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>> Good afternoon and welcome. We are coming to order in our afternoon meeting. We are on the air, so please when you speak, please make sure to state your name so we know who you are and the people listening will know who you are.

>> Thank you, Judge Ruben. Good afternoon. **This is the business meeting of the Judicial Council of California for August 21, 2014.** We're in business. In addition to council members here, in the boardroom, I believe Justice Miller is joining us by teleconference. Are you there, Justice Miller?

>> Yes. I'm here.

>> As Judge Rubin just said, I remind Council members that all of our meetings are audiocast live with real-time captioning on the California Courts website. As you know, portions of our meetings may be videotaped for later use on the website. For the benefit of the online audience and also for council members joining us by phone, please do pull down the microphone, speaking to them, address each other by name as you remember so that listeners and other readers can follow the conversation and the discussion. This time, every year in August, it brings mixed emotions because just as we welcome new Judicial Council members, we must also bid farewell to our colleagues whose service on the Judicial Council after years is drawing to a close as their terms end. To put what the Judicial Council of California and our members do for the people of California in perspective, I like to quote as you know, from the ballot measure. It was overwhelmingly approved by the voters which ultimately led to the creation of the Judicial Council of California in 1926. It eliminates the context and the need for the council. The quote begins, one of the troubles that -- of the court system is that the work of the various courts is not correlated and nobody is responsible for seeing that the machinery of the courts is working smoothly. When it is discovered that some rule or procedure is not working well, it is nobody's business to see that the evil is corrected. But with the Judicial Council, whenever anything goes wrong, any judge or lawyer or litigant or other citizen will know whom to make complaint. And it will be the duty of the council to propose a remedy. So we as Judicial Council members are responsible. It is our business, our duty to propose a remedy. And each year, to get to that remedy, the council relies on the knowledge and service of hundreds of justices, judges, commissioners, referees, court professionals, attorneys, and justice system partners to do our work and accomplish our goals. I'm very pleased to be able to offer my sincere and deepest gratitude and the counsel's gratitude to dedicated, active public servants who have done their

public duty and more for council in addition to their day job. So after five years of public service, Judge Mary Ann O'Malley; after four years of public service, Judge Stephen Baker, Judge Teri Jackson; after three years of public service, Commissioner Sue Alexander, Ms. Angela Davis who couldn't be here today because of a hearing short set -- she sends her regards in an e-mail, hopes to be here tomorrow -- Mr. Mark Robinson, Mr. David Yamasaki; and after a one-year term I'm sure felt like three, Judge Robert Glusman and Presiding Judge Brian Walsh. As a small token of our appreciation and a symbol of the importance and significance of your role as the Judicial Council member of our independent coequal branch of government, you have received a copy of the Federalist Papers. One quote particularly resonates with me from Federalist number 22, Alexander Hamilton, quote, "[L]aws are a dead letter without the courts to expound and define their true meaning and operation." Thank you for your service to the people of California, the cause of Justice, your attention, attention to detail, your many phone calls, meetings, your innovative ideas, your goodwill, your humor, your tenacity and vision for a better California for everyone. You all serve to improve the administration of justice and all of you enhance access to justice for all Californians. I know even though you may not be on council physically, you'll be with us in spirit in your continued service on advisory committees and teaching and all that you did before you came to council and you will continue to do. I think we will have an opportunity to meet with all of you later. But I'd like to salute you all with a round of applause.

>> [Applause]

>> To our incoming new council members joining us today, we welcome the addition of your talents and expertise, responsibility, business, and duty await you at our next council meeting. We thank you in advance for your service. Before we begin with our regular agenda that will start with approval of the minutes, et cetera, I would like to acknowledge this opportunity, the positive working relationship that we developed with our colleagues and the Department of Finance in recent years. The lines of communication have been open. Our disagreements have been on the merits. And it's always been with the opportunity to continue to exchange information back and forth. We may disagree, but it's never been disagreeable. And we appreciate that. We've invested a lot of time and effort in both of the relationships going both ways and our relationship building. I believe it's helped our branches of government understand each other and the state budget process. I believe in their understanding of how the branch does business. I thank Mr. Michael Cohen, Director of Department of Finance, for presenting to us later this afternoon as we continue this process of cooperation, collaboration, information exchange, and knowledge sharing. So the first thing on our business meeting according to our agenda is the approval of our minutes—the minutes of our July 2nd and July 29 meetings. I know you've all had an opportunity to review those minutes. Motion?

>> Second?

>> Thank you, Judge McCabe. Approved. Thank you. Next on the agenda is my regular report as Chief Justice to the council, summarizing my engagements in ongoing and outgoing outreach activities since our last meeting. I had four major engagements since July 29. Outward public engagement and internal branch engagement. They reflect two of the roles that the Chief Justice

of California wears as the head of our judicial branch. So the first two engagements are related to what I believe is a Chief Justice's responsibility to act as a convener on issues impacting not only our courts but also our communities. The Fifth Annual Safe Schools Conference in Garden Grove brought together 600 K-12 school leaders and educators and law enforcement officials and district attorneys. They discussed the link between school safety, learning, attendance, higher test scores, and also keeping kids in school and out of court. This was a goal, very much in keeping with our initiative of keeping kids in school and out of court. Suspensions, expulsions, truancy, and chronic absenteeism are linked to academic failure. They're also a path to the juvenile and possibly the criminal justice system for many school kids, as many of us know in our professional careers, either as prosecutors or defense attorneys or judges in the juvenile justice system. We also know that school discipline issues impact our courts and there are also highly disproportionate rates for suspension of students of color, particularly African-American and Native American students. I was glad to be able to participate in a question-and-answer session on these experiences, my interest in keeping kids in school through civic engagement, and my commitment to civic learning. Civic learning was the scene in Sacramento when the California Task Force on K-12 Civic Learning presented its final report to me and State Superintendent Tom Torlakson. You'll have an opportunity to hear more about the report from Administrative Presiding Justice Judith McConnell and Superintendent Dave Gordon. I'm sure they will tell you this idea arose from a Judicial Council initiative called the commission on judicial courts and a to the judiciary relies on the public trust and confidence of the people. Let me say now that I believe it was an extraordinary effort by the task force and all those involved to accomplish so much in such a short timeframe. The events in Sacramento were attended by a number of state legislators interested in this issue, senators, and Assembly Members Roger Dickinson and Jimmy Gomez; students, teachers, and school administrators from throughout California; representatives from the California State Board of Education, Public Policy Institute of California, California State University San Marcos, California School Boards Association, the Mexican American Legal Defense and Educational fund; members of the media; and members of the bench. The Power of Democracy Steering Committee now has a powerful tool in this report to realize the implementation and recommendations of it. In Rancho Cordova, I addressed two of the Judicial Council's important advisory committees at their statewide business meeting: the Trial Court Presiding Judges Advisory Committee and the Court Executive Advisory Committee. We discussed the July 29 Judicial Council meeting that we had had, and also Judicial Council member Presiding Judge Brian Walsh and also David Yamasaki facilitated a very lively question-and-answer session. We have strong, passionate, and intelligent leaders in our judicial branch. Together we can advocate for and advance our causes, including adequate ongoing and stable funding for our branch. When we coordinate our efforts, we're able to succeed. When we act at the local and statewide level, we accomplish even more in the future. The future was part of the scene in the San Jose hotel at the Bernardi Judicial College. We had the president or the dean of the judicial college as one of our incoming members, Marlo Anderson out of Monterey, 72 new judges and commissioners, as well as the newly confirmed appellate Justice, Teri Stewart from the first DCA attending and a number of Judicial Council members as well as Judicial Council staff in a very collegial environment created by our -- by our Judicial Council staff. It was an opportunity to review our branch accomplishments and needed to support physical,

remote, and equal access including language access that we will get later on an update tomorrow. It was also an opportunity to ask for volunteers from the ranks of brand-new judges and commissioners to be the future members of our internal and advisory committees' task forces and working group and this Judicial Council. That concludes my report to the council, but before we get the report from Administrative Director Steven Jahr, I'd like to claim executive privilege and after I'm done, invite you to claim the same. As chair of the Judicial Council, I'd like to acknowledge our Judicial Council secretary, administrative director, colleague, friend, sounding board, and great public servant to the people of California. Despite being described by one legislator as quote, a "silver-tongued devil," --

>> [Laughter]

>> -- Steve Jahr is above all, a modest and humble man -- someone who does not ever seek out praise or attention or comment. In fact I may have to ask CHP to seal the doors so he cannot leave. Or I may have to request that whip I received on our visit to Amador County.

>> It's still hers.

>> [Laughter]

>> After 22 years as a judge and two rounds as presiding judge in Shasta and a further two years as our Administrative Director as we all know, Steven Jahr is retiring for the second time. That's a lot of twos, and I know Steve's other half, Karen, will be glad to get him back full-time. Steve leaves a deep legacy of public service. He was there for the Trial Court Funding Act. He marshaled it through its initial beginnings. He led the next evolution of the Judicial Council staff. And he's gone through and created and really soldiered through transformative period leading our judicial branch. He contributed with intelligence, integrity, eloquence as we know very well, diplomacy and always in good faith, always cheerfully, he is a true public servant. He's been a Judicial Council member himself. And he is also a former recipient of the Jurist of the Year Award, an award that we will be recognizing tonight at our Distinguished Service Award. When he recently announced his re-retirement after the two-year term he committed to us, Steve received universal praise and congratulations from within our branch, from our sister branches, and from our justice partners. I will miss his insights, his integrity, his calm demeanor, and his dry humor. But I'm grateful for the work ethic, leadership, determination, I would say innovation, rolling up his sleeves, learning every minute detail and telling you every minute detail if you cared to know it, and his dedication to the cause of justice. Before I present Steve with the Judicial Council resolution, I invite comments from other council members. Yes, Justice Hull.

>> Thank you, Chief. I chaired the search committee when Bill Vickrey had announced his retirement. And we had a number of applications from all over the country, but unfortunately as the search progressed, many, many of the people who had expressed an initial interest in the position, many qualified people, began to withdraw their names for a number of different reasons. By the time we were approaching the end of the search, there were some fine people we

interviewed but none that we felt really had the skill set that we needed to have an effective administrative director, especially at that time. And during the course of conversation among the members of the search committee, we decided we needed to see if any of us could think of people who might be qualified, number one, and willing to step forward, number two. Without burdening you with all of the details of that, Judge Jahr's name came up having been a prior member of the Judicial Council and having had a sterling professional career as a judge in the Superior Court of Shasta County. We inquired as to whether or not Judge Jahr might be foolish enough to say yes to us. It turns out that he was. And I will only say this, Steve: if you had not stepped forward at that time, I don't know what we would have done. In my view, you performed in a superior way. And you really have carried us over at a very critical time in the branch. And I personally appreciate every minute that you put into it. Thank you.

>> Judge Baker, then Judge Walsh.

>> Thank you, Chief. Steve Jahr and I are close friends, known each other for a long time. I know him in several different contexts. When I returned to my hometown of Redding, to practice law, my first appearance was in front of Judge Jahr so I appeared in front of him as a litigator and then I had the pleasure of working with him on the Shasta County Superior Court when I was appointed to that court and of course I've worked with him here on the Judicial Council. I know Steve well enough to know that he is a very humble, modest fellow. And he probably hates this -- these comments that we're all making right now, but as we know on the council, it's not about us. We serve a greater good. It's about the judicial branch. I think it's a real inspiration to honor someone like Steve Jahr and contemplate everything he has done for the judicial branch. Serves as inspiration to us and others. You, Chief, mentioned quite a number of accomplishments that Steve Jahr has encountered while he's been with us, but I want to highlight a few that you may not know about that he accomplished when he was on the Shasta County Superior Court bench. He was a civil practitioner in Shasta County from 1980 to 1986 with the firm of Bandell, Swanson, and Jahr, and he joined the bench in 1986 as a justice court judge initially appointed by the Shasta County Board of Supervisors. And then Governor Wilson eventually appointed him as a superior court judge in 1991, served as our PJ in Shasta County for four years, 93 through 96. He was unopposed for election throughout his career. He oversaw a major courthouse renovation in our county. He prepared Shasta County's first countywide local rules, implemented a civil case delay reduction program, developed a plan to fully consolidate the muni courts with the superior court. He adopted a direct home-court calendar model for our criminal courts. That was back in 1994. We still use the same model that he created back then. As you mentioned, Chief, he was a recipient of the Judicial Council Distinguished Service Award. He served on the Judicial Council, he chaired RUPRO, he has been appointed to so many committees, commissions, and task forces by both Chief Justices Lucas and George -- I can't name them all. He is a consummate professional. He has impeccable ethics. He is obviously a leader; he's been an outstanding friend of the judicial branch. And he's been an outstanding friend of mine. Congratulations, Steve.

