include in a memo so basically that concerned that there are employees within the branch that do not pay either what is considered a full share or anything towards the retirement and we asked to look at those issues to be more efficient in their operations and select us to look at implementing the public employees' Pension Reform Act as soon as possible to generate savings have improve a consistency over the last couple of years and those have been declining and they are writing tickets there are some opportunity to see revenues flat mount for allocation [Indiscernible]. There are no new [Indiscernible] of construction and operating funds so that is good news for us. And just in case, there are folks who are concerned about what was included in last year's budget in terms of issues with \$400 million restoration of one-time cuts, those are continuing in the budget and budget projections and some of that considers to be ongoing and we want to make sure folks were aware of that and the \$62 million to his continued. So as far as the budget goes, we obviously have a lot of advocacy working through and is interested in exploring technology and the Department of Finance to develop a long-term funding plan their view is getting more of an improvement modernization fund as a source of those investments and general fund so we will see how that goes later on this afternoon. The city will be bringing the BCP, budget change proposal, to submit to the Department of Finance for their consideration to make a necessary investment in technology. Synergistic, to be optimistic about these things, there seems to be a different flavor in terms of dealing with the Department of Finance and Judge Jahr may want to comment on this but in terms of our dealings with Michael: we have a feeling we can have a conversation with him about these particular issues and so far through the fiscal year, all of the revenues have exceeded what has been the projections and we hope that trend will continue optimistically and I think there is some sense among ourselves that drama.

>> Thank you. Council members were with us yesterday, and Chief we did 51 or 52 visits and 45 were with Senators and Assembly Members, and we had positive buzz in the capital, thank you for that. It is early. Analysts will come out with their analysis of the budget in mid-to-late February. We will share when it comes in.

>> We did conduct two statewide phone calls to spread the word said everybody is the same message and that is helpful that we got our memo out quickly and updated it immediately but we found that additional information and I think we feel about doing these budget calls with state-level judiciary gives folks the same information are the questions we don't have people going off and making assumptions about how their building budgets and they go forward and make this a presentation that was last week the budget advisory meeting and we raised the issue of the Governor's direction in terms of the \$100 million and how it should be allocated and the question was raised at the meeting if anybody had any objections or concerns and a recommendation at this point and this council, which will happen at the end of this fiscal year. There is no concern or objection to that approach and suggested by the Governor to use the [Indiscernible] Messick method to allocate the \$100 million and before we come to the recommendations of the advisory committee we want to let you know that was discussed at some length.

>> Approximately a week ago, we have the legislative analyst we are looking forward [Indiscernible] another area where they expressed explicit concerns facilities management program and they feel it is underfunded even though there is \$115 million being added from the [Indiscernible] trust fund. The senses they are aware of the additional \$12 million from the general fund in support of the program that support provided more funding for facility management up and down the state. It is underfunded at this point in time.

>> One more area of questions that they brought to us was this issue of 1%, still concerned about the 1%, and asking about cash flow in trying to understand what the needs are with the \$160 million loan authority really working for us so they still have concerns. They have heard from their bosses and members of the Legislature and they're asking us to help them turn the pages and figure out a better way to explain it so folks understand and cooperation will issues and to take some time to get folks to understand the nuances of what that means so we are working with trying to make that story something they can make an easy digestible fashion so they can get some relief from the current 1%.

>> Thank you.

>> Judge Walsh.

>> Those are great reports. Thank you for that, thank you for getting the word out statewide as quickly as you did when the Governor's budget came out and everyone had the same information at the same time early on. If I understand the Governor's budget correctly, it is based on his somewhat cautious view of what the revenues would be this year. The LAO has a higher estimate. Just like last year, it is right to the Governor is wrong is there anything that tells us how he would spend not access?

>> Just to refresh your memory, last year in June the LAO came out and said we are going to have to read a half-million more than what the Governor assumed and the budget that was enacted was based on the Department of Finance's revenue projections so at this point, the LAO has not come out with an analysis of the revenue projections at this point and so we are not sure whether or not we could occur with the revenue projections. They're generally supportive of the approach. But obviously if the revenue will be higher, they would be looking to their boxes as to how the Legislature should allocate that in terms of the budget hearings and that won't be until May that we here have the Governor would look to address that. At this point, this is the Governor's plan based on the revenues that are being projected and is a bit premature to get additional investments coming from and I think one of this you read some of the articles that have come out recently about the state of the state with concerns about the teachers retirement and there is no plan there. There are lots of needs and folks cut over the last five years and so just to try to suggest that one area of investment over the other, there is a lot of investment, not as much as everyone wanted and clearly we need more resources [Indiscernible] this morning. We are hopeful that our advocacy, which reflects all of the priorities of the council from our August meeting in terms of budget change proposal. We are looking forward to those.

>> I have a question and an observation. The first is, there was talk, there was language in the Governor's budget about changing business as usual and personally I didn't think branch business as usual but I do ask what is clear is your discussions and Curt's discussions and Cory's discussions are what you are hearing and are you hearing anything specific about what direction they are looking for besides the business of mentioning yesterday even in the state of the state, the pension issue that you referenced earlier, anything beyond what we should be aiming for other than what we are already doing?

>> I think as a reminder, I think what will be important, the beginning of this fiscal year, there was a report that came from [Indiscernible] courts in terms of how the \$60 million was going to be spent. There is a follow-up report due in April to the Legislature and it will be very hard for us to be articulate and convincing in terms of where the money went and how it was used so that will be an important factor I don't think that addressed your question specifically. Right now, the Department of Finance is a conservative talk but my sense and Jody and [Indiscernible] can chime in on this one, there is a feeling that there is a firewall that exists in terms of having these conversations so I think given the fact that we are only six months in terms of reporting into the fiscal year in terms of revenue, that as January, February, and March roll through, the revenues remain high that represents opening of a door not just for us obviously because everybody will want to chime in on this, but to get additional funds and discussions that we had with the Department of Finance they seem to be positive and optimistic.

>> The last line of the Governor's message [Indiscernible] the initial branch must continue to implement uniform standards, and compensation changes that relate to the benefits issue and operational efficiencies with the goal of increasing access. Now we know in May of 2011 we had the message from the Governor saying we want to look at how you distribute funds how you administer your budget and what came of that, the funding workgroup and the great work that was culminated in [Indiscernible] but out of that group, was an issue that Judge Walsh is heading

up in terms of looking at efficiencies in the trial court operations and a sense from the members of the administration on that committee that we need to continue to look at branchwide efficiencies not just individual trial court efficiencies.

>> And [Indiscernible] the announcement [Indiscernible] recognition and I know that [Indiscernible] formulation stage that I think the blue ribbon commission will address many of the concerns [Indiscernible] the last paragraph as well as other [Indiscernible].

>> [Indiscernible].

>> There is a push to go to the outer limits of distance education and while there is something specific there they have not given us the specifics just you need to continue to work on [Indiscernible] system-wide efficiencies and improvements and uniform standards and efficiencies. [Indiscernible] At least in our discussion with the Department of Finance and other branch-wide efficiencies and standards that they are looking for versus [Indiscernible].

>> [Indiscernible] On the subject, I know that a year or so ago we had the trial court [Indiscernible] they put together that the subject of operational efficiencies such as that came up with some frequency and I know that during those discussions and other discussions that I have been involved with, there has always been an interest in as much detail as we could get as to what the phrase in the minds of the Department of Finance and the Governor's office and Legislature what detail we could get as to where they felt we were off an efficient and at least in my experience we [Indiscernible] guidance and that is not a criticism it is just the way it is and it could be I have not been privy to conversations with more detail but with that preface, again, yesterday during some of the legislative visits, some of the members made reference to the branch not spending its money wisely without detail into there seems to be an ongoing sense that we are not operationally efficient without saying here is what we mean. Is there any further information on that [Indiscernible]

>> A throwback on what was mentioned, that is a concern coming from the Governor's office and members of the Legislature about efficiency in general and receiving any specifics and we would point out that last year in 2013 we had over 2000 efficiencies in the budget and the culmination of bills and I think we ended up with seven that made it through the process, tiny ones, the efficiencies we had that had opposition we were not successful in moving forward on and we continue to work on that we have more sponsored legislation that was seeking offers for right now and also continue pushing that forward and I have also heard a concern that perhaps the efficiencies that we have achieved, we are not doing a good enough job communicating that to folks in the Legislature and the Governor's office to step up those efforts. I also think there is a distinction between as you know, the 24 efficiencies that were approved for sponsorship by council are mostly pretty technical small changes and I think that the concerns we are hearing from the Legislature as well as the administration they would like to see larger efficiencies but having received any specific areas of the efficiencies they would like to see so we continue keeping that pipeline full of coming up with ideas and communicating the savings and efficiencies that we have achieved.

>> Thank you very much. Judge Jahr.

>> This is Judge Ellsworth. Matt have a place as well?

>> After Judge Rosenberg.

>> The Trial Court Funding Working Group at the end of our term working out those issues, we were working on preparing the report and in that session that we were together, we were going over a lot of the efficiencies that the court had achieved since the beginning of the [Indiscernible] trial court funding act and even those on the committee were surprised that a lot of the changes that the courts had achieved so I agree with Cory that the communication of what has been accomplished, we don't toot our own horn, we just go about our day and do our business. We have not been so concerned with how others perceive us. We are worried about how I am going to get through my calendar and make a decision on this difficult case before me and I am not worried about the changes that I made in streamlining papers and documents that the court clerks use every single day and the numbers of tens and hundreds of thousands that make it more efficient because we are all using the same fonts and we have been doing that for years. So again, we are not used to having to put out there, "Look what I have done." In just the way that we operate and it is not our job and we might be lousy at communicating these things better doesn't mean they haven't been done and we haven't been sitting on our hands for 10 years and so at the end of the reign of the committee, we did lift quite a number of things that were asked of us. So I would like to hopefully--our next visit in February, have a list recreated from that report so they don't have to read the report and they simply did not have time to do that and so maybe in February we can impress upon them and maybe the next visit for the Governor's office and things that have been done—but they don't know about—that have allowed us to do more with less over the last many years.

>> Judge Jahr and Judge Rosenberg.

>> Thank you. It should be plain to everybody that the business of efficiencies is a multilayered subject matter area. Efficiencies can only result in improving the world of practice and procedure and in California those are statutory as a consequence of which the political process has much to do with how we go about getting from point A to point B and I don't think it is lost on the Governor. The final meeting one of the most recent meetings with the Governor and that subject came up and made a point of emphasizing the fact in California, unlike most states, practice and procedure rules are made by the Legislature. And other folks of the executive branch and other folks in the legislative branch advising the key legislators appreciate that so we are not suggesting the framework of those rules. Many are outside of our control because of that fact. Going to the second layer, where we can effect efficiencies within the framework, I certainly we have force the points made by Judge O'Malley because I discovered it might 40-some odd visits to the trial court's order the last three months of were taking for granted and necessity being the mother of invention and they stretch the dollars to accommodate the court users and any number of anecdotes and a brilliant invention to do that and even as the dollars were reduced those kinds of anecdotes by survey and because of what Judge O'Malley said folks take for granted and they

move on and they open court in the morning and they continue with their work and I suppose I underscore the point that Judge O'Malley made and remade those thoughtful efficiencies from constituents both for the sake of illustrating that their ongoing and offer the sake of ensuring cross-pollination will enable others to adapt and adopt to efficiencies that happen without any delay. I have spoken with Cory about the campaign of advocacy which is ongoing and we will step up in the next couple of months. As you know, last year the campaign of advocacy was focused and through that prism legislators best understand what the consequences are and those budget cuts on folks we serve in the state. This year we are going to continue that it is after all the central point of support for the branch that we are going to augmented with those kinds of examples and efficiencies and improvements in process that--and I invite you to assist in acquiring that so we can put our best foot forward and the vague notion that we have been sitting on her hands and [Indiscernible] Thank you.

>> At one level you have to look at it and understand trial courts don't control the [Indiscernible]. All of the cases that have come to us are cases that have been filed by district attorneys and citizens and people that bring cases to the courts that I guess, statistically, we can't quantify it and look at the number of cases, how long it takes to process, how much money is allocated per judge and there are 49 other states that compare quantitative numbers and efficiency is also a two-edged sword and extending cases to mediation and having self-help centers and efficient process and you can delay things but it might also affect quality of the result. So not just a quantitative issue but also a qualitative issue. The latter being very difficult to evaluate.