>> Judge Walsh?

>> Thank you, Chief. On behalf of the Trial Court Presiding Judges I want to complement not just Judge Jahr on the service for the two years, but this group for picking him. He was absolutely the right person at the right time. I can't think of anyone more appropriate to guide us from the point where we were when he took over to where we are now. He's got great credibility. He's a judge's judge. He's a PJ's PJ. When PJs would talk, I had that problem, and you could talk to us directly and with great authenticity. I was with him many times in Sacramento where he spoke on behalf of the branch. We often would follow with our one minute piece but he was the one who would lay down the barbed wire for us, take the initial hits. He was always eloquent, always organized. You are always proud to have him speak for you. The PJs as you may know are somewhat independent minded, they rarely agree on -- unanimously on anything. But not to reveal confidences, I was charged by Kenneth So and others when they were doing Judge Jahr's review to check with the PJs and get the input. All the input I got was highest accolades. Not one PJ had a criticism. Everyone gave high praise and this is a pretty tough bunch. I don't know how we're going to replace Steve. I don't know how you find anybody who can fill his shoes but I do know this: he certainly earned his right to a happy retirement and goes not just I'm sure with the praise of this group, but the thanks and praise of all the presiding judges. Thanks, Steve.

>> -- Justice Ashmann-Gerst.

>> If you want to get something done, just ask Steve. He never let things slip through the cracks. All you have to do is mention something to him and before you know it, it's resolved. I have two short examples. One, I had brought up the issue of research attorneys for the small court. Next thing I know, it's done. Then I wanted to be sure that everyone was getting their updates through materials, mentioned it to him, it's done. He has had a lot of huge issues to deal with as we know of. And he's involved in so many things. But he doesn't lose sight of some of the things that might be smaller in scope but are no less important to those of us on the council. Steve, I want to thank you and wish you happy hiking.

>> Judge Herman?

>> First of all, I'd upgrade from silver to platinum.

>> [Laughter]

>> Second, I'd strike the *devil* piece. You really have been our *angel* over the last two years, Steve. And we're all extremely grateful. One thing that was not mentioned that Steve mentioned this morning is that he has completed his visit of all 58 courts in the state of California, which is extraordinary, in addition to all the other duties that he has performed. So thank you, Steve. It's an honor to know you.

>> Judge Rosenberg, Judge Glusman, Judge Stout.

>> Briefly, I want to say it was an inspired choice by the committee and by the Chief and by this council. You have exceeded our expectations, which were high to begin with. You have set the bar very high. And you've created the mold for the position. The one thing that really impressed me about Judge Jahr -- and the Chief mentioned this -- is his calm demeanor. There were many occasions when I would have expected you to run around in panic mode, but that never happened. You always dealt with every issue that came up, big or small, so professionally and so calmly, it must have really inspired your staff as well. It certainly inspired all of us. You will be greatly missed by this council. I do wish you the best in your retirement.

>> Thank you, Judge Rosenberg. Judge Glusman?

>> I've gotten to know Steve fairly well over the last year, which as you said, seemed like three. I'm here representing the California Judges Association and as its president. One of the perks of being the president of that association is that I get to choose and present the President's Award. And I have chosen Steve Jahr this year. So I get to speak a lot more about him at our annual meeting. But I want to congratulate you on your retirement and thank you for your service.

>> Thank you. Judge Stout?

>> Judge Jahr, I also want to thank you for your accessibility and responsiveness. There's never been a time when you didn't immediately respond to the needs of the trial courts, as far as I know, and been very supportive and responsive to small rural courts. I'm very grateful for that. And I know there are times you are accessible even in the backcountry. And as Justice Ashmann-Gerst wished you happy hiking, you demonstrated to us that you can take on any challenge and climb any mountain. In your retirement, you've got a base camp in Bishop. And you are welcome to explore the Eastern Sierra. Thank you.

>> Judge McCabe, then Jody.

>> Tumultuous is a fair description of the time when Judge Jahr appeared both internally and externally for the branch. Anyone brave enough to walk into the eye of the hurricane by itself was enough for you to have my respect. Then to have dealt with you and in essence, to echo what has been said about you -- I won't repeat them -- furthered my view of you and my respect for what you have done. You've helped to calm the seas in truly one of the most transformative times that this branch has seen. One thing that wasn't said is that you are an eloquent speaker. My dad was a speech coach so he spent years with all of his kids and failed with me so he gave up, but teaching others -- I would like to hear an "um" from you one time. Just once. You are very articulate and poised, very appreciative -- my dad would hear you, he would proudly claim you as a student if he could. I wish you all the best in your endeavors. My heartfelt thanks for coming in and serving. You are a true trooper and I appreciate the effort and the result. Thank you.

>> Jody?

>> Thank you, Chief. On behalf of the Judicial Council staff, I think I can speak for everyone. We want to express our sincere thanks and appreciation for Judge Jahr's leadership. As has already been stated here, he took the helm during a very, very challenging time and his steady and thoughtful leadership has been crucial and has made a huge difference in this organization and with the judicial branch as a whole. The one thing I can say, there is a drawback. When you work with Judge Jahr, at times you need a dictionary because of his broad and creative use of the spoken language. During the past two years, you've not only been our boss, but you've become a great friend to many of us. We've learned a lot about Judge Jahr from a personal perspective. He's got many interests including cars, baseball, football, history, hiking, running, but most of all what we've learned is that he really loves cookies and he loves chocolate. And Butterfinger bars. So if we've learned anything, you stash your Butterfinger bars because there will be none left at the end of the day otherwise. And in Sacramento, we have a lot of our staff who love to bake cookies. And we have dubbed him the cookie monster.

>> [Laughter]

>> Because it's not unusual to see him eating at least half a dozen cookies. Not that anybody's counting, but easily six. Lastly, we've learned that one should not be mistaken by the cover of the book. There is so much more to Judge Jahr and the chapters that demonstrate his life history. It's been a pleasure and we wish you the very, very best, Judge.

>> Thank you, Jody. We have many things to say about Judge Jahr and we'll have an opportunity to do so tonight at dinner as well. So brace yourself, Judge Jahr. But we would like to have a photo opportunity for presentation of this resolution.

>> Jodi, you weren't criticizing the cover of the book, were you?

>> Not at all, Judge.

>> [Laughter]

>> Just checking.

>> Nice photo.

>> Thank you.

>> [Applause]

>> I will be brief. Certainly, most everyone around the table knows that the staff has really led the charge. Jodi, Curt, and Curt have been absolutely indispensable in assisting this fish out of water to become involved in public administration at this stage in the game. Each has different temperaments, talents, and convictions. Each is an extraordinary public servant who is devoted, as all of you know, 24 hours a day, every day of the week. Not just the quantity of the time they put in, but it's the extraordinary skill that they apply to their work and has kept me on the rails

constantly and on time. Many of you may not know that Tina Carroll, our Executive Office liaison, serves behind the scenes to complete that wonderful package. And I say it advisedly because to complete the package leaves out hundreds of people I've dealt with and worked with and relied upon throughout this wonderful agency. When I do things well, we refer to it as the product of Tina Carol's wonderful work. And when I don't do things as well, it's because I didn't listen to her as carefully as I ought to have. But I couldn't begin to go about describing particular circumstances in which our staff members as a team, together or individually, have provided the kind of assistance that has lead to solutions to problems, which you in turn have put into place as policy. So my gratitude to them is endless. And to you, for the opportunity to serve, I am ever so grateful. Thank you.

>> [Applause]

>> And now we will have the Administrator Director's report.

>> Um...

>> [Laughter]

>> As always is the case, -- there is a report that bears my name which provides a summary of activities programs and services, which staff has engaged in on your behalf and on behalf of the courts and public since our most recent meeting, which was only a short period of time ago. I have one matter I'd like to highlight from the written materials. That is the *Court Statistics Report*, which as you know is published annually and was published again this last week concerning fiscal year 2012–2013. The report as always provides a statewide caseload data summary and a 10-year data trend on a wide range of court business in the Supreme Court, Courts of Appeal, and the 58 superior courts. Our Office of Court Research is now preparing individual management reports for each individual court with tailored 10-year trend data and other caseload management data for their consideration. The statewide report showed a continued downward trend in case filings, \$7.7 million in fiscal 12/13 representing a 9.7 percent decrease from the previous year, much of the decline occurring in misdemeanors, infractions, small claims, and civil cases under \$25,000. Justice Miller's statement in the council's news release regarding the report appropriately identified this as a worrisome trend, because it coincides with the significant increase in court filing fees enacted by the Legislature in recent years to offset the considerable reductions in general fund supports for court operations. It also coincides with closures of courthouses, courtrooms in courthouses, and reduction of service hours, which as we all know are ongoing. Stated otherwise, the data reinforces our concerns about increased difficulties for public in accessing their courts and exercising their rights and certainly provides solid information supporting the Chief's ongoing quest for reinvestment. On another note and outside of the written report, as alluded to by Judge Herman, either in the process of attending scheduled meetings, celebratory events, or scheduled ceremonies, I have finally and now completed my visit to each of our 58 superior courts. The purpose of my visits, as with your Judicial Council liaison visits, to the superior courts, is to gain a three-dimensional understanding of the challenges facing each one and some insight into the steps your staff does

take or could take to provide service, so as to ensure that the -- to the extent that we can do better, we do. During my visits, whether in El Centro to the south, Alturas to the north, Santa Ana, or Martinez, I observed that which I learned many years ago in private law practice, first in the urban counties of Southern California and later in the largely rural counties of the north state and then finally sitting in my own court and on assignment across assignment and several other adjoining courts. That is in terms of the challenges presented to our superior courts, aside from issues tied to the magnitude of scale, very little separates our courts. Also in terms of problem-solving, I confirmed that innovative solutions are being routinely developed and implemented in our superior courts, which makes perfect sense because it is there where cause and effect both reside. Some innovations will give rise to permanent reforms—statewide, I might add. Others are more the application of bailing wire and Band-Aids to resolve current crises. Also I would submit that the visits I made and the visits you make along with the great work of the task force chaired by Judge Walsh will increase the process of cross-pollination of these ideas and innovations to ensure that they are most beneficial to the Californians that we serve. From my visits and exposure, the most striking of opportunities for reform in advancement in virtually every aspect of superior court service to the public, by which I mean the provision of quality justice and access to justice, is in an area where at present there is considerable disparity from jurisdiction to jurisdiction. That has to do with the transition to a digital paperless environment. The observable benefits in places where that has begun, to bench officers, to court staff, to counsel, to self-represented litigants, and to the public generally are almost indescribable in their significance. I'm going to pick on Napa County, not because it is unique. Happily there are many courts beginning to move on. But on my visit there, aided by a court executive officer who will soon take a seat at this table, I was walked into the criminal felony calendar department just at the conclusion of one of the calendars. Most of us at one point or another in our careers managed a high-volume criminal felony pretrial calendar. We know when we walk into that courtroom, especially at the end, there are files all over, not strewn but stacked. On the judge's bench, on the clerk's table beside, on the floors in pushcarts, there's paper galore. I walked into this department and it was paper-free. There were no carts. There were no hands trucks. There were no stacks of files. There was a small sheaf of paper that I saw in one corner of the bench and I had to find out what that was. Of course they were bench warrants that the judge had to sign before they were scanned into the system. I was shown the display where the judge was able to look at every sheet of paper filed and she described to me that her clerks were done with entering their minutes and they were done with calendaring all future events. It was all done and it was completed just as the job -- the door was closing on the last participant. An absolutely remarkable transformation and a huge timesaver! I was also taken to the mediation center. For those of us who observed in the family law department, as everyone knows, one of the big challenges is the timeliness of providing permanent custody and visitation orders involving minor children, which by law involves a multipart process including the process of a referral to mediation, and then a return from mediation and the enormous time gap now growing unfortunately in most of our jurisdictions that we experience. One of the biggest problems of course is that the law requires there be a mediation orientation session that all participants involve themselves in before they actually have their personal mediation session. And that itself is problematic for folks who work and have travel issues and all the rest of it. Not to mention to the court, staff has to be devoted

routinely and regularly to providing these classes. In Napa County as in other jurisdictions I discovered, that process has been converted entirely to essentially a contact with the court through its website. The mediation orientation program was entirely transferred to that digital means so that people could access their orientation session any hour of the day, day of the week, weekends included, as well as evenings. It dramatically speeded up the process. There was only one event that had to be scheduled, and that was the actual mediation session. It was a striking example of how time and money can be saved with such a process. The thing that was most interesting to me was that the court made provision for continued in-person mediation orientation expecting as I surely would have that a number of people would be still showing up. I sort of forgot that folks who were of childbearing and rearing age have all been raised in the world that is only second nature to me. And none did. Everyone is now doing mediation orientation essentially in Napa County in that fashion. Those are just two examples. I think it's appropriate that today the court technology governance and strategic plans will be brought forward for your consideration by Judge Herman and the task force and committee that have been working so hard on that project. All in all, these court visits on a human level have presented a wonderful opportunity to connect with the leadership of all of our trial courts and certainly enabled me to see that with all the challenges, this is a determined, glass-half-full branch of government dedicated to serving our reliant public. You should also know and it's important that you do and they expect you already have learned this from your own visits -- as I sat with court leadership in each of the courts at table and chambers or conference room and discussed their issues, when I inquired into how we could adjust or improve services to the courts, I received volunteer appreciation for your staff's work in the broad array of programmatic and administrative services that they cheerfully provide to all of the courts, either regarding planned or emergency services, as everyone is aware of. Their thanks in that regard was always genuine and it was always personal. When they would give for instances or examples of the assistance they received for which they were appreciative, it usually was characterized in terms of naming the person or persons, not simply the office. I think that is most significant. And I suppose council members and Chief, the last component of my report, also fittingly speaks of your superb staff. And that is in connection with and acknowledgment of the service of another of your staff members who will soon retire and whom most all of you know and have at one point or another, worked with. That is Bobbie Welling, supervising attorney with the Center for Families, Children & the Courts and currently the longest-serving member of the Judicial Council's staff. Bobbie is retiring after 33 years of service to the council, the branch, and the people of California. Bobbie has made significant public service contributions during her tenure. Currently she direct and administers the Violence Against Women Education Project and develops judicial education, publications, and curriculum on domestic violence, sexual assault, teen dating violence, stalking, elder abuse, and human trafficking. She has served or does serve as lead counsel to the council on the Gender Fairness Advisory Committee, Domestic Violence Practice and Procedure Task Force, Supreme Court Advisory Committee on Judicial Ethics, and has served as staff counsel to the Family and Juvenile Law Advisory Committee on rules and projects relating to domestic violence. Bobbie has served as assistant director for human resources, planning and administrative education, previously served as a judicial education attorney procedure for CJER, handling education for presiding judges in family law and domestic violence matters. She was also on the initial team to

draft the *Court Administration Resource Manual*. She has also served as our organization's representative on the California Attorney General task force on the local criminal justice response to domestic violence, the Governor's Office of Emergency Services Violence Against Women Implementation Committee, and Bobbie has been honored for her work on gender fairness by the California Senate Rules Committee and the Attorney General. What a strong legacy, of which Bobbie should be justly proud. I wonder if Bobbie and Diane Nunn, our director of CFCC, might come forward to visit with the Chief, and perhaps we could have a few words. Diane, Bobbie, come on up.

>> [Applause]

>> Thank you, Chief Justice. I should be standing over there with the flowers and a Judicial Council report in my hand and a judge next to me. I feel a little bit like a fish out of water. But I did bring a little piece of paper, just in case. I want to thank you, Chief, members of the Judicial Council, Judge Jahr, Justice Baxter, staff to the council, distinguished guests, and members of the public. It's such an honor to be here today. I didn't plan my retirement to coincide with Judge Jahr. It's humbling to be having the same event with such a wonderful person who has led us so well. I guess I'd just like to talk very briefly about what this work has really meant to me, which has been a life work that I have appreciated and I want to thank you so much for the opportunity. As people have noted, it's been a little bit stressful in the last year or so, so I decided as my stress reduction plan that I would read a poem every morning. I'm an English major in the past, so that seemed a good technique and it's really helped. There's one poem, my friend Julia Weber loves this poem, too. It's called "To Be Of Use," by a woman named Marge Percy. The last two lines of the poem are, "the pitcher" -- Judge Jacobson, that's not baseball, it's the container -- the pitcher cries for water to carry and the person for work that is real." Seems to me that's a basic human need, to be useful and to do good work with great people in the world. And that has been my experience over over 30 years. I want to express my appreciation to all of you, to the Chief and members of the Judicial Council, to the past Chief Justices and the Judicial Council members for over 30 years, for directing me to do work that is real. It's been such a pleasure to work with my colleagues on important projects like fairness, access, judicial ethics, judicial education, and domestic violence. It's been very meaningful to me. And I thank you for that opportunity. I also want to say that I've been inspired by dozens and dozens and dozens of judges who have served, taught education programs, served on committees and task forces, justice system partners, court professionals, administrators all have been working wonderfully to make all of these accomplishments possible. I want to thank the council's present staff leadership and those of the past. I have appreciated so much partnering with CJER, which I think is the best judicial education program in the country. I know lots of people who agree with that. And I especially want to thank all my wonderful friends and colleagues from CFCC, my peeps around me, for your wonderful support. Your amazing tenacity and knowledge led by the invincible and amazing Diane Nunn and Curt Child. Thank you so much for being my homeroom. Finally, I want to say a special word to the Chief, because you may not know this but recently the Chief attended some staff meetings that we had. And she took her precious time to speak with us about the importance of access and fairness and to thank us for the work that we do. She showed us this

amazing video about the national efforts that courts are making. And I found her remarks so inspiring and renewing, and I know that my colleagues share that. Thank you so much. It's been a wonderful ride. And I appreciate it.

>> [Applause]

>> I held the flowers for Justice McCabe in front of my face.

>> Thank you so much.

>> That was quick.

>> [Laughter]

>> Chief? May I have a quick word?

>> Yes.

>> As to Bobbie Welling before you leave, I want to say that I came into the judiciary about 10 years ago with no background in domestic violence. I've been involved in domestic violence on the criminal side and family law side throughout my time. And one of the things that our court, a fairly large court, Alameda County, and one of the things that has struck me over the years is the lack of expertise, subject-matter expertise, on domestic violence, both within criminal courts as well as on the family court side. And being involved, I've gone to the *well* in Welling over and over and over again.

>> [Laughter]

>> And I was not aware of Bobbie's departure. And I'm a bit stunned and devastated right now about how that gap's going to be filled. So I want to thank her for the great service she's given me personally over the years.

>> Thank you, Judge Jacobson. A lot of us feel a lot about that with Bobbie Welling. Bobbie, farewell but stay in touch.

>> [Applause]

>> Our other internal reports will be delivered tomorrow as well as liaison reports. At this time, we would address item number one. Is there any public comment before we begin on item one?

>> Items one and two are no action items, educational items.

>> Thank you.

>> So Mr. Michael Cohen, we welcome you from the California Department of Finance. Thank you for being here.

>> Thank you, Chief. Thank you, members of Judicial Council for having me back. Before I start, I want to join the chorus of honoring those that you just honored in particular, Judge Jahr over the last couple years. It's been an honor to work with them. He's always represented the branch with amazing integrity, attention to detail, and passion. I know he has left my office a number of times frustrated, but it's not for a lack of his skill. So I wish him all the best in retirement.

>> Thank you.

>> What I wanted to cover today, I've got some slides specific to the branch, but before I did that, I thought just a little recap of where we've been as a State, from a fiscal standpoint, since 2011 is worth going over just to provide a little bit of perspective, and as I provide my comments and answer your questions, I think it will illuminate how we approach the budget and how we approach the judicial branch's budget as a piece of that process. You'll recall in 2011 when Governor Brown took office, we were facing an immediate \$26.6 billion shortfall, \$20 billion annual shortfalls for as far as the eye can see. If we had done nothing, every year into the future, we were projected to spend \$20 billion more than we were projected to take in. Our state budget is roughly in the range of \$100 billion so we had a 20 percent shortfall every single year. And that obviously required change in the way we approached our finances. The state over the prior decade had had numerous rises and falls, the rises largely overlapped with sharp increases in capital gains being earned by the state taxpayers, which then crashed shortly thereafter. So we had a period of about a decade of tremendous revenue volatility that was only exacerbated by the Great Recession in 2008–2009 that devastated the base of the state's finances. So to close the gap, we really approached the state budget, forcing all areas to take some very tough reductions. We focus first on efficiency, how do we get the same level of service for less money? But along the way we also had to have a reorientation of what can the state do? In many policy areas, we've asked, is there an appropriate state roll here? What is it? And why is that the case? Clearly the judicial branch is one of the core services of state government. That's never been in question. But in other areas, there were questions -- as it related to realignment in the public safety area, local governments were asked to take more responsibility. In our school districts, we provided more authority and flexibility to our schools so that they could make better decisions without being hamstrung by a lot of state rules. The final piece as you well know in the states budget coming back into balance was the passage of Proposition 30, a temporary tax revenue source, which really gives us a short window here to get our state finances in order as well as pay off many of the debts and liabilities that were incurred over the prior decade. As budgets were out of balance, oftentimes they were brought back into balance with short-term solutions that were borrowing gimmicks, deferrals of costs, and all of those costs left a strain on the state's current finances. In 2011 when we counted up these budgetary borrowings and deferrals, the wall of debt, as it became known, we were at \$35 billion. We paid that down at the start of this fiscal year to \$26 billion. This budget will reduce that further by more than \$10 billion. And the plan is really to take this window of opportunity that the voters have provided through proposition 30 to get our fiscal house in order, stabilize our finances, but the revenues are temporary. And so as we've approached our budgeting, we've been incredibly cautious about making more ongoing

commitments than the state can really afford. When we make an ongoing commitment in this administration, the entire focus is on, can we make that commitment for the long term? Are we going to be able to back it up with actually having the money down the road as opposed to the roller coaster that every state program within the state's portfolio as well as recipients of the state's programs have had to deal with these ups and downs, which has not been healthy. And so the final piece on a long-term basis of reestablishing the state's fiscal capacity and stability is a solid rainy day fund. The voters passed a rainy day fund about a decade ago but in a short time, its proven not to be strong enough in terms of when you put money in and too free on when you pull money out. So that's why the Governor has put such a strong commitment this year to getting a more solid rainy day fund into the state constitution that really is tied to those peaks and valleys. So when capital gains tax revenues surge, as we know they will, in the coming years, we put more money away than in those years when capital gains are a smaller share of our budget. It's really that volatility that has been the state's biggest nemesis over the last 15 years or so in keeping a stable budget. With that, let me turn to the judiciary, more specifically the trial courts. Here, you see trial court funding, 2007/8 is typically the peak of finances in state government, before the recession started, as well as the four most recent budgets. I imagine all of your eyes will go to the bottom line, where you will quickly notice that this year's budget is at \$2.6 billion and at your peak, you were at \$2.8 billion. And there's no reason to hide that. There's a reduction in court funding from your peak level. That is true throughout state government. And so it's a matter of how we all deal with that level of reduced funding. The other key piece on the slide that I would point out are the middle rows where from 2011/12 to 2013/14, you will see hundreds of millions of dollars of one-time offsets to state funding. This was intentional. At the time that the deepest cuts were put into place, we in the administration were very clear that those were permanent cuts. But we recognized the difficulty of an immediate transition to that lower level of funding. And so that explains the transfers from various special funds over that three-year period as well as the use of local trial court reserves. Spending goes down was part of a cognizant effort to try to give the branch time to adjust to the lower level of funding. Turning to this year's budget, specifically, as you well know at this point, there's an increase of \$160 million general fund provided compared to the prior year. That \$160 million combined with the \$60 million of 2013/14, those two numbers were really in the, as I said, the cuts were permanent. These are restorations that have been made over and above what was expected in the long-term plan when -- in 12/13 when the final pieces of state budget cuts were put in place. I realize that the \$160 million is well below what you as a branch advocated for. It's well below what you feel is necessary to run the branch at the level that you suggested. I do want to say though, that the \$160 million, you should view that as a real win within the state's budget context. That the number of programs that have been offered permanent, ongoing increases in state funding in the last two budgets are very, very small, outside of those areas where we really have little to no control. So we have a constitutional funding formula that determines how much we provide for our K-14 schools. We have the rules of federal health care reform, which are driving our healthcare costs by -- up by over \$2.4 billion over a two-year period. All of those costs are really outside of the state's immediate control. Whereas there are a number of very compelling interests that have come to my office, to the capital at large, looking for increased funding. The judiciary is one of those areas that we've been able to, because it's been a priority,