>> Thank you, Judge Rosenberg. Judge Ellsworth?

>> Thank you. In addition, to Judge Rosenberg's comments and those before, I would like to add the following, they talk of uniformity of standards and efficiencies and access and those we have reacted in a most defensive manner of scrambling and working hard to communicate what we have been doing for years and also working hard to take a look inwardly at making [Indiscernible] to each and every trial court. But ostensibly, and I use that in a double entendre if you will, we stand without judges being funded up and down the state. So I think there still continues to be an issue of uniformity of standards, efficiencies and wonderful words we like to banter around for the Sacramento [Indiscernible] and yet we are underfunded in other ways and that is not having judges and with regard to the judges that need to be funded and added and I believe that has to be part of our copper station in a most aggressive manner because until we can start to be more equalized there, then we will forever be treading water and losing and tiring ourselves so I think that is part of a conversation.

>> Thank you. Very good point. Judge Herman and then Mary Beth Todd.

>> Just following up first on Judge Rosenberg's comments. Collectively the efficiencies that we have created have to be [Indiscernible] and that is part of, for example, a technology area the Governor recognizes the need for tech knowledge here to support efficiencies and also those are targeted towards improving access to justice on another front in terms of our messaging to our

brother and sister branches maybe this approach to think about for February that we leave with the idea we have heard the message here is the efficiency that we have achieved over a period of time and in terms of our [Indiscernible] here at the efficiencies that lead towards better access [Indiscernible] here is what we hope to achieve. With this additional funding with specifics we have done that to some degree with our talking points but in talking to the Legislature yesterday, a number were very interested if we give you X in terms of refunding the justice on the state what specifically are you going to do with it? What houses are you going to open, etc. etc. and we gave you X last fiscal and what did you achieve with what you did and we documented that on a prospective basis and access projects court by a court and maybe that is a focus to leave with the next round. Here is what we have done.

>> Good idea. Mary Beth Todd, Judge McCabe, Judge Walsh, and Judge Baxter.

>> I think we all understand the message that they want to see a united approach to efficiency in a statewide approach to efficiency. What I fear is getting lost in the comments, the fact that we have weathered a five-year storm better than any other state department. Our employees work harder. They are conscientious, they're customer-service based, they care about the services we provide, and I hope that anybody listening to this meeting understands that we understand that. We recognize that, we recognize the judicial branch against any other department on how hard-working we are and the reason we have a hard time it is so ingrained in our every day, it doesn't stand out in our minds as something new or different. It is something that we do every day and the task force with Judge Walsh in which we are working on demonstrating where we have been efficient and we will continue to look at how we move forward in a statewide approach and I just have to make sure those out there working in the judicial branch know that we understand how they are there working and they should not be any reflection on them and all they have sacrificed and effort they have put in these last five years hanging in with us as we have gone through a very difficult time.

>> Thank you. Very well said. Mary Beth. We will hear from Judge McCabe, and Judge Walsh, and Justice Baxter, and Judge Baker.

>> Thank you, Chief. It appears to me that the battle is a battle with perception. We are fighting perception. I hear the comments and reading the budget and the budget talks about page 122 the disparity in how trial courts handle the reduction, highlighted the need for a comprehensive evaluation of the state's process of achieving the goals. In essence, it represents that the 58 trial courts are homogenous. They're not. Alpine is not Los Angeles and everybody in between has unique variables that make them holy distinctive and I am troubled by the generic reference without any specificity and I am inviting our leadership to have that conversation because I'm a simple mind and I need it spelled out for me. What is it you expect to have done because we are not homogenous. We can do one thing in one county that we do in another but some systemic level, sure, there are some things that can be done but for the most part we have done them. The budget on page 123, paragraph 3, talks about this expectation: that the reserves afforded the trial courts the time to operationalize ongoing reductions. Inferring that we haven't. Yet as we sit around listening we have. Again, dialogue. I am urging dialogue. It's an invitation to the DLF to

spell things out for us and I think the difficulty is the view is what I found troubling and our visit yesterday was comments about we haven't felt it enough yet. And we are still fast on the Hagen overfunded. This makes the hair on the back of your neck stand up because we are very efficient in this branch. We have done more with less. That is where we are our worst enemies. We cut and find innovative ways on a local level and different areas on the branch to get the job done and I agree with Judge O'Malley, we are terrible at PR and broadcasting what has been done. It is not that we are stubborn or obstinate. We are doing what we can but strangely enough all advocates are in the branch and I know we can do better, I know that we will do better and educating other two branches. I think we're on the right path and I am hopeful and I firmly believe the message will finally be verified and crystallized so everybody understands the branch that is operating at a high-efficiency level. The last comment I have, we still have not been successful in conveying the fund balance issue and again, I don't know how we handle that hurdle because it seems to me, based on comments and conversations that they are of the mind that this is what we need to do, centralize the fund balances, if any. I think we should not abandon, and I don't think we have, difficult talking to the hand because I think that is what we are receiving but there has to be a way of conveying to them the continued need for fund balances which allow the courts to adapt and be noble organizations in order to effectively provide a service to develop and right now we are not. If I might boldly say, probably this story said providing service to the communities, lines are longer, waiting is longer, and this is not in any way, shape, or form a retribution or the court acting stubbornly, like a mule. It is a reality of a reduction in resources that is trickling down to labor and everything else. You can only do so much with what you have and I firmly believe every element of the judiciary being to provide effective quality service to the public in the end we need more funding. Thank you.

>> Thank you. Judge Walsh, Justice Baxter, and Judge Baker.

>> Thank you. I read the Governor's message and it has reference to greater trial court deficiencies. And the funding workgroup, done the same thing. To be clear, the branch is on us. We are aware of this. The Chief has appointed the task force on fiscal accountability, and blessed me with being the chair of that group and given us a very short turnaround time and deadlines that we will meet and it is a big job. We will come back to this with a report at our April meeting. By that time we expect to have something in place, not an overall solution but a beginning. A couple of things I would like to stress. We are not just talking about deficiencies, we are looking at effectiveness and sometimes effectiveness doesn't save money, sometimes it costs a dollar or two. And our goal, is to find efficient and effective methods of delivery equal access to justice. So we keep thinking how we can do this better and another thing to be clear on: we have not communicated our successes to the Legislature and that is a good point and a long list of things we have done that we will remind you of that one-way report. But we have also been an effective than this is a criticism. With communicating those successes to each other and [Indiscernible] something. They applied and they get back to work and Santa Clara does not necessarily know about it and Santa Clara is not having an incentive to adopt and we're getting better at talking to each other and more of our goal will be finding some way to communicate between trial courts so that we will know each other's efficiencies and quickly get to them and how to apply them in our own courts. Our work can be overtaken and handed off to the blue

ribbon commission which, we are aware of, handles things like mandating and measuring and dealing with those sorts of things but we do think that we can add some value to this and we want to do it and I hope the blue ribbon commission does that with the notion that we don't want to turn our trial courts into DMV offices. That hurts everybody. Each trial court is not only a separate. Dave Rosenberg called it an experimental place but it reflects separate community values of those must be preserved and the incentives and the creativity that-based on having incentives has only helped justice in California so I like to think of it more as 58 vineyards all growing slightly different varieties but all looking to make great wine and a some see a great light somewhere they tell a neighbor this is how to get rid of the blight on your grave stock would not turn into some huge factory where every line is the same. That is not our goal. Justice should be--throughout the states and this has to be preserved and we don't plan to step on that in our work as a task force. Thank you.

>> Walsh's grape juice. [Laughter] Tears.

>> Judge Walsh, I will like to say the judicial branch and courts are like Starbucks. Justice Baxter and then Justice Baker.

>> Judge Walsh said a lot of what I had in mind. I think efficiencies--you have to define the term and there are certain efficiencies that are properly addressed on a statewide basis. Properly addressed by the council, exhibit number one technology is exhibit number two on the other hand, what is efficient in Los Angeles and what is efficient in--and vice versa and there is a need picking up on what Judge Walsh indicated, there are two needs, three needs. [Laughter]. One is to provide initiative. To the various trial courts, to come up with [Indiscernible]. And number two, when they do, properly recognize them and communicate that to the other trial courts. And number three, to utilize that process to communicate to the Legislature and the Governor here is what we have done. Now unfortunately, we did have that in place and the awards went by the wayside because of the budget cuts. And what I am hearing today is the need to reinstate the eclipse awards. Maybe with a little bit of modification and input in terms of how that videotape or DVD or whatever it is going to be, can be better utilized to make available to the various legislators and their staff, the Governor's office, that would be the best evidence we could have as to what the trial courts and the Judicial Council have done to promote efficiencies. I would suggest the need to communicate within our family and to the Legislature who could most effectively be done by reinstating the awards was some odd occasion to bring ODA into it to make sure it is not something that is limited to the judicial family. It is with the legislative family and also the executive branch.

>> Thank you Justice Baxter, that is a terrific suggestion and we will look into the modification of the awards in a way we can share it and be more inclusive as well. Thank you. Judge Baker.

>> Thank you, these are all excellent comments and I agree wholeheartedly. I try very hard not to be redundant. I did take away from yesterday in the last couple of years the importance of communication as Judge Walsh mentioned and it is not something we typically have a lot of time to do [Indiscernible] we are in the business of handling [Indiscernible] that we need to rededicate

ourselves to [Indiscernible] it is not in accordance with the Legislature but also with the public and the media and I want to share a quote out of this morning's Sacramento editorial. Otherwise it is a positive editorial but there is a paragraph that is scathing and I hate to make it part of our record by quoting it, but I think it really brings home to the council the [Indiscernible] of some of the questions that are out there that we need to address. That paragraph reads as follows. Discussing our budget issues with the Legislature and the editorial reads the Judicial Council must set some responsibility before pulling the plug in 2012 a waste of hundreds of millions of dollars with a badly botched statewide computer system designed to bring courts into the 21st-century. There is more work to do to make the courts more efficient. Now I think most of us in here at this table passionately disagree with these opinions expressed but that is the editorial in the newspaper saying the newspaper that our legislators are reading and illustrates to me, and hopefully to all of us have poured in this is for us to communicate the efficiencies.

>> Thank you. Judge Baker. Judge Herman.

>> Just one final thought on this and this again goes back to Judge Rosenberg's comment on efficiencies without accuracy. Being forced by a disastrous economic climate, it closed courtrooms and closed courthouses, to handle a core of our caseloads is efficiency and we have been forced to look at some efficiencies that are detrimental and [Indiscernible] that this branch does force us to be more efficient [Indiscernible]. In closing on the subject I want to say a few things and it is clear that we need to present a piece that serves as a communication and advocacy for the efficiency of the courts achieved but also we must continue to provide a list of impacts, notwithstanding the efficiencies, to understand this is an ongoing detriment in California. My second comment before we close and take a break and take up item D. I want to sincerely with all of my heart thank the Administrative Office of the Courts. Its leadership and especially a lot--the team and the PJM CEOs who are part of this and we need to do a blueprint grade I received shock and awe at the concerned that it could not be done with the leadership speaking to Judge Jahr and to reach out to the PJM CEO and dumping it all we have a blueprint that is in-depth and impressive and the truth is you and your team are the architect of this fine piece of work and I don't want that to go unmentioned or unnoticed or take the glory for it so thank you all of you [Applause].

>> We now will stand in recess for the morning break until 10:10 a.m. Thank you.

>> [Captioner is standing by.]

>> We are reconvening. Before we approach discussion agenda item D, Judge Jahr has a matter.

>> Very quickly on a technical audio matter, we have had a lot of background noise which has been associated with the dragging of microphones. In the February meeting we will have song has which are used at the speaker table to ameliorate the problem. So for the balance of the meeting and for the sake of the obvious, and as you're going to be addressing the council, lift the full [Laughter].

>> Thank you.

>> We have looked around the room, these are so sensitive that people are kicking them inadvertently at the table underneath and it is picking it up and nobody is touching their mind but you can hear it in the background.