to provide some increased funding acknowledging that it's not as much as the branch advocated for. The other main point I would make is that this budget offers you something that the prior one didn't and that again many other areas of state government don't have the same type of framework is that we tried to frame the 2014/15 budget proposal in the context of providing the judiciary stability. And so it's really a two-year framework. The three bullets at the bottom of the slide really lay out the components of that that would carry forward as I'll talk about in a minute to 2015/16. So the first piece was just a general operating increase of 5 percent, which amounts to \$86 million. The second piece was the recognition that the branch and trial court space costs that are outside of your immediate control, particularly in the employee benefit category. So retirement rates, that's an area that we're all struggling with as we have huge unfunded liabilities that are driving our annual costs higher and higher. But at a trial court level, you have little to no control over that. In a similar vein, healthcare costs for your employees -- that \$43 million was intended to address those sorts of unavoidable employee benefit costs. And then the third piece was \$31 million to offset a potential reduction in fee revenues. And as Judge Jahr pointed out a few moments ago, one of the ways through the last number of years that the state has dealt with diminished capacity to provide general fund dollars to trial courts has been a shift to a greater reliance on fee revenue. That has put trial courts more at risk based on their volatility. And frankly, my staff as well as your staff, needs to, going forward, spend more time putting our best analytical minds forward in terms of forecasting what those revenues are so that we can accurately know the effects of what's going on in fee revenues and how that will play out in the trial court's budget. This \$31 million was intended to recognize the risk that -- based on trends through last year, there's a distinct possibility that fee revenues in some areas are going to continue to decline and here you have a guarantee that the state general fund will backfill up to \$31 million in those fee revenues. So just to highlight some other funding components, the budget includes up to \$1 million for potential increased security costs related to as new courts are completed and come online in many cases. We expect those courts to be more efficient as it relates to security costs but we have discovered the possibility that particularly in some of the smaller counties that the new courts are going to drive security costs higher and we were committed to covering those. In addition, \$15 million to expand or establish collaborative courts and pretrial and risk assessment programs. This was part of a greater package that the budget includes designed to reduce recidivism in the criminal justice system. And so we're excited and looking forward to high variety of proposals coming in for that \$15 million that really stresses innovation, ways we can improve our overall system of criminal justice and reduce recidivism. And then third and finally on this slide, a \$40 million one-time augmentation to boost the branch capital outlay and infrastructure program. So looking to the future, the budget was signed in June and my staff almost immediately turned to building the next year budget that will release the Governor's proposed budget on January 10. And as I mentioned, we really view 2014/15 and 2015/16 as bookends to provide the branch some stability as you do deal with that permanent lower level of funding. So we're expecting to provide an additional 5 percent general-purpose increase in the proposed budget, continuing to provide that ongoing funding to account for the benefit costs that you don't have any control over, continuing to support your efforts to make sure that we have an equitable distribution of funds across the 58 courts, and then finally, working with you as well as the future of the California court system commission, really to take

these two years as an opportunity to step back. As Judge Jahr again alluded to a few moments ago, I know that many of your courts have done many innovative things. They have become more efficient out of necessity. And so we view this as an opportunity within this two-year period to assess the court system as a whole, continuing those efforts that have happened over the last few years, figure out how we build all of those efficiencies and innovations into the system as a whole so that we can move forward together and meet that goal of providing equal access to high-quality justice. I think we as an executive branch share that with you as a judicial branch in terms of what the expectation is and what the goals are of your branch. So with that, I'm happy to take your questions. And I do just want to echo the Chief's comments in closing in terms of our working relationship of two of my staff here -- Chris Ferguson and Brendan Murphy -- who are long-time budget veterans but new to the judicial branch's budget and we want to make sure that there's a good flow of information and perspectives, that's not to say that you're going to be satisfied at the end of each budget process. I can guarantee you that there's virtually no one that walks away from the state budget really feeling like they got everything that they need, want, or deserve. But that's really a reflection, as I started, with the constraints on the state's finances and changing from a world in which we overcommit and then have to make drastic changes, as we hit recessions and downturns in capital gains to one in which we can have a much better and more consistent -- consistently financed judicial, executive, and legislative branch.

>> Thank you, Michael.

>> Mr. Cohen, thank you very much for your time. I enjoyed and found it informative, your presentation when you were here last -- and I find this one equally informative. And I just wanted to ask you referring to the fiscal year that we're in now, the amount of money that the branch advocated for -- I think that may refer to the \$266 million approximately in additional funding that we estimated we needed to so called, tread water. And I've been told -- I don't know if it's true -- I'm sure you can tell me -- basically the Department of Finance agreed with that figure as far as a treading-water amount. Am I misinformed in that?

>> No. I think we did get to a common understanding of the level of funding year-over-year and how many of these offsets that I had in my first slide had occurred. It's really where the difference in perspective came, was more, okay, you've had sort of this time period to adjust to some level of the lower funding so that treading water would be on a strictly -- everything being business as usual per se, so it's a matter of how much of that could be operationalized is sort of the budget term of art that tends to be thrown around the last year or so. But I think it's fair to say that we knew when we made permanent reductions in the judicial budget over the last few years that there would be a reduction in funding. So that's the same that many other areas of the budget have had to do. Treading water -- I'm not sure it's the right term, but it became the parlance. That wasn't a luxury that we had. But to go with the metaphor, I guess it would be everyone needed to figure out a different way to swim to shore.

>> Thank you very much. Thank you, Chief.

>> Judge Herman and Judge Rosenberg.

>> I echo Justice Hull's comments. Thanks for coming back and making the presentation to us, and I am chair of the Judicial Council Technology Committee. So you mentioned efficiencies, looking forward with efficiency. First, does the Governor or Department of Finance have anything specific in mind relative to efficiencies that we can employ? My second question is, does funding for information technology and increasing access to justice for our stakeholders and court users, fit in terms of thinking about efficiencies?

>> Sure. We've tried not to tell the branch how to become more efficient. I know in some respects it's more frustrating. You would -- for us to say well become more efficient. You'd rather have us give the answer at least from our perspective. We've tried not to do that -- to give you the opportunity to struggle with a very, very difficult question on your own. That being said, we're absolutely committed to the Chief's commission and we'll participate in that however we can to struggle with you together to provide -- to get to the answers. So it's not -- we're not walking around with some sort of secret book that -- as soon as they tell us the 10 magic answers, they'll be let into the kingdom. So on your second question in terms of technology, absolutely I think technology is part of the solution to becoming more efficient. And it's an area that every government at the local level, state level, federal level really struggles with how to do it cost-effectively on schedule, on time, and make the systems do what needs to get done without being burdened by excessive functionality that's not really a core. And so technology often has one-time costs with the payback over time. So I'm certainly very open to a technology plan from the branch -- if it's driven by becoming more efficient and more modern, and improving public service, absolutely.

>> Thank you.

>> Judge Rosenberg, then Judge Walsh, David Yamasaki, and then Judge Stout, and Judge O'Malley.

>> Mr. Cohen, I certainly join the other members in saying thank you for coming last time and coming again today. It is very much appreciated and we always find this information useful and the dialogue useful. At the risk -- it's always risky to look at 1 year and draw any conclusions from it. But as was said earlier, we're noticing the statistics are showing a drop off in case filings of virtually 10 percent. That's troubling, particularly in light of the fact that we see so many increases locally with realignment, increases in the workload of judges and courts. It's been speculated that perhaps the decline of 10 percent relates to the increase in filing fees, which discourages people from filing, and the closure of courts and courthouses. Does the Department of Finance have any thoughts or perspectives in why we might be seeing such a 10 percent decline?

>> I don't think I have a whole lot to add -- I think you just quickly captured a pretty complicated topic and have some good hypotheses, only to say that we're also very much interested in the answer to that. And are very ready to work with you to try to figure out what --

because depending on what the answer is to the question and whether it's a short-term change or a longer-term trend, it'll change how we would react to it. But it's on our watch list in terms of things that we want to understand and want to have a good answer for so that we can move forward and go from there.

>> Thank you. Judge Walsh, then David.

>> Thank you. I join in thanking Mr. Cohen for coming today as he did last year. I find you always to be very straightforward and approachable. I want clarify one thing and then ask you a question. One is, we talk about efficiency and Judge Jahr is correct. The Chief was kind enough to appoint me to chair our efficiency task force. And of course I invite you to go on *courts.ca.gov* and check out efficiencies. You'll see many of them. But please remember that efficiency and justice don't always equate. It is the case that it is more efficient to close down outlying courtrooms as Santa Clara County did or announced they're going to do. It is not more just. In fact, it is the antithesis of equal access to justice to adopt that efficiency. People have to travel much longer to get justice. So we're committed as a branch and committed as trial courts to efficiencies. We will never stop developing those and benefiting from them, but we can't efficiency our way out of a deep budget reduction because people get hurt and justice gets hurt. My question goes to the 5 percent. I've been told and you mentioned it's good news that there will be a 5 percent -- it's a two-year plan with a 5 percent increase built into it. As I understand, that 5 percent would be \$86 million. My question is, on the benefit increase side, which you've also committed to, that's great -- this year basically -- the employer side of the benefit increases were funded at about two thirds of the increase. Can we hope for full coverage the coming year? And my second question is, the 5 percent is great but is it sort of like -- I used to write wills for my clients. If anybody contests this will, they get \$1. If we aren't happy with the 5 percent and we ask for more, are we going to get pounded or can we say 5 percent is a good start, now let's keep talking?

>> [Laughter] I never give anyone a hard time for advocating more money than I'm offering. People don't get penalized for being passionate advocates and bringing forward additional information. In terms of the benefit increase, we did reduce it by as you said about a third, based on our estimate of where we -- we weren't at the pension reform standard of employees paying for their retirement. So what we've said is that when we build the January budget, we'll have updated information from your staff. And to the extent that employees are moving towards the pension reform standard of paying for half of their normal annual pension costs, that we would provide that additional \$22 million or so. So it really was a signal of the Governor's commitment to the implementation of the 2012 Pension Reform Act. And we encourage -- we're encouraging every branch of government, every layer of government, to move towards those standards. So that funding is tied to that, but we'll take another look at it as we build the budget.

>> Judge Stout, Judge O'Malley, then Mary Beth Todd.

>> Sorry, first David.

>> Thank you very much, Chief. Mr. Cohen, good afternoon. Thank you for being here today. We hope to also see you on the invitation to have you and your staff join us in September to take a firsthand look at how operations work in Santa Clara. I have a similar question as Judge Walsh although we did not rehearse it. One of them relates to the benefits. I took note of a couple things you said. And they demonstrate sound fiscal policy. One is the importance of having a rainy day fund. As I understand it today, the rainy day fund is about \$1.6 billion. The other thing that you mentioned was the importance to fund the benefit increases, because they don't necessarily represent things that we have under our control. So I'm very interested in touching upon that issue, just briefly. We were short at about \$22 million. And those expenses that we sustained were not within our control. And we certainly appreciate moving in the direction that we did this year. I've been on the council for three years. And it started moving in a downward direction. We are certainly moving upward and certainly understand the challenges that the state has with the finances. But I know there's a lot of emphasis being put on looking at courts in a similar way that other departments in the state are being funded. I understand that other state departments, executive branch increases, that are on the management side of the house are fully funded and I'm hoping that that same approach can be recognized going forward. Again, we're not talking about what employers may contribute for employees, their contributions, but rather what employers have an obligation to provide, again, same approach is what we're hoping to attain. And perhaps that's something that you had already addressed and I'm hoping that that nexus can also be part of what we can see for us as well. The other thing has to do with the rainy day fund. As you know, we have had a similar fund that we have called upon to even up the highs and lows. It's a term that you used. Because of the great uncertainty that exists right now with respect to funding for the trial courts. But in the absence of that rainy day fund, many courts notwithstanding the great work that WAFM and is doing for many courts, there are many courts like mine, Santa Clara, who have to close. I know there's a desire to have the same level of service with less funds, but the fact is we have reduced services with less funds and we're not able to achieve that. But with the benefit of having this rainy day fund that I think your office is very supportive of, the Governor is very supportive of, we have been very, very frugal with those resources, we've used those resources to keep courtrooms open, keep employees in their positions, and we're hoping that that is something that can get further examination going forward because right now at a 1 percent level, we simply have a terrible time planning for the future or keeping those critical services that I think you appreciate, that the citizens of our state need. So I bring that forward and perhaps if you can share with us your thoughts about the 1 percent and how does that differ perhaps with the idea that your office and the Governor's office has about the importance of having a rainy day fund? Can we have the same?

>> Sure. First, let me react to Dave's comment about visiting his court. As I started in California budgeting, I learned the culture, that the way you learn about programs is by going out and seeing them and talking to people that are running things on a day-to-day basis, seeing what kind of work it is. It provides a completely different perspective than having a conversation about something in my office or in a Department of Finance employee's office. So my staff is going out this fall to do a number of site visits, to hit smaller, medium, and larger courts. I'm going to try to join them on as many as possible because even after doing budgeting for as many years as

I have, I have a huge capacity to learn more about how things work. And so I'm very much looking forward to doing that this year and in the coming years. Second, on the rainy day fund and local reserves, I think for us, the 1 percent reserve is really a reflection of one of the final pieces to trial court funding, moving to a state-funded system. So that we at the state, as we build the budget, are responsible for trial court funding level. And we have to weigh the demands on your court systems against many other demands for California students, California residents, taxpayers, all of those types of things. And the 1 percent limit was designed to basically give all of the resources available within the state budget and weigh them against each other. How do you prioritize? What is the highest use? And the rainy day fund at the statewide level will allow us to particularly do that during the next budget crisis. The rainy day fund is not going to be the panacea for recessions. There will be a recession somewhere down the road. In fact, we're already past the halfway point of the longest recovery in the state's history. So it's coming in the next few years, and we want to be able to balance all of the competing demands for those dollars as we enter recession. That said, we've been committed to making sure that the change doesn't provide undue hardship on courts. Obviously it's causing all of you to change the way you do business. And I think we've shown a commitment to talking about what those changes are if we can help mitigate any of them. But the fundamental premise that we do think it's appropriate to sort of have a single rainy day fund for all contingencies isn't likely to change. That said, we recognize that the branch has specific needs. And that was why as part of what we created authority for this body to control a 2 percent reserve for unanticipated expenses. And so I think that model still makes sense for this body to weigh the challenges of all of the 58 courts. But as I said, we're happy to continue to have that dialogue. On your first point in terms of employee benefits, absolutely, not covering that last \$22 million of benefit costs was an effort to achieve parity of -- in terms of our executive branch workers, increase their annual contributions to pensions, typically by 3 percent. And are now sharing in half of the annual, taking outside the unfunded liability piece of it, sharing in half of the annual cost of the pension system, and as your employees get to that standard, that was my previous comment that we would view the \$22 million as getting provided at that point.

>> Thank you. Judge Stout, Judge O'Malley, Mary Beth Todd, Judge So.

>> Thank you, Chief, and thank, Mr. Cohen. We appreciate your being here. In addition to the obviously desperate need to reinvest in trial court operations, there's another issue of concern. That's in the area of adequate funding for court appointed counsel and dependency or child abuse and neglect cases. I know the Legislature was supportive of increase last year. It's my understanding that current funding is only sufficient to fund the caseload of 250 clients per attorney, well above the Judicial Council standards for attorney case law. Obviously here, we're talking about children alleged to have been victims of abuse and neglect from the parents, or from the parent's perspective, the government intervening to remove children and possibly terminate parental rights. And the funding here is a concern. As I indicated, in the Legislature was supportive last year and I'm wondering if we're on the radar screen if you will, to receive some increased funding in this area.

>> Absolutely. You're on the radar. As you say, in the mix this year and among the few priorities that were able to be funded, it didn't receive any increased funding, but it continues to be an area that we're looking at, and I know you have some strong advocates, both in Legislature and within the administration. So it's something that we'll be taking another look at in the coming months.

>> Thank you.

>> Thank you very much for being here again this year. Just a couple of questions. The first is there was a reduced collection in fines and fees this year. I noticed in your PowerPoint, you mentioned that the budget had accounted for 30.9 of that. Is there going to be a position in the future where if there's reduced fines and fees that the state as you mentioned is responsible for the trial court funding, that you would pay all of that and not just part of it? I think we were short \$22.7 million this last time.

>> On the fees as I mentioned, we recognized that your trial court funding is more at risk than it used to be given the higher percentage of your revenues coming from fees. I think my first point is going to be wanting to get a better handle on the estimating of those revenues and so there's always going to be some uncertainty within the revenues, but to the extent we can do a better job at following the trends and -- that would be my first and -- my first priority is to build the budget based on the most realistic estimates we can get. And I think that will reduce the level of risk that you enter a year with. And so I'd like to try that in the coming year. But it's something certainly we can revisit depending upon how it works.

>> Thank you. The justification for not making up the difference of the \$22.7 million this year?

>> The \$22.7 million, there was a fair bit of confusion about the number well into the process, but the differentiation was really that it was the carrying shortfall versus the area where I felt strongly that we should backfill is the estimate going forward of if we're going to build the budget expecting \$100 million, but everyone realizes it's more likely to be \$70 million. That's not really fair. That was more the prior year's revenue collections. A little bit different but also a matter of, as I say, some confusion.

>> Any hope for recovery of that in the near future?

>> I don't see how in the current year, we do anything about it. Budget decisions get made and then we tend to need to live with them, within the year. But absolutely, as we build the 2015/16 budget, we'll revisit all of the aspects of the fee revenues and hopefully do a better job of forecasting them.

>> Finally, with the permanent lower level of funding, do you believe that the Governor believes that we're providing a level of access to sufficient to a first world democracy?

>> I think the Governor believes that we can always become more efficient in providing all types of government services and that this two-year window is an opportunity for us to figure out how

much efficiency is still there that doesn't threaten access to Justice and at some point, clearly you go too far. And we're not -- we don't believe we're there but we also have no interest in finding out what that looks like.

>> So in the interest of time I'll call on three more speakers. I'll be including this agenda item. That's Mary Beth Todd, Judge So, and Judge Brownlee.

>> Thank you, Chief. Mary Beth Todd, court executive officer with the Sutter County Superior Court. I don't think we've met before. Thank you for being here. And being one of the last three I've got to pick my question wisely, don't I? I just wanted to follow up on some of the comments that have been made here with respect to some of the actions in the last few years. And just to give you our perspective, I'm kind of exhausted from the whole process. We've had the horrific economic decline. We've had a lot of our budget processes changed. It feels like some decisions have been made, from our perspective, on the fly. I'm not suggesting they really were. We weren't tapped into something was coming. The most recent one was the benefits reduction based on employer contributions to retirement. Just seems to me that some of these things we could have a discussion about so that we could get on the same page and see it coming and plan for it. Or have the opportunity to explain. The more we can do that, I would greatly encourage that. My question for you is, it has to be exhausting on your end too. You've come in new. We had the decline. Hopefully we're pulling out of it. My question for you is, do you see this -- the current budget process, the branch has been participating in -- as the process we will continue to see going forward? Or is there a sense that if you get us to a particular state, we might be able to go back to something I akin to a formulaic approach? I did appreciate your comments with respect to efficiency and wanting to be respectful of the branch and giving us the discretion to determine where we feel we can gain those most. And I'm wondering if there is any type of a plan that once we get to some base, then we might be able to build up from there for the future?

>> Sure. I know that we have a plan through 2016. And what comes after that, I think is more open-ended. Definitely want to see what comes out of the future of the courts commission and hopefully there's some guidance in there in terms of what goes forward. I think I got last year a question about SAL and would I recommend going back to SAL? I'm fairly sure I said no last year. And I continue to believe that that's not the best approach for either the executive branch or the judiciary, that while the increase of course I'm sure was welcome by the branch each year, knowing what was funded and what wasn't funded became an impossibility. That whenever someone wanted to not provide money for something, it was like, that was part of SAL. Something else, it was oh, no, that wasn't part of it. That's outside of SAL, and you need to provide additional money if you want that. And so it caused more confusion outside of just the strict dollars and sense than I think is right. The budget process should do a better job of delineating what exactly we think we're funding. That said, as I said, this year's budget, next year's budget will include a general-purpose 5 percent increase so that there is a pot of money that we view as allocated to your highest priorities within the branch after we've already covered some of these other expenses. But I don't think going back to SAL is what we'll have in 2016/17 and beyond. I just don't know what exactly it's going to look like.

>> Judge So then Judge Brownlee.

>> Thank you. I know you're aware that under the current allocation there are going to be increased delays, reduced access for court users, closing of courthouses, and closing of courtrooms. I know you try and forecast the economic climate in the future. So what is the prognosis?

>> In terms of the overall economy, the prognosis we see is a continued modest expansion to where the national growth will be in the 3 percent range in terms of GDP. Don't really see the factors aligning to having a big strong recovery, but also on the immediate horizon, don't see anything for a recession. I did put that caution in that we're sort of on borrowed time at this point in terms of knowing that a recession's getting closer, just the economists don't have a good way to predict when that exactly is going to hit. And so our hope here is within the proposition 30 window, we do as much as we can to stabilize and fortify key and critical government programs so that we're in the best shape possible when that recession does come.

>> And then lastly, Judge Brandlin.

>> Thank you, Chief. Mr. Cohen, I have a comment and a question for you. First with regards to the comment, as you know in 2007, the Legislature and Governor past AB 159, which created 50 additional judgeships that have been authorized but have never been funded. And under our WAFM formula, the funding for those judgeships and disbursement of those judges greatly affects two severely under resourced courts, namely Riverside and San Bernardino. Each of them would receive nine judges. And as far down as they are in judicial strength, it would be a huge benefit to them. The question would be, what steps and what prognosis do you have about getting funding for those judgeships in the future?

>> It's a difficult issue given all of the fiscal constraints I've talked about this afternoon in terms of -- and if you presume that it's a fixed amount of money, which in my world -- there's a trade-off for everything and we do have a fixed pot -- it's what doesn't happen if you fund those 50 judgeships? Is it that the rest of the courts around the circle have even less funding? Is it some other program outside of the judicial branch that doesn't get the funding? So it's again, it's on our radar in terms of the changing demographics of the state, but I don't have a good prognosis for you in terms of that funding's around the corner for them, and there's a distinct trade-off if that funding is provided. So unfortunately I think my last question ended on -- was not the happiest note, but it is a reality of our budget situation that every demand such as the additional judgeships has a reaction someplace else in our budget, but it's something we'll continue to look at. Just to respond to each of you, thank you very much for having me. I'm very pleased to be able to share this time with you. And it does very much help the communication and making sure that I have the best information available to me as I advise the Governor on the state's fiscal matters. So thank you very much.

>> [Applause]

>> Thank you, Michael, for coming. Thank you for the continuing dialogue. Thank you for sharing your thought processes. As I understand, we have different points of agreement and disagreement but we always appreciate the dialogue. Thank you for bringing Chris and Brendan, who I would ask you to stand please so that folks can see you.

>> [Laughter]

>> Thank you for coming. We appreciate it.

>> [Applause]

>> Council, as you understand, the next item on your agenda is a break. However, I'm going to invite council to please leave as you need to take personal breaks and we come back, but I apologize -- ahead of time to our presenters for the next item but I'd like to according as much time as we possibly can before we must convene -- recess at 4:30. So I apologize for the disruption that that may cause to the presenters but otherwise, in other words, no break.

>> [Laughter]

>> Chief, just another reminder this is a no action item, education public comment.

>> Thank you.

>> Here to help.

>> Everyone left.

>> They will be right back, Justice McConnell. I promise you.

>> They need to stay for the good news part.

>> Yes. Take your time.

>> Good afternoon. Those stout few who remain in the room, I'm Judy McConnell. Administrative Presiding Justice of the Court of Appeal, Fourth Appellate District. And honored to be cochair of the California Task Force on K-12 Civic Learning, established by Chief Justice Cantil-Sakauye and Superintendent Tom Torlakson. My cochair, sitting next to me, is Superintendent Dave Gordon, who is superintendent of the county schools in Sacramento. And next to me on my left is another member of the task force, Senator Joe Dunn, Executive Director of the State Bar.