>> Stop it [Laughter].

>> Stop that right now.

>> We are going to work these kinks out. We will. I'm going to turn it over to Justice Miller and invite our speakers up.

>> We have two speakers so if I could have Ariel Tarone please and just to remind you, you each have 5 minutes. Thank you.

>> Thank you very much. Good morning. I am Ariel Tarone the president of the new California Federation of Interpreters. This will mark my 25th year serving the Los Angeles Superior Court. It has been my privilege and is an honor to be in front of you. As you see I am just starting but I am very encouraged by the new relationship that seems to be developing and we were at a meaningful meeting yesterday with the CFS part of the language access plan on San Francisco. Of course there are issues and concerns that we have we are encouraged by the exchange that is developing and I am here as a friend to you and I hope you see me as a resource and I am for providing language access for everyone that uses the court system so thank you very much. It is a pleasure.

>> Thank you. [Applause] The second speaker Mr. Hernandez.

>> Good morning. I am a friend contrary to what some of my friends may want to say. I actually want to address two items in the time that I have, both D and E. The first item is to provide \$13 million for civil interpreters and let me be clear, on behalf of CFI, I'm the legislative advocate, we have been pushing for this allocation of money for the carryover fund for a time and we are encouraged by that. We think it is a good step forward. We think it should be approved today and move forward today we will increase access this is not the entire answer. We are not convinced that the only cases that can't be provided are those where there is some with a fee waiver we think there is a problem with fee waivers and we have to make sure they are translated in a proper language and needs to be handled better and identify individuals who need interpretive services that we think the money may not be expended first year and our concern is that is not expended that somehow this money will go away and look at the track history of carryover money and the interpretive fund, that is what has happened in years past similar to ask that today's action item limit is adopted, to make clear that the money is expended in an efficient matter in a way which the California Federation of Interpreters is involved in identifying how to spend the money and also to collect data so we know how many cases are being affected, how many more interpreters, how many more cases need to be addressed. We sponsored a bill this

past year which unfortunately the council opposed but we included in the data collection, we included ways in which we can ensure that rolling out of interpreters throughout the state and civil cases and want to make sure the action today is not deficient if it doesn't have these recording requirements and opportunities for professionals to weigh in on how interpretive services are being provided. So let me state that for the record. We see this as a step forward. In regards to the item related to sponsored legislation and the government code section which there is overlap between these two items, let me say that we agree and disagree and our disagreement is not without significant impact on how this proposed bill goes forward. The proposal to change government code section to clarify interpreters can be provided in all cases regardless of income of parties is problematic, potentially problematic, and that is the U.S. Department of Justice has come out and made it clear that there is no statutory impediment. It is in the letter attached to the item. There is no impediment to providing interpreters in spot-civil cases. So while we support potentially clarifying or changing the government code section we have to make clear it is only that it is a technical fix it as a clarification. It cannot be construed as an existing prohibition on providing interpreters in civil cases. If it is, the Legislature sees it as such and two things will happen. One, they will tag a fiscal cost to the bill. Well beyond the \$50,000 threshold to place a bill on suspense with the Appropriations Committee and there is a potential it will not get out of the Appropriations Committee and if it dies and if we have spun this as eliminating a prohibition, not only has it been inconsistent with what the DOJ has argued in inconsistent with federal law we have set up ourselves for failure because of the bill is held because of millions of dollars attached to it than what happens to those individuals who need interpretive services in civil cases. When we come back and we say we need to provide interpreters in these cases the council will be stuck to say we sponsored a bill that says we can't unless this government code section has changed since the code section was not changed, our hands are tied. I want to avoid that conclusion. I want to avoid that occurrence so we urge you, and we think you have a very strong legal footing, to say this code section 6 is important but it is not because the existing law prohibits interpreters in civil cases. It is because we want to clarify and ensure that nobody looks at this government code section as being a prohibition. Let me state two other things. The U.S. DOJ, look at the letter to the council, that articulates there is no statutory prohibition it is in the budget language I have worked on that. There is no distinction between civil and criminal in the Budget Act that is adopted by the Legislature and the Governor so we can provide interpreters in civil cases number one. Number two, there is a legal memo that the AOC has provided stating the Government Code section 6 is necessary and somehow civil interpreters cannot be provided unless someone is indigent. That memo fails to reference the federal Civil Rights Act, which is the legal basis for the DOJ coming in and saying failure to provide interpreters is a violation of the federal Civil Rights Act discriminatory against individuals based on national origin, and it is very interesting this is Martin Luther King week and we have heard a lot about his work and of course the Civil Rights Act, one of the byproducts of this life work. So this branch has an opportunity to stand by the federal Civil Rights Act, Title VI, and to say yes, we will clarify government code section but there is no prohibition on providing civil interpreters there is no statutory prohibition so we at California Federation of Interpreters are in a difficult place. We support providing interpreters not based on income but based on their language need that is the basis for national origin discrimination. There are two separate categories based on economic status and based on national origin server the purpose of satisfying needs under the national

origin we have to be able to say this code section 6 goes forward but it is not an existing prohibition. And if you can do that, we are more than likely going to be able to not only support the bill, but help it move to the Legislature. We cannot take a chance that this bill dies with the understanding that its failure means that limited-English-proficient Californians will have to go another day, another month, another year without interpreters in civil cases. I know that protocol is to provide comments before the presentation but I hope that members of the council will discuss the memo and item and how this code section is being framed and we will call this back up and ask us questions so we can come up and have a discussion, normally a Legislature [Indiscernible] which is allowing public comment after the presentation so I'm hoping he will call us that we can clarify this and be unified and going forward affixing the government code section without the rest of the Legislature will defeat the bill and in that we will lose the opportunity to comply with federal Civil Rights Act. Thank you.

>> [Captioners transitioning]

>> We invite Steven Austin to address the working group and also Donna Hershkowitz.

>> Thanks for the opportunity to be here today. To present the recommendations from the Ad Hoc Joint Working Group to address core interpreter issues. Lastly, I was asked by Justice Miller and Curt Child to chair the group I was happy to see that the task was a different one from the task all of us have become all too familiar with over the last five years. Figuring out ways to cut and downsize. This task is figuring out ways to spend money and spend money for good programs that can change people's lives by giving access to courts to people who have been shut out because they don't speak English very well. I remember thinking the task was going to be fun. How hard could it be to figure out how to spend down the accumulated 45.45 fund surplus when the need for language access is so great in our state. While it turns out it was much more difficult than anyone anticipated. In order to fully understand the recommendations we came up with, I am going to begin by going over the process and some of the hurdles we face along the way. The ad hoc group consisted of a broad group of members appointed from a large number of advisory committees to the council. It consisted of members to the Court Interpreter's Advisory Committee, the Trial Court Presiding Judges Advisory Committee, the Court Executive Advisory Committee, Access and Fairness Advisory Committee, civil and small claims, family and juvenile, probate and mental health. So purpose of the litigant task force and the Policy Coordination Liaison Committee. In fact, I see many faces from my ad hoc group sitting before me today.

>> As all of you know the 45.45 program is a dedicated funding source for all of the core interpreter services provided by the courts. Over the last four years, the Legislature has allocated a consistent \$92.7 million to the program. It has been spent primarily on criminal cases and juvenile cases. During those same years the program has generated a surplus each year. The amount of the surplus has varied from year to year but until last year it has averaged around \$3 million, maybe a little more than that during that period of time. Last year, fiscal 2012–2013, the surplus went up to nearly \$5 million. Interestingly, the reason it went up last year was a \$1.5 million decrease in reimbursements to the trial court for interpreter coordinators. Earlier, you

were able to get reimbursements for that. In that year, the Legislature added a requirement that to qualify for reimbursement, coordinators must be either certified or registered interpreters. There aren't very many of those so the \$1.5 million did not get reimbursed to the court.

>> At the end of fiscal 2012–2013, the total accumulated surplus was approximately \$12.9 million. The first order of business when we had our initial meeting was to figure out whether these accumulated surplus funds should be spent entirely on language access services or whether some or all should be allocated to the general budget hardship faced by the trial courts after years of cuts. Both of our groups came to the good conclusion that all funds should be used exclusively for increasingly which access services primarily in civil and family law cases. For a number of reasons, all of us agreed it was the right thing to do and that was the primary among all other reasons we came up with that recommendation. Also, it was consistent with the Chief's strong leadership in this area which made language access a top priority of our court system and also kept us within parameters of the 45.45 program as designed by the Legislature. And, when we reach the decision we were having our first meeting, about the time the Department of Justice letter came out with recommendations consistent with their recommendations at the time.

>> We next move to a discussion of innovative pilot projects and flexible new programs that could be funded at the trial court level and civil, landlord, tenant, family law, guardianship, then probate. We were all set to head down that path when we received the opinion from OGC, in your packet regarding legal restrictions placed on the courts by Government Code section 680.90. That law requires that litigants pay the cost of interpreter services in civil matters. This had the effect of prohibiting many innovative ways we were considering for expanding language access services through the use of related surplus. It really stopped us in our tracks, just as we were getting going. The judges and justice on our ad hoc group felt strongly they could not in good conscience make any recommendations to the council and violate existing state law. We turned back to the OGC memo and began crafting the recommendations you have today. All are accountable. These new language services are permitted under existing state law and we are excited about the difference these services will make in the lives of real people using the courts throughout our state.

>> We started by addressing the elimination of ongoing yearly surplus that now in the last year has reached nearly \$5 million. Part of the ongoing surplus will be reduced in the current and future fiscal years, this fiscal year, and next fiscal year, and going into the future by increased expenses resulting from the new labor agreements negotiated in region 2 and 3. The Fiscal Services Office calculates those agreements will result in approximately \$800,000 increase in spending from the 45.45 fund spread over the next two fiscal years, this year and next year. About \$550,000 this year and \$250,000 in the following fiscal year more of the ongoing surplus will be limited by your action to approve an allocation of \$1.73 million for the domestic violence Family Law Interpreter Program to shift the funding source for the state trial court improvement modernization fund to the 45.45 appropriation. New expenses we will be dealing with out of 45.45 next year. That still won't be enough to completely eliminate the remaining ongoing surplus though. To do that we recommend you approve lifting the \$1.73 million on the Domestic Violence Family Law Interpreter Program. That program provides interpreters and domestic

violence cases, ancillary family law proceedings when domestic violence is an issue in the case, and elder and dependent adult abuse cases. About what is impossible to note that actual added costs that will result from the section our best estimate based on total request from courts from fiscal 2013–2014 is about one and a half million dollars. By lifting the Kathy should be able to spend our entire appropriation of annual 45.45 fund while increasing needed services to vulnerable victims of domestic violence and abuse. There is an outside chance that this new expense could take us slightly over the \$92.7 million 45.45 expenditure authority so we have also recommended if that happens you allow these expenses to be reimbursed from the ongoing accumulated surplus. The \$12.9 million in cumulative surplus.

>> Now that the ongoing surplus has been eliminated, we need to address any down the \$12.9 million in cumulative surplus. We recommend that you do that by reimbursement from 45.45 appropriations and from the queue-related surplus for expenditures for indigent parties in civil cases. Flexibility will be provided by allowing each court to determine how best to implement providing interpreters in civil matters based on varying court and community needs, resource limitations due to the availability of funds, availability of interpreters, and other court operational needs. We've also recommended that a court alike did to implement only in some case tie suggesting those should include family law, civil harassment, unlawful retainer, probate conservatorship and guardianship. The ad hoc group identified these as areas of the greatest need. According to the OJC opinion letter, these expenditures are not prohibitive by Government Code section 680.92 they are also in line with the recommendations that have been made by the DOJ. When implemented, they will have a profound effect on the lives and safety of countless people who speak limited or new English throughout the state. I will turn it over to Donna to address the remaining recommendations most of which involve implementation of these changes.