>> Welcome.

>> Thank you.

>> Those of you around the table know that there is a crisis in Civic learning. It's nothing new. It's impacting our courts, nationwide, and particularly in California. We have seen contested elections across the country and some in California. And the recent election in Tennessee has showcased most voters don't understand what they're doing when they go into the ballot booth and vote for judges. Just as most jurors don't quite understand the role of the court, many observers of courts don't quite understand the role of the court in our three branches of government. Unfortunately, many well-educated people don't understand the important role we serve as a third branch. In 2006, Chief Justice Ron George convened a special symposium on challenges facing the courts nationwide. There were at that time, contested elections primarily for Supreme Court justices on issues that the courts had decided. As a result of that symposium, where we were addressed by Sandra Day O'Connor, he established the Commission for Impartial Courts, which was chaired by Associate Justice of the Supreme Court Ming Chin to address the threat to the judicial branch and to make recommendations to the Judicial Council to counter this national and statewide threat. The final report was issued in 2009. In 2010 the Judicial Council authorized implementation of recommendations 37 and 43, which are related to public information and outreach about the judicial branch. I noticed Peter Allen was here. He staffed the public information education task force. We were the only task force on the commission to receive any funds. We were funded by the Judicial Council at a rate of \$2,500, which gave us an opportunity to have one meeting in person. And then we met on a conference call. What was established was the leadership group on civic learning. And as a result of that -- and in a related action, our current Chief Justice, who has a strong interest in improved civic learning, decided she wanted a summit on civic learning and tasked me with setting up a summit in Sacramento, which we did in February of 2013. And as we were preparing for that summit and both Joe Dunn and Dave Gordon were with me on the planning committee, we learned that there had been two prior summits, that recommendations had been made as a result of the summit, and nothing had come of it. So we decided to change the theme of the summit to taking action. The summit was well attended. Sandra Day O'Connor was our keynote speaker. We had panels that were inclusive of Chamber of Commerce, different unions, teachers, the administrators, we had many legislators present. And at that task force, there was a huge amount of energy to move forward and improve California's civic learning. At that summit, the Chief and State Superintendent established the Task Force on Civic Learning, which was formed and finally met in July a year ago. The Chief also established the Power of Democracy Steering Committee, which she made me chair. And we had taken over from the leadership group on civic learning. We follow up on the momentum created and continue work on the recommendations 37 to 43. The highlight -- the important things about these recommendations was someone in the state needs to take a leadership role on civic education. The branch is the perfect entity to do that. There are many people in the state who are working on improving civic learning but they are often at odds with each other. We brought them all together in the task force and are moving forward. Recommendation 37 A and B calls for collecting public outreach resources. And there are resources that are on the court's website that show what civic learning programs are available. We have programs for teachers, links to programs for students actually. And there's a relatively new resource, I'm one of the few courts in the United States that actually has an Emmy statue. That's because the National Association of Women Judges came up with this.

>> [Video] Life isn't always fair. But all of us want to be treated with fairness. It seems we were born that way. Before we can read or write, we know what fair feels like.

>> We know what fair feels like.

>> None of us had to be taught how to say, that's not fair. The first lessons we learn at home and school our how to be fair. Everyone gets a turn, no cutting in line, share what you have. It seems so simple until you try to do it because even though we all want fairness, we don't always agree on what's fair and what isn't. Stripped down to its core, fairness is treating others the way you want them to treat you and knowing they will treat you the same way. It's playing by the rules even when you don't win because the same rules apply to everyone. Life may not be fair, but the rules we live by must be. In America, fairness is the foundation of our laws. But you won't find the word *fairness* anywhere in our Constitution or Bill of Rights. And there's a very good reason why you won't. Our founding fathers and mothers were smart. They knew it is impossible to define what fair -- what's fair and what isn't in every situation. They created one branch of government devoted to fairness. A third branch of government equal to the others. A branch whose one and only job is to decide what's fair. It is the judicial branch. It is made up of our nation's courts and judges: judges who don't represent one group or party versus another, judges who don't make decisions based on their personal opinions, impartial judges who apply the law without playing favorites, free from sympathy or prejudice, free from the influence of special interest groups and free from emotions that fuel our country's most divisive debate, judges who don't bend the rules, judges who stand for one thing and only one thing. Fairness. It isn't flashy work. Nobody ever went to a game to watch the referee. But there can't be a fair contest without one. It means making hard but fair calls and not letting the crowd reaction change your mind because fairness has never been a popularity contest. Doing what's right isn't based on polling numbers. Americans look to the courts for fairness. Today, Americans still go to court because they trust the judge will handle their case with an even hand, fair and square. They believe that while no one in America is above the law, all of us are entitled to the same law, guaranteed by fair and impartial judges. In this country, our courts are the great levelers. In our courts, all men are created equal. I'm no idealist -- that is no ideal to me. That is a living, working reality. Harper Lee's words from *To Kill a Mockingbird* are true:

>> I have seen this reality. I have worked alongside judges and justices, dedicated to defending the integrity of our courts. Evenhanded judges committed to doing justice for all, impartial judges who stand outside of politics and partisanship. Free from the influence of special interests or particular groups and causes. Because when a judge does what is right according to the law, when a judge decides each case strictly on the merits, when a judge gives every case and every person the same treatment, our courts are what they have always been and must always be: fair and free.

>> America's courts are fair. Help keep them that way with an informed vote.

>> Hear, hear. [Applause]

>> That film was scripted by Jonathan Shapiro, a member of the Public Information and Education Committee, and was produced by the Informed Voters Project of the National Association of Women Judges. And funded primarily by the Florida State Bar, not by any California judicial fund. A colleague of mine on the Court of Appeal has led this project. The Chief has been involved -- I know others around the table -- many others have been involved in this project. And the film is in Spanish as well as in English. The film and other materials from the project are used nationwide to educate voters about the courts, which is very important. Recommendation that came out of the Commission for Impartial Courts and Judicial Council. Another recommendation, 43, calls for developing a strategy for providing meaningful civic education in the schools. This was adopted by the Judicial Council. That was -- led in many ways to the grant funded task force on civic learning to develop a civic education strategy. I believe each of you now has this before you: the report that we developed, which is a blueprint for action. We also recommended recognition of efforts to provide civic learning. As you know, the Chief Justice has teamed with the State Superintendent to sponsor a grant-funded school civic learning award for California public high schools. And we even took her to Brawley this year. She didn't know you could drive that far east and still be in California, but she was a hero to all of the people out in Brawley, which has an outstanding school. And I'm going to show you a film about an award-winning program.

>> How to read and right, need to teach them how to apply it. Teaching about what's going on in the world, the problems, what is important to them, and what the best way they think to solve those problems are.

>> This initiative has really prioritized current events in classroom curriculum, experiential learning. Students are engaging in mock debates, mock trials. They are talking about issues that are relevant and current and accessible to their lives.

>> You have to show students that their knowledge needs to become hands-on. And they need to apply what they've learned in schools to improve the world around them, making the world economically better, socially, politically better for everybody.

>> The students learn that they have the ability to change the community around them, which is something that as high school students, we sometimes feel powerless to do.

>> In the early '90s, I participated in a civic learning program. Because of that program, I could envision myself as a leader in the Latino community. Students don't have access to a rich civic learning environment; the majority have deferred the ability to change their lives. The mission of the California Task Force on K-12 Civic Learning is about empowering students with the tools they need to change their lives and to change their communities. So this initiative in some ways is about social change and about empowering the students. Ultimately, the task force is working towards a report in 2014 which will lead to further discussions, dialogues throughout the state on civic learning.

>> We've got to bring back a system that steeps young people in the importance of participating in our democracy.

>> It's about setting them up to participate, to make change, to have access.

>> I want students to learn and be great leaders and great writers. What is most important to me is that they go out and become good citizens.

>> This is our vision: for students not just prepared for college and careers but who will also make an impact in their communities.

>> The California Bar Foundation funded the task force, and Ms. Gonzalez was a wonderful member of our task force as we did our work. So you now have the completed task force report. We released it August 5, so it's hot off the press, also in Spanish. You can get it on the court website. I'm going to turn now to Superintendent Dave Gordon, who will highlight some of the key recommendations.

>> Thank you, Justice McConnell. I want to begin by expressing deep appreciation to Justice McConnell and your entire judicial branch for partnering with education to help reawaken the civic mission of our schools. Your commitment and help has been and will continue to be as we work on implementation of the recommendations, of immense value. My grandfather was a criminal defense attorney and a trial judge in New York City for many years. And he was perhaps the most important influence on my life. So many of our students don't have that kind of influence on their lives. What this is all about is bringing an awakening of the civic mission that we all bear to every one of our students in California. Most of you know the dismal statistics that prompted us to launch the task force. We in the US rank 139th in voter participation of 172 democracies around the world. In California, less than 50 percent of high school students -- seniors surveyed -- viewed being actively involved in state and local issues as their responsibility. And I could go on. The task force work, fortunately, comes at a very opportune time as California is in the midst of several major public education reforms: new common core standards, a new local control funding model, and a new student assessment system. And it is noteworthy that our very diverse task force voted unanimously to endorse every one of the recommendations in the task force report. Let me highlight just a few of the major recommendations for you. Number one, a sweeping revision of history/social science content and standards, the first such revision in over 15 years. We were really, really out of date with our materials. With particular -- particular attention to strengthening the emphasis on civic learning. Second, embedding civic learning into the newest assessment system so that we will know how we are doing school by school and district by district across the state. Third, professional development for all of not just existing teachers but our aspiring teachers as well. Number four, civic instruction across all grade levels that reaches all, not just a few, of our students beginning in kindergarten. Number five, use of proven evidence-based teaching and assessment practices and hands-on experience that motivates students rather than just sitting back and teaching them little factoids, which they would get back to us on fill-in-the-bubble kind of assessments. And finally, reaching out to parents, community, and business leaders to join the

effort to bring learning front and center in our schools. We're convinced that the schools can't and won't do it alone. There needs to be community support, community pressure, community activity to say, this is too important for us not to do.

>> By the way, while the task force was doing its work, Superintendent Gordon and I have been moving forward with implementing many of the recommendations. And we have met with the president of the University of California and we plan to meet as did the Chief. We had lunch in her chambers and we are meeting with -- plan to meet with the Chancellor of the State University system. Thank you very much, Superintendent Gordon. If you have to be cochair, which I never liked doing before, you can't do better than Superintendent Gordon. We were the perfect match, with his expertise and the high respect with which he is held. Recommendation 43B that came out of the Commission for Impartial Courts and was adopted by the council calls for developing political support for civic learning. This was not on the Judicial Council's policy agenda. However, the State Bar has taken the lead on working with the Legislature on this issue, and we were fortunate to have Senator Joseph Dunn, Executive Director and CEO of the State Bar -- and he will now update you on the State Bar's legislative efforts to date. I particularly want to thank Joe and the State Bar for being so actively engaged in the task force work and being active on the Power of Democracy Steering Committee, which the Chief has established.