>> Thank you very much. One clarification very quickly on the two augmentations that Judge Austin just walked you through is this would apply to all expenditures in these categories throughout the current fiscal year, not just expenditures from the decision forward so we wanted to make sure that was clear in the action. Most of the remainder of the recommendation to deal with more nitty-gritty implementation as Judge Austin mentioned the first of those would be that directed the Administrative Office of the Courts to provide guidance to the courts what are the newly reimbursable accreditors so there is clear understanding in trial courts on the action of the council and what types of services they can provide that they will be reimbursed for. This would be prepared by the Fiscal Services Office in anticipation of a positive outcome today. Have gone a long way towards completing a draft that will be able to be delivered to the courts in fairly short order. Also, in order to help implement this, there is some question I think from courts on how -- whether they have the ability to easily understand somebody who is requesting interpreter services in a civil matter is indigent and what we recommend that you direct the civil and small claims advisory committee to adopt a new form that would allow -- for parties to request interpreters in civil matters indicating whether or not they already qualified for a fee waiver or concurrently applying for a fee waiver with the submission of the form this would allow courts to be able to track the information, could provide courts a useful tool in scheduling and setting up operational procedures in order to calendar these cases as well. It would be a tool for courts to use, they certainly would not need to wait for the development of the form to begin providing

interpreters in civil matters, encouraged absolutely not to wait for the development of this form but be a useful tool.

>> The group had considered recommending that instead of creating a new form, Civil and Small Claims Advisory Committee simply amend the fee waiver form for additional cost and we were counseled that that was an unwise choice. And really what we need is a form that is about its request for interpreters, not about fee waivers and to the extent that the next item you have to this has to do with, as you know, proposing legislation to be able to provide interpreters for all civil cases regardless of income. This form could be used in those instances as well whereas if we attach the request for an interpreter to a fee waiver form we have to create a new format that point, which would actually address that as well. The ad hoc working group also wanted to recommend you direct staff to assist courts in determining how the new form may be used to assist them in calendaring of cases in scheduling of interpreters. Also importantly, there was some concern that \$12.9 million is in all likelihood not anywhere near enough to provide interpreters for several cases in which parties are indigent and the courts did not have confidence that the interpreters they provide would receive reimbursement for that. Maybe they would not engage additional interpreters and they would not be spending the resources because they don't have additional resources right now. No guarantee is going to be reimbursed. Recommendation six on the recommendation recommends you direct the committee to come back to you in April. Having performed a recommended allocation. How would that \$12.9 million of the unused surplus be allocated amongst the courts? So courts can have some confidence that if I were to hire X number of new interpreters to provide the services this amount will be reimbursed. The quick amendment to that recommendation actually if you take a look at it, it references the allocation formula the budget committee developed would be identifying the amount eligible to receive ports eligible to receive reimbursement in unused savings pursuant to recognition number two before which should read number 1 and 2 above as Judge Austin mentioned there is a chance that eliminating the cap for the cases will require some of that funding, will exceed the \$92 million appropriation, will require some funding to come from the surplus. And the final recommendation is consistent actually with what Mr. Fernandez was talking about: directing the usage of interpreters in civil managers and reporting the information to the Administrative Office of the Courts. This will help us in the future as we move forward and try to seek additional funding to provide these interpreters on an ongoing basis in these cases and in civil cases to all parties regardless of income. Without the data, it will be harder for us to explain what the ultimate needs and the necessary funding are.

>> Later in the agenda, you have an item having to do with allocations for the \$1.73 million that has been allocated for the domestic violence fund. If you agree with our recommendations, that cap is not going to be there anymore so that allocation item is -- it is not going to be necessary that you handle that. I've been asked to let everybody know that. A little complicated, it was put on in case you don't approve this, if you don't approve this yet to figure out how to do the allocation of that money but if you do approve this you don't have to figure it out because we are taking cap on it.

>> Thank you.

>> I want to make sure that was clear. With a little inconsistent --

>> Incentive?

>> I was putting that in as a sales pitch. Shorten your meeting. No. No. We also realized that this is just a temporary solution for our ongoing problem. All of this money will be spent within the next couple of years. We know that when we spend all of the surplus funds we will be able to sustain this without more funding. It is something we have to do. We don't exhaust the surplus our efforts to get more 45.45 funding to expand language access in order to implement the language access plan which is going to be in place by the end of this year, so this would be beginning next year to get more funds in order to gradually implement the plan it will be much more difficult if we have a significant surplus remaining with the 45.45 funds. Everyone will just point to the surplus to justify no new funding. Every judge in the state who has presided over civil, family, or probate cases has experienced the terrible feeling when we know that we cannot do what is right, what is just, what is required, because the party before us cannot tell us their side of the case. This is the first step to address this issue and begin this process of expanding access to our courts. Before I stop talking I want to thank, special thank you, to Curt Child, Donna, and Chad, who is not with us anymore but still with our court system. They are amazing, talented people who each worked long and hard to bring these recommendations together. We are lucky to have them working with us in our court system. Thanks.

>> Thank you, Judge Austin. Thank you, Donna -- Justice Miller?

>> I just have a couple questions. About the carryover. If the funds aren't completely spent as it indicates in the recommendation number six within 2014–2015. Will the money carryover like it has been the last few years? (multiple speakers).

>> What we wanted to do because it was important for us to get that money out as soon as possible is say it is going to be spent by the end of that year. We are trying to do that. There's a possibility that it won't all be spent by that time. It will take a while to get the program up and running. There is some indicia of the court level and we anticipate that if that should happen a small amount left will get rolled over into the next year and used for the same purposes.

>> Justice Miller, if I may add the council has taken action several years ago. Money left over in 45.45 would remain monies used for interpreters although the recommendation certainly anticipates the fund would be exhausted at the end of 2014. To those of 50 certainly some could be left over we would certainly anticipate those would remain funds able to be used for interpreters.

>> The second question is the issue raised by Mr. Fernandez about 140 that is taking care of an item number seven. You're going to track this and report that.

>> I think that is a very important aspect because we are going to be able to have some record and data about how this money is spent and some way to take to the Legislature to show what the

need is. So hopefully we will have that information so when we go for the next fiscal year is the implement -- a limitation we will be able to secure additional funding one thing I want this is dedicated funding for interpreter services, it is not going to be in some other type of allocation, pretty easy to point us to this something I think is popular with the citizens of the state and also with the Legislature as well.

>> Where also just beginning the 2015 language need an interpreter you study that the council does every five years as part of that we have asked the vendor to work with us to begin assessing the need for interpreters in civil as well we have identified a number of courts will help us voluntarily track individuals who come to the courtroom who need an interpreter so we have another methodology going at the same time to assist in tracking the need in civil, ultimately we will be able to present that to the Legislature.

>> Lastly I want to personally commend Judge Austin and your ad hoc committee and your staff you had a very short timeframe to accomplish this. You did a great job and you all should be commended. It is a great service to the public said thank you.

>> [Applause]

>> Would like to make a motion to improve the recommendations 137.

>> So moved. I heard a second by Judge Brandlin, Judge Jacobson, Judge McCabe, and I think you would like to be heard?

>> This is from the amendment includes amendments to that.

>> Add 1 and 2.

>> That's fine.

>> Thank you. I don't hear any further discussion. All in favor please say aye.

>> I know access, fairness and ad hoc wanted to move affirmatively in this direction and that this took a lot of work and a lot of discussion sitting down at the table, and this really is an unprecedented step in thing which access in the country. I know the California Language Access Planning Committee is also working towards that. My words of gratitude toward the committees that came before all of us would have the foresight to know this is coming and put in plan the studies about California and reporting and your good work on such a short period of time to make sure those who need to understand our branch and in court have meaningful access. Thank you.

>> Thank you.

>> Item E, we invite Judge Austin and Judge Kenneth So, Donna Hershkowitz, and Alan Herzfeld for presentation on item E.

>> Madam Chief Justice, members of the council, good morning. The Ad Hoc Joint Working Group to Address Interpreter Issues and Policy Coordination and Liaison Committee recommend council sponsorship of legislation to amend the government code to explicitly allow courts to provide interpreters to all civil cases at no cost to the parties. This proposal would provide each court with the flexibility that Judge Austin and the ad hoc group recommend. Other benefits of this change would be uniform and increased access to interpreter services for court users statewide and streamlined access to 45.45 funds, including to the cumulative surplus in the account which is intended specifically to pay for intervenor services. And to aid the Administrative Office of the Courts and Superior Court of Los Angeles County in their ongoing discussions with the federal Department of Justice online with access issues. As noted in the report to the council on this proposal the federal DOJ has expressed support for clarifying the court's authority and ability to provide these services at no cost to the parties. Regarding questions of whether preemption of federal law apply, regardless of that, there is an absolute benefit in clarifying in California law that courts have the authority and we recommend sponsorship by the council of this proposal. I am prepared to answer any questions and have Judge So and Judge Austin to answer questions as well.

>> Thank you. Judge Rosenberg?

>> Thank you. The obvious question is a concern raised while I certainly support the bill the concern raised by one of the speakers is what if the bill fails? What message does that send? And so my question is, how can we present this in such a way that we may clear our belief we can do this anyway but we just want to clarify?

>> I believe with the support of the Department of Justice and as a companion to -- I don't believe we will run into roadblocks. I believe we will be able to move this to the legislative process given that -- as I mentioned at the very tail and -- (multiple speakers).

>> [Indiscernible--low volume]

>> I would not want to do that in a room full of judges.

>> [Laughter]

>> I do believe while we characterize this as clarifying the authority taking care of the [Indiscernible] that exist in the law we should be able to move it to the Legislature.

>> Commissioner Alexander?

>> What about the concern it would be seen as [Indiscernible] federations -- appropriations from the \$12 we had left over that is expected to be used in a year it would not cover all the cost I

don't know if that -- how the process works enough to know the realities of that and what would happen.

>> Office of Governmental Affairs, I think a key distinction is that clearly visibility will be key fiscal, it doesn't have an appropriation when this goes to the Appropriations Committee. The key distinction is that not an official nickel would be spent by this bill. The \$92 million line item will be no different under the current statutory scheme if local trial courts submit reimbursement requests for more than the \$92 million; that is it, \$92 million. This would simply allow the surplus accumulated to be spent on interpreter services, not an additional expense. A key distinction between cost pressure as opposed to requiring the additional appropriation of funds which this would not do.

>> It would basically be a budget issue the next year to ask for more money?

>> Clearly, I think the Department of Finance would see the cost pressure no different than the pilot program that has been deliberated in the Legislature three or four times now. It is not a new appropriation of funds.

>> Thank you. See no hands raised, entertain a motion?

>> Motion approved.

>> Judge Brandlin? Motion? Justice Miller and Judge Ellsworth second, no further discussion from council all in favor please say aye? Any opposed? Thank you. Approved. Thank you. Next on our item F as become by our action in item D this brings us to item G which is an update, a nonaction item on court facilities and the update on bidding and construction of the San Diego Central Courthouse. Bill Guerin, Curt Child, and also Clifford Ham.

>> Good morning Chief and members. This is an issue that you certainly have the opportunity to hear some public comment on over the last few months on the San Diego courthouse and the decision to move forward doing a project labor agreement on the project. We wanted to bring back to you a quick update on the project since now the bond has been issued and the bids are in and ready to move construction. I hope we have -- (multiple speakers) pictures -- Judge Rubin was clear we needed clear pictures. I'm here to help.

>> I am here to help.

>> As you recall, this project is our largest project we have right now under our construction program. It is a 22-story, 71-room courthouse in downtown San Diego, replacing a seismically dangerous facility and certainly an inadequate facility on security. And so there was absolutely a need to move forward with this project as expeditiously as possible. The Department of Finance very concerned because of the seismic risk for which the state has the obligation that the project needed to move forward very quickly so with that concern there was certainly, as we considered, the need to ensure there will be no disruptions in the construction of the project as it moves

forward. So, with that, there was the direction to our contractor on this project to negotiate with the trade council and develop a project labor agreement. That agreement as you may recall is between the contractor and the state and local traits. I just wanted to mention a couple points. Clifford can give an update on the project but the PLA requires all of the subcontractors, be they union or nonunion, agree to pay prevailing rates. We do that obviously anyway in our projects. It doesn't require that there be union membership in order to work on the project but it does require that the contractors pay the union benefits. Important piece of this was that there is a threshold for which the [Indiscernible] would apply any contract under \$125,000 are not covered by the project labor agreement with -- providing the ability to ensure smaller contractors, minority-owned businesses, would be able to participate in some of those contracts. Importantly, there is a no strike, no lockout clause within the PLA so with that, assures of any disputes—and we have something like 30 labor contracts over the course of this contract and construction —it will be negotiated to the extent that if there was any difficulty in reaching agreement in those contracts you could shut down the project and could even extend as well their sympathy, strikes could be considered for projects outside of our project. This ensures there is no strike provision for them. And to the extent that there are any disputes, they are expedited grievance procedures to resolve those, although the idea is of keeping the project moving along as quickly as possible.