>> Thank you, Chief Justice, and other members of the council. It's an honor to be here this afternoon and represent my board, the board of the State Bar of California. I want to introduce another individual with us here today. If there is time for questions, which I know is a little dubious at this hour, she is here to answer questions more specifically about the legislation I'm going to touch on. I want to introduce Esperanza Ross, who has been the State Bar's legislative advocate dedicated to the issues surrounding civics education. I have to compliment her on her strategic mind that we have all participated in this effort -- have watched with awe and have already achieved success in Sacramento with respect to several of the civics education issues. My board decided shortly after the Chief Justice indicated a desire to have a summit on civics education that Justice McConnell has referred to, my board immediately adopted a resolution to become a participant in this overall effort. My board very much wanted to become as Justice McConnell indicated, the advocate for these issues, many which have been discussed for years, but to move from discussion to action. Fundamentally, and hopefully changing policy in California to re-embrace at all levels of our education system, more robust civics education and civic engagement. My board did that with great enthusiasm unanimously, no surprise and has sponsored the bills I'm going to touch upon very, very quickly. We've done six bills altogether so far, three last year, three this year. Most of you are familiar with the legislative process even though civics education may sound like a bit of a motherhood and apple pie issue, anytime you introduce such an issue into the education arena, a massive fight breaks out, and almost nothing gets through the Legislature in that process. Every legislator will tell you the worst type of bill to encounter is a curriculum bill because everyone is right on how to add things to the curriculum. Very, very quickly by -- if I may touch upon this -- Justice McConnell indicated I had exactly four minutes. That's almost impossible for me but I will move quickly. Senator Block from San Diego sponsored our SB 696 last year. There were several aspects to this. It did not make it out

of the first house but the discussions continue. In essence, it would require the state to measure civics learning for grades K–12, which I think Dave Gordon already mentioned, assessing students from their work not on pencil to paper type process but actually assessing from work going out in the field on engaging in civics within their respective communities. We also did Senate Bill 619, several co-authors. This had great support, both labor, business, Chamber of Commerce, and this one, we were very, very proud of and it would require the Department of Education to develop a civics orientation program for new employees of the state of California. The theory being if you're going to be employed by the state, one ought to know the civics that relate to state government and all the associated with it. There was no opposition, quite enthusiastic. One of the stakeholders asked us to hold this for the time being while they figure out how to actually embrace it once enacted. So we'll continue to move that forward next year, but we do not anticipate it would be signed into law this year. Assemblywoman Buchanan sponsored AB 137. This was signed into law and actually got chaptered out by accident. I won't explain that. That's being corrected but you can ignore that. This bill ensures that civics instruction is included in history, social science courses and grade levels, and also requires that developing guides for history, social science curricula, the state must receive input from civic learning experts, which of course is critical to make sure that it's done the right way. This year, we've had three bills as well. AB 1817, sponsored by Assembly Member Gomes. This authorizes high schools to appoint students to be voter outreach coordinators on their campuses and to coordinate other election-related activities such as voter registration, mock elections, debates. It sounds pretty straightforward, but current law says only adults can serve in those coordination roles. We felt it was important to engage the high school students themselves who may not have turned 18 as of yet. We are proud to say this has already been signed into law by Governor Brown. Just in time of course. Elections around us. In fact an organization that many of you know, the California Endowment has already contacted us about being a participant with respect to getting materials out and so forth with respect to this particular bill. SB 897 sponsored by the pro tem, Darrell Steinberg. It's pretty complicated. I won't drag everybody into that. For those who know the education bureaucracy, it is a very complicated bureaucracy but it does require the state to consider strengthening civics in the curriculum next time curriculum standards are revised, which Superintendent Gordon referenced in his comments but it also requires information on civics to be distributed to adult learners, including information on federal, state, local government; three branches of government; and of course we always include an emphasis on the importance of the judicial branch and need for its independence through all of this. We have two other bills that are still awaiting floor votes in their respective houses, one by Senator Corbett. This was not sponsored by the State Bar. This was the senator's bill, and it requires the state to revise history/social science content standards. There's a number of things you want included in their but she decided during the course of this bill to include civics education as one of those. There are a number of issues that the Governor's office has with the bill unrelated to our civics ed component. I know the author is continuing to work. We will see what happens with that bill. The last one was the fix on the chaptering out that's waiting for final vote. We don't expect any problems with that bill. So those are the types of legislation that we are pursuing. We are very proud at the State Bar to step into the role of the advocate to ensure as much as possible going forward year by year, to ensure that the Legislature will enact many of

the recommendations in the report that Justice McConnell and Superintendent Gordon referenced. Happy to answer any questions. Thank you, Chief.

>> Our recommendations are in the report. I'd like you to take a look at the roster to see how broad-based the task force was and we wanted to make sure we had all the stakeholders involved. The Power of Democracy Committee is already at work on implementation. We've added, with the Chief's permission, a student to the Power of Democracy Committee. And we already have two meetings scheduled and we are establishing regional groups for implementation because so much of what has to be done to implement these recommendations has to be done at the local level with the local districts. And we're going to see that that happens. The California Bar Foundation has just received grant funding to help us with implementation as I understand it. I keep away from funding but people tell me it is funded so we can keep on working. I'd like to thank the Chief for allowing me to work on this important project. It has been one of the most exciting and stimulating things I've worked on in years, much better than being on the Commission on Judicial Performance, although I recognize how important that work is, and I particularly want to thank Debbie Genzer, our staff person, John Larson, and Bernadine -- where are you? Stand up. There you are. Debbie is amazing. And John Larson and Bernadine Adams. And we had a great staff support also from the Department of Education. We're happy to answer any questions that you might have.

>> Let me say something before any questions and that is my interest in civics -- civics is really the wrong word for it. It seems to be what is generically called -- I will say that I became aware of -- involved in going to schools and talking to students about the judiciary because the judiciary is one of the least-understood branches. We cannot be seen as politicians in black robes. We must be seen as objective fact finders and that we are essential to a democracy and as a counterbalance to the legislative and executive branch. My experience was based on my children, schools in the elementary -- elementary schools were teaching executive and legislative branch, period. That was it. They weren't teaching the judicial branch. When my children went to high school I learned that they teach civics in the second semester of senior year. So think about that. Second semester of senior year. I'm not going to tell you the grade my daughter got in civics. Luckily she had already been accepted to college. That tells you where most kids' heads are. Then when I assumed the role of Chief Justice, I learned that the problem was not only with children, but a lot of adults assumed that the judicial branch was accountable to the executive branch or legislative branch. So that was the problem. And because the judicial branch relies so much on public confidence and trust in our decisions and the rule of law, and also because as Chief Justice I saw through other states, these political attacks on judges that were turning them and their position on the bench into something adversarial and political that they were unable to stem that tide of this attack on politicians because it was too late to educate their constituency. So based on your work for the Commission for Impartial Courts, based on Dave's work and -- I knew that Joe had an interest in this, we were able to put the summit on. That was part of the solution but it was also to make sure that we didn't let this sit on some shelf. So what was interesting about the summit is we had as you described, labor, business, education, MALDAF, we had everyone there in some leadership position who relies on government for equality of

services and education. Everyone was there. And all of them were concerned about the education that our future leaders were getting. All of them were there concerned and asking for equal education across all three branches of government. We were able to move that forward. So part of this came out, the K–12 Civics Task Force. What was most interesting to me was when you sat down with Dave Gordon, it was legal, it was business, it was labor, it was education. No one spoke the same language. Everyone used different acronyms, different entities, different government structures. So much of that was interpretation and trying to figure each other out. It was such a building process that it came to this unanimous report, CTA and business were voting unanimously on the same set of recommendations. Pretty astounding. It also brought in a different relationship with our legislators where in 2011, all about bills affecting the judiciary and our budget. Now we were building together on civics education. I call civics education, frankly, leadership training. It might be called civics but it teaches young people about -- as you know -- teaches them about how your government works and how you make a change and that you have to be a critical thinker and you have to be collaborative and work with people together and when you work with the team to effectuate change it so much more rewarding. A lot of these kids who were first -- English as a second language, they came to me and said they never knew this happened, they appreciated the community support, they liked working as a team. They felt they could be something. They were going to go to community college, which is something they had never thought about, because they were inspired by the civics engagement lessons they were learning at their school. So I recently went to a group of folks to talk about civics education and they asked, what is it really? Let me think about this in terms of you. And I said civics education is a little bit like the movie *Willy Wonka and Chocolate Factory* -- or *Charlie and the Chocolate Factory*. Willy Wonka is about to retire and he's got to leave that chocolate factory to someone. He brings the group of kids who get the golden ticket and takes them to the factory to explain to them, this is how candy is made and this is how you protect it and this is these innovations. He's teaching those children how to run a business. But Willy Wonka, there's only five golden tickets. Only five lucky kids were able to go through that process. This is leadership training. Civics education in schools is the leadership training. Those kids are brought through the process of understanding how we work, how we think, how you get results. And unlike *Willy Wonka and the Chocolate Factory*, we are striving that every child in California has an opportunity to be part of leadership in government. And that's what I think this program is. I've seen it in high schools catch fire. Students are now really looking to participate in some way. There was one high school in particular, the seniors of that high school chose as their civics project, they were going to go over to the university across the street and they registered all the freshmen to vote, which was really something. They did it via root beer social. And they had every freshman who attended with free food, sign up to vote for that upcoming election. So it's very interesting to see how this works at a populist grassroots movement. I thank you for your work and I am enthusiastic about it because there are a lot of collateral great consequences to it. Thank you very much.

>> We're going to switch our focus on the Civic Learning Awards this year to K through 8. It's going to be a completely different project. We're very excited about that. We've got a lot of requests from K through 8 to focus on civic learning.

>> Very good. Thank you.

>> Judge O'Malley?

>> I'm so excited about this whole prospect; it's really great. I have to tell you that in my grade school where my boys went to school, the most popular field trip was the field trip to the courthouse where they got to tour. They like the bailiff and the jail the best but they got to go to the courtroom; it was the only time in my life I was ever the cool mom. Other than that -- they watched and performed their own trial. And the kids talked about that more than any other field trip. They went to some amazing places because the Bay Area is full of amazing places and that is the number one rated. Once you expose these kids to the excitement of government and our field, it will take off and they will get excited about it. I'm thrilled about this. Thank you for your efforts.

>> Thank you for your work. Alright, thank you.

>> [Applause]

>> Alright. Okay. Welcome, Justice Zelon. This is item number three, the Sargent Shriver Civil Counsel Act.

>> If I may before we start, this is an action item. I'm going to ask if there's any public comment. Please raise your hand or come forward. Chief, I don't see anybody.

>> Thank you.

>> Okay. Thank you very much. I'm delighted to be here today. I am the vice-chair of the Shriver representation project, and here on behalf of the chair, retired Justice Earl Johnson. We are coming to you today with our second set of grants in the program. The project as you may recall was funded to set up pilot projects to test the impact of providing counsel in critical civil cases. And it is a representation project. And it has two pieces. One is the actual provision of legal services, representation, enhanced self-help, and other services to litigants. And the second part, equally important and indeed if you listen to Mike Feuer, who carried this bill, the most important part was to provide a basis for the evaluation of the impact of lawyers, the impact of representation on people in these critical civil cases. The evaluation is a very important piece of the work that has been ongoing. The evaluation also covers the effect on court administration and court efficiency and listening to the legislative representative or the executive representative. That's an important issue. We look at enhanced coordination between the courts with other governmental service providers who serve the same population as the people that representation is being afforded to and to community resources. One of the issues is if you provide representation to people in a housing case, that improves their outcome in a housing case, does that have a collateral effect not only of finishing the case in the courtroom but of reducing homelessness and reducing the cost of providing services to people because they are out of a home? So those are issues that we are trying to look at as well to see how government comes out

in terms of funding if you provide counsel in critical cases. Finally, to look at the actual benefits for the clients and for the courts in providing this level of representation to them. So the structure for the pilots was a lead legal services agency in each of the jurisdictions that received a grant. They had the ability to cover conflicts in a multiple representation case of course. They worked in partnership with the local court. And the court's piece of it was to provide services to the clients who had to remain unrepresented through the process either because of the nature of their case or the nature of services. There were regular meetings through the first three years between the legal services entities and the courts to work together to iron out any problems and to make sure that the representation was as effective as it could be. I realize I'm talking fast. It's the end of the day so I'm going to keep talking fast. You can interrupt me if you'd like. The funding for the project has come from special designated postjudgment filing fees. The original estimate was \$11 million a year, which was to cover not only the grants but also the evaluation costs. In 2011 we had \$9.5 million and for 2014, we believe the number is \$7.8 million. So everybody is trying to scrape by to do less -- with what we can. In the first cycle, now coming to an end, we distributed the money to six housing projects, three custody projects, and one probate guardianship conservatorship project. They were spread throughout the state in communities of different size and different makeup of the population. The evaluation project has now commenced. It's very complicated. We have got professional social scientists working with us. We are trying to ensure first that we are evaluating apples and apples across programs so that people are working from a common data source and answering common questions. We've done site visits and interviews both at the court, legal services providers of clients, we've looked at court files to see what is going on in the cases and to test that against what we're being told. And we are working on the collection of the data to provide that cost-benefit analysis that the Legislature really wants, hopefully with the end of the Legislature we'll see the value of continuing to fund these kinds of representation projects into the future and try to close some of the justice gap that we're facing in California. So who is your committee? We are a legislative mandated committee; the statute provided that the committee be appointed and make these decisions. We have judges, we have legal services people, and a broad range of people on the committee, all of whom have expertise and experience in this area. We work by issuing our RFPs and going through a very formal RFP process with the contract people at the court. In this round of grants, we had proposals not only from existing grantees but new proposals as well. We considered fully all proposals that came before the committee, evaluated them all in the same manner before making any decisions on recommendations. There was a legislative priority to existing successful programs. The reason for that priority I think was twofold: one, to make sure continuity for the people who were being served, but equally importantly, to maintain continuity in the program so that our evaluation process could be effective because if you introduce a new program, part way through the evaluation process, we are getting fruit salad instead of apples and apples. So there was an emphasis on existing programs. So our recommendations to you are unanimous. The unanimous recommendation is to fund the six existing programs that are listed in front of you now and in your materials. As you see, they span the state, small county, large county, urban and rural. And they cover the subject-matter areas that we had obviously in the last time because these are all existing programs. Because we have less money than we did when we issued the initial grants, we have recommended awarding each legal services program the lesser

of the amount they received in the last year of the last grant cycle or the amount of their request. Indeed one program came in asking for less money than they had previously received and we are rewarding them by giving them that. The -- for the courts, we looked at the highest amount that the court had expended, the court partner had expended in each of the three years and funded at that level. And that way, we were able to provide funding to each of the programs on the list. We remain ever optimistic that filing fees will come in a little higher than they are being projected, and in order to make it easy for everyone, we are proposing that if additional money come in, that it be distributed on a pro rata basis among the program's so no one has to reapply and no one has to re-jigger anything. We are going to ask the programs -- or we would like to ask the programs -- with your permission to provide to us revised budgets based on the funding amounts that we are actually proposing to give them so that we have reassurance from the programs and the courts that they can actually carry out the work with the amount of money that they're being given. We are confident that they can, but we do want to get those budgets. That is basically where we are. I'm really happy to entertain any questions from you if you have any. We're very, very pleased with what we've seen today and very excited going forward.