>> Bidding on the project began in August and was completed in October of this last year. There were approximately 150 responsive bids received for 53 of the subcontract trade packages within the scope, on average, there were four prequalified subcontractors for every trade package and on average, three subcontractors bid on each of the subcontract packages. A couple of notes on this: right now, 21% of the subcontractors ended up not being union, 70% of the total value of the data. Or, about \$63 million. 21% of the subs are indeed small business, women-owned, minority-owned businesses as well. That is about 7% of the total budget or \$20 million. I think the important point we wanted to bring back to you right now is the total of the accepted subcontractor bids on this project ended up being \$447.3 million which is 0.6% below the approved GMP budget. That is the guaranteed maximum price budget. In other words, we came in under the anticipated contract amount. There were a lot of assertions that a PLA could be very expensive and drive up cost for the project. But, in the final analysis, we did not exceed the budget amount as was being asserted. Importantly, Justice Hill made the point that because of the size of the project it was according to move forward but this will be one that we want to do an evaluation before we will consider any other further PLA on any projects coming forward. So we will be doing an evaluation first file on the bidding amount we said we would provide you all but also for consideration as we look at future projects if indeed it provides benefits. Then we will follow that up with an evaluation over the course of the construction of the project to ensure we are getting those parts that we wanted out of the PLA along the way. Those will involve issues, such as were there any work stoppages or slowdowns? Did we get any disputes resolved quickly and properly and importantly the quality of the labor on the project is a significant piece we have with that. So we will have that analysis, staff is working on that. In the near future, we wanted to make sure some there was so much discussion with the council that you knew where we came in on that. I asked Clifford of you who do a quick summary on the status of the project and Judge Rubin was gracious enough to show us that things are now ready to go along on the project.

>> What Judge Rubin's photograph shows in the first activities in construction are the abatement of the asbestos in the existing building, the Bell Bond building on a prominent local landmark. That activity is underway according to all the revelations. I want to make one very important point: we would not be at this point in this project if it wasn't for the astute leadership of Judge So, chairman over the Court Advisory Committee and has guided us and the superior court in San Diego through a lot of minefields. Without you, Judge So, we wouldn't be having this conversation today so thank you. We anticipate that the project will go smoothly we have incurred, Bill and I have met with representatives of the local trade council about it months ago and they have subsequently met with the general contractor and CM at risk, actively working on making sure that all the things in the PLA on their side are coming to pass. Curt mentioned we got very good coverage on what we call coverage. In other words, we got very good response to all of the bid packages which was of concern that have been raised the PLA would scare away some bidders in that market the two largest electrical contractors are not using contractors. Somewhat like Sacramento, the largest electrical contractor in Sacramento is nonunion, doesn't mean they are bad contractors just means they have different ways of doing business. Both of those nonunion contractors bid on San Diego along with another reputable contractor, large contractor. The selected subcontractor is a nonunion contractor who has paired up with a union contractor to provide the field labor on all the installation and fieldwork is actually with a union contractor. That bid package or trade package which is a very large contract—\$50 million for San Diego—a big deal, it was slightly under the budget. So I think the competitiveness of the three bidders came to pass, we think that is a good indication that the PLA did not have an adverse effect. As Curt said, there are 11 other selected subcontractors out of the 50-plus that are nonunion that have been selected as the respond to better.

>> In terms of the construction activity, as I said we are underway. The groundbreaking, Judge So will host March 10. The buildings will be demolished during that period of time and the foundations will start shortly after that. By the early summer of this year, foundations will be complete. Late summer this year, early fall, the steel will start to be erected on the site. The building, enclosure will start in late spring 2015 next year. We will occupy the building in October of 2016. For those of you that know the project, there is a bridge, 180 feet long that spans from the new building to the existing Hall of Justice to support a long one period that will be erected in February of 2015. You are all invited for that. To getting a sense of the scale of this project, it is the largest most urban, tallest building in our program at least our current program. It is approximately the same size as Wells Fargo Center on Capital Mall or the other high-rise on Capital Mall more recently. Constructed that the Court of Appeals was temporarily in for the last couple of years. It is bigger in area but in terms of presence on the skyline and height, think of those buildings when you think of San Diego. We don't have any other building like that in our program. We have a few big buildings but they are all fairly horizontal and bigger sites. This is sidewalk to sidewalk, edge to edge. It will be an event to watch and I am confident our builders, architects, and engineers are up to the task and we are looking forward to seeing it happen.

>> Thank you.

>> We have one other piece of this project we are moving on and that will be we have a large facility we will be responsible for demolishing and a couple of parcels of property that the existing courthouse is on now, as Bill discussed a little bit what the plan is for that one.

>> Thanks. We do own two parcels transferred to the AOC from the county when we took over the building that exists there now. There are two significant parcels in downtown San Diego. We are obligated to demolish the existing building once this building is complete. There is a core complex there that needs to be demolished and it is not on our liability on a more. To do that we are looking to a request for information from interested parties, developers, in the Southern California area to discuss ideas how they might use those two pieces of property in exchange for the demolition of the existing building, contribute into the life of San Diego and maximizing the return to the AOC for the value of the property down there. Our intention is to solicit ideas for the private sector about how they would use those properties in exchange for demolishing the building and any other consideration that might be part of that mix. We believe the properties are very valuable and of those ideas are something of interest to all of us we will issue a request for proposal or request for qualification to the contractor. We have not decided how to proceed with that yet and actually, ask them to proposed very specifically about what they would do in exchange for the property. We think we can demolish the buildings and at a minimum exchange for the property hopefully get some other value as well.

>> Thank you.

>> Thank you Justice Hall? Judge Morrison.

>> Originally I had a question Curt answered at the end of his remarks. This project labor agreement was announced of course he raised controversy we made the point that this would be a test project in that regard. It would be an evaluation which Curt confirmed so will be the case to see whether not project labor agreements are indeed the best interest of construction goes forward. Also as we all recall, we've had speakers feeling quite strongly on the point both pro and cons of that entered into. I think that a detailed evaluation on those points is important and I think it is also important to determine as best we can whether indeed many subcontractors were indeed closed out of the process by this agreement. It is encouraging to hear that certain nonunion contractors felt like they were able to make this and apparently their bids were accepted, I take it. Which is positive. I don't know how you evaluate other than by word-of-mouth, who or how many or the volume of people close out if any by the project labor agreement but it seems to me to the extent we could determine that, that might be a point we want to consider as far as future PLA's.

>> Thank you. Judge Jacobson?

>> Is the value of the property similar to the cost of demolition? Downtown properties? Are they valuable properties?

>> One of the properties is immediately on Broadway which is the main business street through San Diego. The other is less valuable because it is near a fault line but the combination of the two we think, again based on information collected but not a lot of information so far, at least equivalent of demolishing the buildings.

>> What are the approximate values of the properties and cost of demolition?

>> We haven't really evaluated them yet. The cost of demolition is about \$25 million. We think the property is at least similar value. They are going to address that.

>> RFI will be very quick. We are putting it out for about 45 days I think ultimately we will see, there is already and has been some expressed interest down there not only -- also a [Indiscernible] on the site we now have title II a private contractor has and is currently leasing that to the federal government for they're in custody there. We anticipate whether we see all of those in the RFI or not, there may be some creative solutions but the top of the requirement was it has got to include the demolition of the current courthouse. Our current track shall agreement does include demolition of the jail but if other search propose solutions that would leave that jail in place, we would certainly (multiple speakers).

>> Not included in the four to \$47 million?

>> This is outside the project, that's right.

>> Judge Rosenberg?

>> Thank you Chief. Thank you for the presentation. Two quick clarifying questions. First of all with regard to the nonunion contractors and subcontractors, you have a fair number of them involved, are they going to be subject to project labor agreement?

>> Yes.

>> Okay. Secondly, you said there was an exemption made for contractors that under one or \$25 million is that the total exemption for those folks? And I take it they are not subject to the project labor agreement?

>> The subcontractors less than \$125,000, that subcontractor does not have to sign the PLA.

>> Okay. In that regard any concern about those folks going out on a strike?

>> I think the possibility exists that they are such small contracts they generally are either a very short period of time or might not be on site. They might be just supplying some product installed by others. I think the risk to us is less often subcontracts might be a third tier. They might be below somebody else and have responsibility for taking care of them.

>> That is really the balance you want to walk because you do want small businesses to participate in the bidding, you want minority-owned businesses participating in the bidding as well. There is a whole range you can go probably no surprise that was probably the most contested parts of the discussions on where that threshold would actually be.

>> Thank you.

>> Thank you for the thorough presentation. It was timely, we were all interested especially given public comment we received and this being the branch's largest project so far. Thank you.

>> Thank you.

>> On our agenda we have already addressed item H and we are ahead of schedule. So at this time I am told that item J is ready for presentation. This is a no action required, an update on the budget change proposal for branch technology. I invite Judge Herman, Mr. Dusman, and Zlatko Theodorovic to present. And Curt, thank you.

>> Members of the council, this report is providing an update on the fiscal year 2014–2015 judicial branch budget change proposal. Foundation for courts Phase I. Which is going to involve case consistent replacement and expansion of land telecommunications program. This is a request for one-time funding and I won't go into detail on this but a request for one-time funding of a \$8 million \$7.6 million in fiscal year 2014–2015, 1.2 the dollars in fiscal year 13–16 with \$2.4 million in ongoing costs for these two about is the case management component and the LAN/WAN component. Last October, the councilor called the council approved of this placeholder BCP technology and the report is going to serve as an update. The BCP ties into the Chief's 3D Access message as well as the proposed branch's strategic direction for digital courts from the Technology Planning Task Force which we will be going over later as item I. As presented in the update on the planning task force, as they are flipping order are developing a governance model of council knows, and a strategic plan scheduled for delivery to the council in June of 2014. The plan will establish a common roadmap and common goals identified by a broad array of judicial officers, court executive officers, and court information technology officers. The highest priority identified in the strategic plan for technology is establishing a foundation for quote unquote digital courts again the subject matter we will expand on in terms of presenting the plan from the chalkboard technology funding task force. The foundation for additional courts includes case management systems, document management systems, and electronic filing systems. The courts participating in this PCP will be case systems management systems failing, outdated or inherently risky. As discussed, as we will discuss again in the Technology Planning Task Force presentation we now have a concrete process for evaluating and prioritizing technology projects determining which projects will be recommended for funding.

>> Following the initial follow-up surveys we selected, as reported to the council in December, we selected the six courts for the BCP: Calaveras, Glenn, Lassen, Los Angeles, Monterey, and San Diego. There was a broad diversity in terms of the size of courts involved as well as the

geographical location of the courts. Each court provided information on the cost for implementation and return on investment as well as the opportunity for both operational and technical improvements and this BCP also adds the final courts Alpine, Los Angeles, Orange, and San Diego to the statewide LAN/WAN program and establishes funds for ongoing support to ensure secure, robust, reliable, and sustainable infrastructure I might add I was asked by one of the council members earlier in terms of funding and what we can expect for funding of technology from the Governor from the Legislature is pretty clear at this point and I think our legislative visits bore this out there looking for specifics in other words unlikely they will say okay, we are writing the branch for technology without knowing specifically where those dollars are going, which projects they are supporting and how technology will be -- and has access to justice rather than being a barrier.

>> Thank you, Judge Herman. The benefits of the new CMS to provide courts with the CMS that can integrate with a document management system that supports either filing and the services, something everybody wants to see happen but provides the course of the ability to share online case information and implement data exchanges their state and local justice partners. Increase public access to judicial system through the availability of online services, maintain and capture data in a more comprehensive and reliable manner, and provide the ability to reduce our impact eliminate that physical storage of files. The expense of the LAN/WAN project includes courts heretofore have not been part of the LAN/WAN project. Fifty-four courts are on the system and in terms of cost, for Calaveras it would be \$141,000 in the current 14–15 year and \$84,000 15–16, \$230,000 for Glenn in the current year, nothing additional for the 15–16 year. For 14–54 Lassen, \$372,000, rounded up nothing for 15–16, 414–15 for Los Angeles, a new locally-hosted case management system for probate cases it would be \$425,000, and the 14–13 year and \$242,000 the following year. Next would be \$500,000 for partial funding for the court is going to put up some additional money themselves, this is for Monterey for 14–15, monthly hosted a civil case system. For San Diego, there is a cost to deploy another new locally-hosted CMS for family law \$2.5 million rounded up, for 14–15 and roughly \$1 million for 15–16 going forward. And the 14–15 cost for Alpine, Los Angeles, Orange, and San Diego would be \$3.5 million rounding up, nothing in 15–16 but an ongoing cost of \$2.5 million.

>> Mark Desmond? Anything to add before whichever questions I'd like to express our pushes into the technology planning task force for their efforts both needed to developing a matrix to selecting the courts for the case management system project as well as the JCTC, numerous meetings in terms of selecting the particular courts for this BCP efforts. And the trial court budget advisory committee also participated in terms of focusing off on the LAN/WAN issues. With that, questions from the council?

>> Just a sash records?

>> Just a comment I want to commend you for your work. I want to let everyone know to expand a little bit each of the courts was invited to make a presentation to apply for consideration and each court had to give us all the background, all the details we are going to do to the money we then tried to pick courts that did have a diversity of small, medium and large we were also

very sensitive obviously to the overall price of course we were very cooperative, when making back to us when they had to we really did appreciate the work of all the trial courts.

>> Again to add it was on a fairly short timeframe that we had to work and the JCTC put in its time including not only reviewing paperwork but also held interviews with individual courts that applied and made the last cut. Again kudos to supporting this effort and any time they had a number of other projects on their plate they really worked hard to get this done.

>> Questions?

>> Judge De Alba?

>> More just a brief comments. I want to emphasize the work the committee did under the leadership of Judge Herman was in my view and I think the entire committee, transparent. In other words the basis for how these courts were selected was subjective, deliberated, we considered arguments back and forth, pro and con for each project. Yesterday in our visits to the legislators, in my opinion at least the ones I interacted with and of the staff I have contact with were very sympathetic as been said here branches for technology as it relates to access to justice. This in my view is a very modest request and I think that was echoed by some of the staff and legislators when asked or talked about where we are with respect to technology and the plan of the governance and potential funding. I hope this serves this BCP and large part to restore the credibility our branch needs for a longer-term technology deployment.

>> This is concrete, specific, skilled so we are hoping this will be in terms of leading us forward and technology my experience was similar in terms of legislators in fact a number of them volunteered that we could achieve greater efficiencies with access by enhancing technology. There is a realization any other Council members have had the same experience yesterday. I would certainly like to hear about it off-line and otherwise.

>> [Indiscernible]

>> Go ahead.

>> Disapproved comment I think not to echo what was already spoken what was required with the process I can tell you that there was a process, a significant one of hours and hours of dialogue, hours and hours of deliberation and looking at what was before, to reach out of the courts even though they may not have applied in that we really felt it was important to stick to the truth, the process put before us. I think these are the kinds of steps in communicating only with the Legislature but also with our fellow judicial officers up and down the states to understand the importance of and how serious these things are being taken in this new era, if you will.

>> Thank you, Judge Ellsworth. I join him accommodation for the collaborative nature and transparency. Working -- doing outreach beyond the collaboration that this committee took in

terms of arranging what you describe to us today as you all know as Judge Ellsworth has mentioned it is a new way of going forward and we do it well and we do it timely. I really thank the leadership for making that happen to bring it to us today. Thank you for your work.

>> Thank you. It was definitely a team effort and the evaluation matrix which will present to the council and touch on briefly in the next presentation was an objective metrics, an attempt to mirror the efforts by the construction advisory committee in terms of having an objective, evaluate a process for projects not just this BCP but technology projects going forward. That matrix was circulated to the branch of the course participating in this process knew exactly what criterion we were using in terms of evaluating their applications for BCP support. So, thank you.

>> Thank you. I believe at this time we are able to hear item I, the Judicial Branch Technology Planning Task Force update, this is an action item. We invite Judge Herman again, as well as Judge De Alba and --

>> Actually Justice (multiple speakers).

>> Thank you, Justice Ashmann-Gerst. I apologize that my agenda is not updated yet.

>> Our IT guru helping us out here.

>> Our presenters are myself and the CIO from Santa Clara County talents donated by Santa Clara to us overall project manager of the Technology Planning Task Force efforts and what it is before the Judicial Council today for action is a recommendation from the JCTC to adopt conceptually the executive summaries of the governance structure strategic plan, tactical plan, and the funding segment or track of the Technology Planning Task Force. The reason we are asking for the council's approval conceptually rather than in finalists because we are coming before the council in June for final approval in the meantime we need to send our product out for review, probably outside of the branch. We have circulated inside the branch but outside for public comment and because at this point this is going to be a platform for supporting the BCP we just talked about in the previous item so as put out by Zlatko this morning the Governor in his budget has actually addressed the future of funding technology programs for the Judicial Branch. I will quote it because it is language we are going to rely on going forward, one of the key issues for this Judicial Branch will be how it uses technology to increase efficiency. The state trial court improvement and modernization fund was established a fund statewide improvement and efficiency projects and as the Judicial Branch begins to develop and identify a long-term statewide technology plan which of course this is the process, the administration will work collaboratively with the Judicial Council to develop a sustainable and comprehensive funding plan that furthers the goals of the act and benefits the trial courts and the users of the court. This is an important message I think from the Governor in terms of the willingness of this point for the administration to support our efforts as far as technology is concerned. So just by way of background, the Chief authorized on February 2013 authorized us to address the Judicial Branch technology governance strategy and directed the task force would work, a key element in collaboration with the court, to propose a strategic plan, tactical plan, government structure, and

funding model. Identify and promote opportunities for court collaboration and Consortium. Also, work to date provides the basis for the BCP previously presented on digital courts with the Phase I in the CMS -- six projects as well as LAN/WAN. Milestones to date as previously reported to the council prior to November we circulated a draft proposal regarding planning governance and funding amongst representatives of both of our sister branches, Legislature and executive with positive feedback in terms of the direction proceeding so they have been kept in the loop in terms of progress. Back in November we did three regional meetings so we presented our planning governance and funding process to CEOs, CIOs, and DJs throughout the state. We provided the short update in December to the council and we are representing the updated Fuller presentation today.

>> Our proposals will go out for proposed planning for public comment, and we will again return to the council the public comment on the completed project for our June meeting.

>> I would just remind everybody, in October 2012, you have heard this before, but just as a refresher, October 2012 we had the technology summit, which had participants from the courts, IT specialists, state technology agency and it was made clear it was a good strategic plan the branch would not get additional funds for technology. This task force approach has worked in the past by establishing a track you will see more details about and the focus of all of this is on outreach to the courts. And our users. And involvement and buy-in by the trial court.

>> I would just add to that our outreach to the other two branches on where we were going with technology plan key among those was the California Department of Technology and the executive branch which of course has connection with the Department of Finance on these issues. Improve in terms of Governor's recognition of our technology needs in his budget for the next fiscal. Overall the big view, technology vision through collaboration initiative and innovation on a branch right on local level the branch a Dopson uses technology, key to improve access to justice and provide a broad range of higher quality services to courts, lawyers, justice partners etc. In terms of the future of funding and getting funding approval during -- the Legislature and executive key piece of improving access as those projects are key in getting citizens of states and litigants and stakeholders etc. greater access to courts are going to be attractive for funding purposes. One example already in play that we haven't sought funding for is promote trials for example I know I am talking to other legislatures concerned about closures and this is the fact that people have traveled 70, 80 miles in order to get their matters heard and while it might not have everything going for it that and in person hearing does the level of technology we are achieving today through teleconferencing is at a very high level and those that have come out of private practice had no trouble using video teleconferencing and at depositions and court appearances because it can enhance accessibility.

>> Almost every person I met with yesterday was really interested in the [Indiscernible] project the remote video trial really thought that was an outstanding program hopes to see it expanded.

>> Back in 2012, the council approved 10 guiding principles for technology forwarded through JCTC to the council from CTA—see number one. I will not go through this entire list because

number one really in cap slices that we use technology to ensure access and fairness rather than being a barrier to access and fairness. Over a number of years we have worked with self-represented litigants community as well as legal services community to assure them we're taking into account the fact that knowledge he should not be -- bar access but enhance it. Other falls under that excess category number 10 of course is quotable plan ahead which is what we are doing now as we speak. Out of the Technology Planning Task Force they are proposing or were proposing four additional principles and number 11 would be improved branch-wide compatibility through technology standards. To develop that a little bit, that is providing a branch point technology standard or guidelines related to access to information or submission of documents that support the branch's goal of greater compatibility for the public and California justice partners. Consider branch for collaboration and economies of scale. Identify opportunities to collaborate technologies to reduce cost, leverage expertise and training, and improve consistency. One of those projects dovetails with a number of comments we are going to make this morning. We do have as we speak first of all a master services agreement developed out of an RFP to identify three vendors, both case management systems. Out of the project we have seven courts in Northern California that have come together to collaborate on a master services agreement with Tyler technologies so they can share configuration, also going through cloud technology so they are essentially rendering services rather than to pay for hardware and software all right so this is already bearing fruit in terms of delivering a consortia project. Foster local decisionmaking, develop funds and implement technologies to improve local business processes that may provide, this is key, may provide a model for wider implementation. In other words, this dovetails with some of the work of Judge Walsh's committee, we really need a clearinghouse for all ideas for efficiency within the courts also specifically to technology supports developing a project, this goes to the next point is well, if the court is developing a technology and it is a good idea to be open source it should be shared with other courts.

>> The additional four principles were developed by the governance track. And were shared with everybody else on the task force. Lots of debate, lots of discussion what we were really trying to accomplish and fill we did was a collaboration both ways. If something is developed locally it can be a guide for other courts, and if something is developed by the branch itself it might be a guide for the local court.

>> One of the big issues as we sat around all 40-plus about going forward with the need to work more as an IT community rather than silos of the individual court level or the AFC level. That way we developed -- first of all couple of things were apparent. Based on experience with working group put together in July of 2012 they developed among other projects the RFP and master services agreement for CMS vendors. The work stream approach tends to be very efficient. If you have a particular project you put it together in a work stream AOC support, council, CTAC up involvement perhaps but also leveraging the expertise local subject matter experts in local courts and review. So with this work stream approach it is like saying this is a project, here's of the project will cost, what it will take in staff time, here is what our sunset or timeline is for completing the project rather than having a project sort of float. Inefficient approach we think works that should be business driven with participation both from courts and AOC. We have an incredible amount of knowledge of the level and do you see level also an

incredible amount of subject matter expertise both technologically through CIO's and administrative or CEOs as we can leverage and make use of working together as an IT community also important as we have [Indiscernible] the Legislature and executive to solicit participation of key stakeholders in our process so again enhance transparency, no surprises for the other branches stakeholders and concern about where we are going moving forward.

>> Proposed governance roles and responsibilities. This focuses primarily on JCTC and on a repositioning or refocusing CTAC, renaming or rebranding as the Information Technology Advisory Committee. The real consensus of the planning task force was there really is a need for a high-level, Judicial Council-level committee and a roll of developing policy providing guidance and oversight as far as branch technology is concerned. Recognition, recognition also and the consensus there is also a need for an operational-level committee to focus on the nuts and bolts. The virtual nuts and bolts if you will as far as technology is concerned. Part of this is because of the turnover at the Judicial Council level, members of the council, as well as subject matter expertise. If you have an operational committee, it can develop, gather substantial matter of subject matter expertise administratively and technologically and also some of its membership can have a longer-term rule so you have continuity in terms of process. So, again, JCTC is high-level. JCTC not only interfaces with Court Technology Advisory Committee, or soon-to-be ITAC, but also interfaces with other advisory committees that have valuable input on technological issues such as PJ advisory, appellate advisory, and budget advisory committee. The ITAC-level focus and function is going to be similar to what it is now in terms of its overall scope of work meaning that it is focused on technology projects, what technology projects should we be engaging going forward as well as rulemaking and potential legislation as it relates to technology. So, this chart is a comparison of CTAC now versus ITAC in the future. It is not detailed, it looks like where the changes, where are we going with this. You can see technology projects, rule and legislative proposals are still part of their responsibilities. The main focus of repositioning CTAC so it works collaboratively with trial court is rather than simply internally developing projects that seem to be a good idea, to the membership, really focusing on the idea we are an IT community and in any given technological situation is important to leverage the resources we have outside of the branch and that is the increasing technology subject matter expertise. Really, again in terms of project sources, project sources are not just funneled within the committee but a project source or initiative source or any technology project can come from a variety of directions. It can come from good ideas, the trial court-level which might be distributed more broadly like the Fresno pilot project, it can come from the council down, it can come legislatively, and it can come from a number of different sources. The important thing within the committee is to determine one, is there really a need or desire among our stakeholders of course for this particular project. What is its priority in terms of return on investment, what is the business case for it in terms of providing more services and better access to our public stakeholders? In pursuing the readjustment or refocusing of the IT advisory committee, a group of us are working both from the current CTAC group as well as from JCTC, working on the JCTC side and on the CTAC side it will be the chair and vice-chair, along with Jake Chatters who oversees the project manager for the governance track of the planning task force, Brian Koda project manager for the strategic and tactical planning track and Justice Slougj project manager for the planning task force we will work together to refine exactly how ITAC will be

repositioned to be a more effective force in promoting technology for courts, for the branch. Again that is in anticipation we are doing that effort between now and June in anticipation that our deliverable will be presented to the council in June and ITAC, CTAC/ITAC at that point will be ready to take a new direction and the refinements will have taken place.

>> This is an area I have been involved in for a couple of years. There has been a feeling perhaps at CTAC was a bit cumbersome, a bit slow getting things done. In addition to a more varied membership on ITAC, we are hoping for more the task force approach. The other thing I was concerned about is really getting the appellate projects equal dignity with the other kinds of projects. Although it is not reflected on that particular slide, there will be an appellate subcommittee working specifically within ITAC. It has been said by some of the experts at the appellate court, move forward and develop for example filing the trial courts will necessarily be following along so I really want to make sure the appellate courts are receiving the focus they should.

>> We'd like to congratulate you on that. Justice Ashmann-Gerst, every time we have a teleconference she says what about the courts of review so Chief, courts of review are well represented here.

>> Thank you. Thank you.

>> And actually what we have developed is under the kind of readjustment of our advisory committees working on a joint appellate advisory committee subcommittee with a joint ITAC subcommittee that will work together to make sure the courts review are well served and Avenue -- [Indiscernible] and work on pilots for various projects for the trial courts. So sort of in looking at how we take this onion and determine responsibilities in terms of governance, funding, and planning we looked at branchwide programs and solutions. Those are to be defined, managed, at the branch level. More or less mandatory participation and examples of that preexisting our Phoenix financial is one of them and all the courts participate in that. There are some projects branchwide like LAN/WAN but not completely branch right at this point or the domestic violence restraining order registry which a number of ports are participating in. Really supported at the branch level. It is clear all the IT professionals involved in our efforts as well as within -- there really are commonly accepted standards both technical and administrative relative to technology. Recognized, pretty much accepted by everyone the consensus was really if we are using branch money for project standards should pretty much be mandatory. Other standards from the advisory are guidelines depending on the particular project does. A good example of a pretty much solid, accepted standard for case management systems is now being used by a number of courts. I will go through with the acronym means that there is a national standard and that is pretty much the standard in looking to the future with a grandfather clause we should look at in terms of -- if you have a case management system that case management system probably should be a means standard system so that the functions -- if sections are properly. We had experience with some courts would've gone in another direction and there have been difficulties. Consortium programs and solutions are talked about the seven courts that have formed a consortium to essentially work together rather than having to configure their own systems in

order to save funding. Local extensions like the L extension in Orange County locally managed and developed based on branch with solutions but of course you can't do anything to a branchwide program that will affect other courts. Finally, local programs which are locally managed and developed, upgrading your telecommute occasion system, stuff that is specifically local in nature.

>> Rob Oyung.

>> I will talk about the proposed goals as part of the strategic plan. Establishing these goals sets a target for the branch in terms of its achievement for technology. It then supports a progress towards the end of Judge Herman discussed early on as well the four goals being proposed the first one is focused really on the concept of the digital court. The idea of the digital court really is to use technology to improve access to justice and efficiencies through the use of this technology. That is really the focal point of the strategic plan and these goals. Establishing these goals also allows a way for us to add measures towards the progress of our vision and the goals. The second overall goal is to optimize the branch resources. This includes focus on collaboration, professional development, and leveraging procurement. The third goal is around optimizing infrastructure, this is to support the digital court which includes the network as well as our ability to recover from technical disasters. Finally the fourth overall goal is to promote rule and legislative changes really to support the use of technology. We have existing initiatives that potentially are hindered through unclear, limiting rules that exist. And, we have gone through a process of revising those rules over time. For example, rules around e-filing, the use of video technology, and those rules have been updated to help facilitate that use throughout the branch. We have been seeing the benefits of that in the short term. In terms of a technical plan, the tactical plan actually provides the individual initiatives and projects that will be initiated to support each of the four goals. We have overall four goals and we will have individual initiatives. I am not going to go through all of these initiatives but I did want to highlight the ones that are here to support the main goal of the digital court. You can see some projects around case management supports a video use, the jury management, e-filing and as well, the protective order registry that Judge Herman had talked about.

>> These are identified with the trial courts in terms of the taking trial court and court of review - with the courses as priorities?

>>[Captioners Transitioning]

>> So we have the Master services agreement, case management. These initiatives formalize those activities to help us move faster and quicker towards our goals.

>> The last item I wanted to highlight is developing the standards and data exchanges. That is one idea that the task force felt strongly about in terms of the interoperability. So we are not proposing a strategy for a single case management system. But we do wish to ensure that whatever case management systems are selected and used can be interoperable and data can be exchanged. Not only with this bridge but the Justice Department as well.

>> And this is not a dictated process, it certainly is CEO and CIO level we agree technologically, we do have to have accepted standards in the IT field.

>> The next set of tactical initiative support the other three goals that have been identified in terms of identifying and optimizing resources. Purchasing agreements, licensing agreements, to make sure the procurements are as effective as possible for technology, hardware, and software. In optimizing our infrastructure, a big focus there is to extend the LAN/WAN initiative in the court as well as provide area networks connecting the court and the Internet. Extending that program to the remaining courts. A short discussion about that as it relates to the --as well. That identified in the tactical plan best --important initiative in supporting the overall goal of optimizing the structure.

>> Finally we have some tactical initiatives for promoting rules and legislative changes. We are looking to identify the most important ones, in particular electronic signatures have been identified as one area of focus already.

>> What's the difference between electric signature?

>> Anybody.

>> So an electronic signature is basically an electronic representation of the signature. A digital one is certified and verified through various technology so that you can confirm that the signature actually did originate from the person who signed it.

>> Standard practice now in the business world, it is more secure than the --signature.

>> We also took a look at the four technology goals and we want to make sure that they supported the overall goals of the branch. So, on the top you see the four technology goals that have been identified. Along the side you see the six branch goals for the judicial branch. As you can see, the core technology goals actually all support the number one goal of the branch which is to ensure access and diversity. And also notice that they support all of the growth in one way or another as well.

>> We also took a look at the technology goals and compared them with a strategic plan for the California Department of Technology. Not only does the strategic plan for technology for the judicial branch support the judicial branches overall goal, it actually supports the overall technology goals on the status well. So you can see again, the four goals that the task force is recommending also support the number one goal of the state providing a response in an acceptable --goal.

>> As we move to advance these initiatives we recognize the limited resources. So --will provide an overview of the proposed rules that the technology has --to priority and allocates resources and relationship to the JCTC.

>> We also want to mention --[Indiscernible]

>> Significant resources for our efforts. This is the matrix that I spoke about on the previous slide. This is developed by a small group and the technology planning task force. It was taken from a private industry --a tool that has been tested in other circumstances and found it invaluable. It has been altered in a couple of different ways. To fit what we are doing in terms of priorities. I will not be labeled a model. The big categories you can see, if it aligned with the strategic goals, aligned with what we are thinking of in the broader strategic goals as far as technology, the strategic goals in line with priorities. What is the business impact? If it is a single court or something applicable to courts throughout the state. What is the return on investment of the project? What is the likelihood of benefiting realization? What is the risk of this project? Is there urgency for change operations-wide, for compliance and organizational readiness? Technology alignment. How does this fit with the branchwide standards, against the level of alignment with branchwide standards? A lot of discussion around this piece, the branchwide vendors, the three vendors for case management systems identified within the RFP process. And what is the overall technology risk? Can the infrastructure support it? Are there identified supports? Was the product we are looking at in the technological world? Is it high risk, a small pilot program, or something within the industry as a tool of technology?

>> So as we certainly know, and had pointed out to us yesterday, the current funding situation is uncertain. Next year we likely will have a deficit in the modernization fund, which is the source of funding for the branchwide initiative. The 1% cap on reserves will severely handicap of course from the investment technology. Also we know we need to build credibility. We ask that the Legislature, executive branch for managing technology projects, will help us build a case for restoring funding for technology within the judicial branch.

>> We look at other states to see if we could get any information or leverage from the different models. You can see some of the states that we did look at work unfortunately most of the state just a series have their technology even send the general fund of these. There were any real out-of-the-box ideas we could use. As Jim mentioned, we did review some industry models category thing funds so we could extend the management funds in a more methodical manner.

>> Taking a look at the proposed funding categories, similar to had rising initiative so we can manage them appropriately, proposing a model to manage the different types of technology funds. Notably different governance models and allocation models. Operational expenses and upgrades.

>> We are also proposing an improvement fund where we would set aside a small amount of money for technology experimentation and innovation. Subcategories in blue, managed at the branch level. Is an orange or at the local level work and by the way --they are funded separately. Proposed innovation and improvement can be sourced and managed at leader-level work. Let's walk through some of the categories.

>> Keep it running. Routine, ongoing IT costs that support courts operation. By and large these are year-to-year, stable, and predictable. Annual hardware and software maintenance, --services, e-mail and data center, court and staff professional services.

>> When we look at 19 upgrades. Upgrades for hope where that occurred on a regular basis. Based on expected lifecycle of equipment, replacement of desktops, laptops every few years. Service every two years. And the intermittent episodic upgrades, triggered by the vendor. They might include software updates to address changes in the law, defects, enhancements, and other examples might be upgrades to an operating system, Microsoft Office. Upgrade or replacement of the management system, a document management system, or a jury management system.

>> The next category of innovations and appointments may come from the branch, or it may come from the trial court. What we are talking about here is branch funding for courts to renovate and learn about new technologies, or to jumpstart advanced technological opportunities. Past innovations for the concepts might be the remote video computer e-filing, a citation, and improving access for litigants.

>> Past improvement examples with the move towards a digital court imaging active cases and converting microfilm and data conversion.

>> Getting now to the branchwide initiative, these are cost-related branchwide services. Some services are mandated. Some of them are optional. This will include funding and is therefore a one-time cost of hardware, software, and deployment. The funding required for increases in maintenance costs such as Phoenix, national Phoenix, HR, CC COR, chipset, CSP citation and remote video.

>> So ongoing branchwide standards and protocols, both state-level funds for developing and maintaining protocols, an example again is the state-level data exchanges, data integration, partners, such as --citation, social services, child-support data, agreements, IT equipment, software, or data centers.

>> All of this is the government structure on the right-hand column. To the extent this is a routine maintenance upgrade, etc., it is left the court issue. That's a local court issue. The formula methodology, expended by local trial courts attending to need. The idea again debated within the county level. Seek funding, and not particularly a large amount, to encourage local trial focus to come up with the pilot innovation that may affect the courts. Anissa suggested and overseen by JCTC at the counter level, the expenditures will be at the --level or the trial court level. And one thing that has not been --the project with remote video. It is innovative and something that can be used at S besides traffic.

>> Ongoing branchwide standards for the Judicial Council and JCTC for oversight. With impaired of course from the advisory committees --PJs, appellate advisory --

>> So as you can see we talked about what are the next steps. The task force is moving along at a good clip. This is been in a short period of time. We are here at this meeting to get approval from the council to the initial draft recommendations. This is to be distributed. We would distribute detailed recommendations for internal review and comment in February. March is the time to send the proposal out for public comment. And in April, likely June, after comments received have been incorporated into the court, we would be asking for Judicial Council approval.

>> Said once we implement the proposed governance model, strategic planning funding model, we hope to present to you a clear shared direction for the technology initiatives, transparent model for managing and allocating technology funds, increase visibility, consistent services across the board, and accountability for the use of resources and public funds. We think we can realize these outcomes by working collaboratively and with the community. I have to apologize for the length of the report. We're not sure other than the basic budget if that's more important right now than coming up with a technology plan, for the court.

>> Also I have to give much gratitude and thanks first of all to Jim Herman for heading the technology committee and task force. To Rob, Brian intake for the work they have done, and Jessica. This is been a huge effort as you can see. I want to thank everyone for their time.

>> Thank you. During the presentation and reading the report, this is the outstanding work that reflects so much about the best of the branch. It was deliberate, and has expertise, is thoughtful. It is future looking. It has a standard and a structure, and the methodology of how we can think in the future about projects. It brings together all of the use of our resources and the sharing of ideas. I don't mean to prejudge how the Judicial Council --. I am saying I cannot help myself. I was just talking with Justice Baxter, asking if there's a way we could copyright then sell it. It is a roadmap to how to think about implementing a high level of government IT projects. I have not seen anything like this.

>> I commend all of you for what I know, for the hard work and frankly in the beginning, it was reported back to me in a language I did not understand. That you have brought me along and I am at a basic level understanding it. Thank you.

>> Thank you. And thank you to all of the courts that have worked on this.

>> [Indiscernible]

>> Justice Miller.

>> I don't have a question, but I want to commend you also in your committee, and all of you for the work you have done. If it's in again with the example of what the council has been doing over the last two years and is governance role. It's one of the key areas of technology, yet tackled and took it on and come up with a great plan and a great model. I may not understand all of it, yet to me many times, but I understand the governance aspect and the plan of the presentation to the

court, and I know late-night Saturdays we have all talked in --is heart warming. It fits in with the governance and the oversight we are providing, a wonderful job.

>> [Indiscernible - low volume]

>> Thank you, Judge Walsh.

>> Thank you. Great job. This is terrific and I agree with the Chief. It's a great statement about what our branch can do and how quickly they can do it. The concern is because of the structures we have, suddenly this rapidly and successfully deployed plan will get bogged down. As we heard yesterday in many of our legislative visits, as we have heard before, you will not get more money until we get the plan. Now we have a plan, we send it out for comment. I'm looking at the calendar, the budget this past June 15. This will be approved June 25. Are we going to get hammered in Sacramento in the meantime and they say you didn't come up with a plan and don't tell us it's pending. If you could somehow accelerate the comment period so we can have this input which as we get into the debates in early June.

>> Can you have it by April clicks?

>>[Laughter]

>> [Indiscernible - low volume]

>> Everyone is frozen.

>> All of the work has been done.

>> I would say that we are at the point with this project but we can --share it with the key people and Legislature in --the executive level. I think we can also be prepared to share it with the key legislators.

>> That was my impression. The only will delay if the comment period. If that required of Canada modified so it can be expedited. You have done work.

>> We targeted April originally. We felt like June was the --

>> Secretary, we did talk about [Indiscernible - low volume] an initiative like them. Estimate the recommendation was, --as to what the recommendation was, the folks in Sacramento, this needs to be a collaborative process. We have not included a lot of our members, self-help group. The template I think ---their input I think --Judge Herman said the point of bringing it to you in this format has a lot of the substance that can support the budget request, and get Council approval --particulars.

>> In other words, this would have council conceptual approval. I tend to agree with Mark. I think because we promoted this is something that would be transparent and would allow opportunity and time for feedback from our sister --specifically as well as stakeholders, it's a good idea to give people a comment period. Give this tool --until April.

>> That would be tight.

>> It sounds like my request for shortening the time has been opposed.

>> We all heard how important transparency was. And hello --how there was a perception we have not been transparent in the past. We certainly want the opportunity for the public comment. I don't know if there's any way we can shorten that.

>> At this time it was denied. Jody, did you want to say something?

>> To add Chief, I know all of the meetings that we have had with the Department of Finance, the legislative process, even if when staff, fully informed and updated with regards to the process is progress. I don't think there's anybody in the other two branches who are not aware of the compliance and progress we have made. We have informed them about the presentation today and with the council requested from the task force as well. I am not sure that it should negatively impact, --because Judge Herman has been great as well as AOC in all of our meetings.

>> Is there any way I can be presented as a draft that will be sent out for public comment?

>> It is going out.

>> That the draft whoever needs it, whether the Legislature or --

>> Absolutely.

>> They will receive it as part of the legislation.

>> The key legislators.

>> So Hon. Kenneth K. So. I certainly support Hon. Kenneth K. So for --the document Yamasaki. This is an amazing recovery from where we were back in March of 2012. The work that has been done has covered a lot of ground, a lot of ground that I think is a benefit to the branch for years to come. It was done in a short period of time. As was said before, it has been extremely collaborative, transparent, certainly transparent to all of the courts and participants, in the development of the document. I really can see how the technology standards that are being identified with something that we struggled with for a number of years --connecting the courts. So much of what we do requires we take a piece of paper person something, this will alleviate that inefficiency. It also establishes a lot of opportunities to maximize resources that are so precious and coveted. Also with this approach we will be able to leverage a lot of the technology

for advances that one court or another court develops, so we can share information and again advantages. -- From those advantages.

>> I look forward to the opportunity for you during this --hearing this for approval. It is a great document for many of us.

>> Thank you, David.

>> I would like to move approval of the draft, and I would also like to suggest the possibility if in fact the Department of Finance, the Legislature, there may be some issues relative to January or June final approval. We could give consideration to a meeting subsequent to the may --final budget option.

>> Thank you. That is a good idea. We will keep track.

>> And seconded by Jacobson.

>> Justice Baxter.

>> I think my comments will echo what the room is thinking for shortening the comment period. I think this is an issue and we all agree is a very high-profile issue. I think it is one that needs to have for vetting both within and outside the branch. It does seem to me that if it is an advantage, I'm sure it will be, to have a plan almost in place by the time the budget is passed. That by the end of the month of May, we are going to have the comment period closed, all of the comments we would be able to do just those comments and make any suggested alterations to the plan this comment to give rise to. So without --with the final council but will be in June, I suspect we would very nearly if not actually have a completed project, to the extent we can use it to help our efforts to get funding for technology, that we would honestly represent that we are there all for the --so the comment period should remain as is.

>> Justice Baxter, then Justice Rosenberg.

>> As a matter of course, what the comments go to the legislators. Is that the given?

>> Yes. Before I hear from Judge Rosenberg, we have on many occasions as a result of budget action, we have met and had meetings, called meetings for the Judicial Council separate from the regularly scheduled meetings. If it comes back and we can act more quickly on the final report, we can certainly call that meeting and have everyone attend by phone, video, or otherwise.

>> Thank you, Chief.

>> One quick question, and a comment. The question is that the California Department of Technology, Caltech, what has been their position in this draft?

>> Not on this particular draft, but I work in progress draft we presented back in October, and check with them a couple of times. Very and busy as the can is nothing in this progressive draft that is at odds with anything in the previous.

>> They are the experts. Certainly support getting this draft as soon as possible, even where -- well before the comment period begins. I would caution cutting the comment period in anyway. This is significant enough want to make sure everyone gets a chance to comment.

>> I think that's what we were talking about earlier in relation to the budget discussions. To some degree if we made progress --we need to follow the process. Particularly in regards to the article that again directs this backwards to prior history, in terms of going forward.

>> Judge De Alba.

>> Comment about discussion by council and various members earlier today about best practices, efficiencies, and the branch. Judge Rosenberg and Judge Walsh mentioned laboratories and how best practices and efficiencies can be fostered. In my opinion, this plan will create fertile ground for 58 laboratories, further IT efficiencies, and best practices. And help assess the branch solve those issues that we're conceptually trying to achieve, maybe a decade or five years ago related to interoperability, document management, IT issues, e-filing. Some of the standards and challenges we have faced. --Has done a fabulous job as everybody already knows --. Thank you, Chief.

>> All in favor of approving the conceptual draft plan, say aye. Any opposed? Thank you, it is approved.

>> [Applause]

>> Thank you, Chief.

>> Justice Baxter has pointed out that we have Presiding Judge Conklin from Fresno in the audience. I would like to invite him to the podium to say a few words. We have talked about your court a bit today.

>> Quite a bit today.

>> Thank you very much, Chief. I appreciate the opportunity. I have been a presiding judge for 23 days.

>> Congratulations.

>> It's clearly not under my watch. I have shared with --their efforts we have achieved I think many of the goals you have talked about today. One of the examples is the remote video process we have used, necessitated by our that you this budget crisis. To the innovation of Ms. Martin,

Brian, and others, developing a video remote proceeding we can put video locations that were closed --courts that were closed. And allowed in this case traffic proceedings tracker. Thereby working with the local jurisdictions addressing their concerns about the cost of having offices come in and witnesses come to call --quote. Eliminate those costs and instead of thousands of dollars, hundreds of dollars for video proceedings, that allow that to occur. We have now applied that to remote video interpreting. We are hoping that they recognize it is somewhat of other issues related, that the use of remote video interpreting that we can have interpret as appear throughout the state in our court, and actually accomplished this. We set it up and have used it in a hearing, preliminary hearing, we had an interpreter appear in Sacramento, from San Diego that would have had to be delayed days or weeks, requiring thousands of dollars for the interpreter to come to Fresno, to appeal to nothing within a video link, at a cost of about \$500. It allowed the interpreter to appear in the court and set up in such a way everybody's interest were addressed. --They were concerned with the lack of confidential communication, and we accomplish that nothing open unplugging the court appointed attorney wanted to speak to the client. Everybody showed they were unplugged, they took them off, and the defense attorney was comfortable talking with the client. And accomplishing what turned out to be a resolution of the hearing without the necessity of a full-blown preliminary hearing. It allowed for absolute communication. While we recognize it might not have been as effective as a live body in the courtroom, it certainly was effective. Is surely accomplish the goals of access to justice but I heard emphasized time and time again here today. So I appreciate the opportunity to speak. I wish I could take credit for the ideas, but it's only for the innovation of the boots on the ground that made it work. Thank you for the opportunity.

>> We appreciate your coming and speaking to us. I'm sure we would like to follow up on what else is happening in Fresno, finding out the details of how that works. Thank you.

>> Judge Herman.

>> I would just like to emphasize, speaking of the legislators yesterday, we as part of the remote access, in discussing as legislators we discussed this project. We were all in strangely it best interest about the projects. Thank you.

>> This concludes our January business meeting. As you know, the next regularly scheduled business meeting is February 20. Once again in Sacramento. We close our meeting as we often do in memory of judicial officers that have passed on. We report today that Judge Mark E. Thomas, Jr., became deceased January 2013, from the Superior Court of Santa Clara County. We thank him for his honor and service to the people of California.

>> Also before we adjourn, to matters.

>> Cynthia Wade is, out of Los Angeles Superior Court. She retired?

>> We adjourn in her honor.

>> And Judge Robert Carey from San Mateo County, at age 92. He is survived by his wife of 72 years.

>> And also --Frank Craig, who served with many years in Fresno. He passed away two weeks ago.

>> Thank you, Justice Baxter.

>> And Jim Curry, retired a couple of years ago. Last week deceased.

>> I'm sorry to hear all of this news. We know many of these judges ourselves personally, and we honor them for their work. We close this meeting in their memory.

>> There is lunch served also. Justice Miller asked me to remind you of this meeting of the CMP at the close of the meeting today. Thank you all.