>> Judge Rosenberg?

>> Thank you, Chief. I have one question. I did receive a communication from the folks in the Sacramento Superior Court. They are one of the projects that did not receive your recommendation. You approached this with a preference for continuing projects as opposed to new projects. And I understand the reason for that. The Sacramento folks told me that they are not a new project -- that they are, in fact, a continuing project with some tweaks and adjustments. Do you have any response to that?

>> I do. Thank you for asking that question, Judge Rosenberg. I had some time before the meeting today to speak to the people from Sacramento -- something which under the contracting rules we could not do prior to making the decision. The committee did two things. One is we did view the Sacramento project as a new project because the legal services contractor who had been receiving the majority of the funding was being changed. And a new contractor was being brought in with changes both in the manner of service and the number of people being served for the amounts being requested. More importantly, though, and what I was able to assure them of, we went on from that and fully evaluated the program on its merits. Based on its merits, we did not feel that the proposal being presented to us was as strong as the other proposals that we had in terms of the use of the money. Finally we have the evaluation concern but we did give them a full evaluation, and I believe after they had an opportunity to talk to me, they felt less concerned about not being given the grant.

>> Thank you.

>> Judge O'Malley, Judge De Alba.

>> I'm prepared to make a motion at this time for us to adopt the recommendations.

>> Second.

>> Seconded by Judge Jackson. Judge De Alba?

>> [Indiscernible -- low volume] thank you for your presentation and the work of your committee. I only regret that there's not more money available. We had to, counsel by action a month or two ago, reduce the amount of dollars that were available to you. But as a councilmember here for the last three or so years, I think that one of the most important things that we have amongst the charges, the many charges that we have, is ensuring of course access and a fair forum for resolution of disputes and especially for the disadvantaged and the poor who can't otherwise gain that access. And it's as your report says, consistent with the council's strategic number one goal. So I wish we could do better with the dollars so that all of these programs perhaps could have gotten all the money they need and all the ones that applied could have been rewarded by your committee. And I'm grateful and recognize that the statutory scheme and your contractual processes insulate your committee from public comment or lobbying in other words so that you can make decisions based on the merits of the applications or track records or whatever it be. Otherwise, I could imagine it would be very difficult if you had to entertain commentary. So thank you for your work.

>> Thank you very much. On behalf of the committee, I'll tell you everyone on the committee worked very hard to try and reach the right result and would have been overjoyed if we had had double the money to give out and to fund excellent projects that will help us make a case as we go forward for funding for these projects.

>> Thank you, Justice Zelon. Seeing no further hands raised, all in favor of moving the recommendations, please say aye.

>> Aye.

>> Thank you. Any opposed? Thank you for wonderful work.

>> Thank you very much.

>> We welcome Judge Jim Herman for item number four, judicial branch administration: court technology governance and strategic plans.

>> With respect to public comment, we had a speaker, Annabel. And she has asked to speak tomorrow to -- out of respect for everyone's time. We are so over budget on our time. We thank her for that. Anybody else who has public comment who wants to speak, raise your hand or come forward. And I see no hands. Wait -- yeah. Thank you.

>> We welcome in addition to Judge Herman, who is chair, we welcome Justice Judith Ashmann-Gerst, as well as Mr. Jake Chatters, CEO of Placer, -- there he goes --

>> Chairman to speak --

>> Thank you, Chief. Well, we've got about half an hour to do a one-hour presentation. So maybe we could come back later this evening after --

>> [Laughter]

>> We will compress the data. We will compress the data and try to get through as quickly as the possible. The council has already had several presentations on this. I want to say that I'm grateful for the extraordinary opportunity to work with a really robust and tremendous group of people that are behind the recommendations of JCTC and the Technology Planning Task Force, as the council already knows. There's been 19 courts that have already participated, CEOs, CIOs, and trial judges, as well as three Courts of Appeal, with the incredible support of Mark Dusman, Jessica Craven, and the IT staff of the Judicial Council staff. Wanted to do a special throw out as I've done in the past of the three leads, Brian Cotta on my left and Jake Chatters and also Judge Slough, who is avoiding the presentation today by being in Japan. And Justice Judith Ashmann-Gerst for her tremendous work, and the input from ITAC and CTAC, and public comment, and internal branch comment. With that I'd like to turn it over at this point to the next slide. So what we're requesting of the Judicial Council today is to adopt the technology governance and funding model to adopt the strategic plan for technology, adopt the tactical plan for technology, luckily there's not a court reporter here because I'm talking 300 words a minute -- and direct counsel staff to prepare the appropriate rules of court. The council has already been presented with background. I'll skip over that and turn it over to Rob Oyung.

>> So I'm going to talk a little bit about the milestones and some of the feedback that we've received through this process. So the task force launched about 18 months ago, however the majority of the work was completed about nine months ago. So the task force was very, very focused and did a great job in terms of pulling together some materials very, very quickly. So after we had the first draft in November, we did go through regional review. We had come to the Council in December and January to bring you up to date and then we did have an internal and external review of the documents. The overall process was extremely inclusive and transparent from the beginning of the task force formation. We had 20 superior courts, three Courts of Appeal, and the Judicial Council staff participate. We had 14 task force members and 27 participants in total. We did have three regional meetings for which we had approximately 130 attendees. We did have a 20-day internal comment where 11 superior courts, two courts of appeal and one working group provided about 32 comments to the documents. We did incorporate all of that feedback prior to sending it out for public comment. We had a 60-day public comment period, for which we had 44 pages of feedback from approximately 13 respondents. In terms of public comments themselves, generally they were very supportive. We did have several suggestions emphasizing that technology should not create barriers to access especially for indigent clients, people with disabilities, and people who needed language access as well. So we did update the documents to reflect that. I would like at this point as well to ask Judge Herman to comment on some work we're doing to align this strategy with the joint working group for California's language access plan.

>> We'll come back to the council in October with some additional language that recognizes language access so that we are aligned with the language access strategic plan but otherwise we're asking counsel to approve as is the recommendations today.

>> We also received multiple requests for groups and organizations to participate in the input process as we think about new technology initiatives. I think that's a great show of interest in the investment of technology for the branch. And so we added some language and basically encouraged people to provide input through public open meetings and as well through liaisons that could participate in advisory committees as well. Finally, two commentators from the public recognized that we really need to have funding for technology for the judicial branch in order for these recommendations and the strategic plan to really be successful. So at this point what I'd like to do is I've asked Jake Chatters to start talking a little bit about the recommendations focused on governance.

>> Thank you, Rob. So as we approach the strategic plan, our -- let me back up a step and say speaking fast is not a difficulty for me. So I will -- Judge Wachob can attest. I will try to keep it slow despite our pressed time. What we tried to look at on the strategic planning side through the whole process is to make sure that every document was building upon the one above it. And so it took a waterfall approach that the goals for the branch as documented in the strategic plan adopted by Judicial Council feed the goals for technology, which then results in a strategic plan for technology, which feed technology initiatives or projects, which are listed in the tactical plan to guide us over the next two years. In that process, we understood that we need to develop a vision for why and how we want to use technology, and technology for technology's sake is not important or useful. That vision, which we have recommended to you includes -- focuses on collaboration, initiatives, innovation, balancing branch and local needs, and ultimately technology is about increasing access to justice and expanding and enhancing services through -- for all of our constituent groups. We're also recommending expansion to existing technology principles to reinforce the elements of this vision, specifically to highlight our need for technology standards, look for opportunities for collaboration among and between courts, preserve local decisionmaking as appropriate, and create an environment that encourages innovation throughout the branch. The common vision as we walk through this process made us realize that we are too varied a branch with too varied of projects to have a single governance model that deals with every single technology project. So we identified five different types of initiatives that exist in our branch. Starting in the center and working out. We have local programs. Local programs are exactly what they sound like, done locally, meant to impact local constituents, and are often spent with local money. There are local extensions of programs that we develop statewide. So in the event we have a statewide program for anyone who makes something that works for their local judges, their staff, we want to allow for that with somewhat of a little governance. There are consortium programs where there are collaboratives between those organizations. There're branchwide standards and guidelines, where this body wants to say, you want to do that project. That's great. But here are the rules you need to follow in doing it. Finally, the highest level are branch programs and solutions, which are applications and other technologies that we all use collectively. In the recommendation is a varied governance structure

for each of these that identifies that there's a different level of branchwide oversight that is necessary as you work through these various projects or programs. A key tenant of that is focusing on the court as innovation centers, whether they're the appellate courts, the trial courts, or even Supreme Court, that local innovation centers are what will drive technology acceptance, they result in the best technology adoption and increase our probability for successful implementation. We take that, too, from what we see in applications, using our iPad or iPhone, Android tablets, a lot of technologies moving towards a single life problem. While we are not Apple or Google and have a much more comforted database, we want to move towards a structure that mimics that and looks at trying to get fast, impactful projects get done and solve single business problems. Part of that is this concept of a work stream, which is intended to be a tightly focused scope that looks at a single issue generally speaking; that pulls on our entire IT community, whether they're from Judicial Council staff, local trial courts, appellate courts; and that leverages all of that great expertise to deliver products that benefit all of us. Those projects are led by an executive sponsor that develops a team from these as appropriate from various entities and is governed largely based on who is spending money. That leads to a natural question, who is the executive sponsor? I will turn that over to Justice Ashmann-Gerst.

>> Going back a little bit -- the current structure for technology governance stems from Rule of Court 10.16, which creates Judicial Council Technology Committee, which I will call the JCTC. That oversees the council policies regarding information technology. The JCTC ensures that council policies are complied with, that specific projects proceed on schedule, and within the scope of budgets. One of the advisory committees that the JCTC oversees has been CTAC, Court Technology Advisory Committee, but tech governance for the branch has not been uniform. Multiple models have been used over the past decade, including the CCMS initiative, steering committees separate from CTAC, appellate working groups, et cetera. Some were governed directly by CTAC and others were not. This varied approach obviously became a concern, and it was also the perception that appellate and trial court voices were getting lost in the process. In 2012, the JCTC initiated this new concept for project governance and created a technology initiatives working group, and as Jake said, a focus on the use of work streams. The concept was very successful and showed us that objects could be completed rapidly and with branchwide participation. So the success of that approach was taken into consideration in the development of the technology strategic plan we're talking about today. Another key goal was to ensure greater participation and buy-in from the courts and from branch stakeholders. We explored the elimination of CTAC and the creation of subcommittees within the JCTC. But that model also became complicated with the governance track deciding that the JCTC should continue to receive input from a technology advisory committee. The JCTC could then consider the recommendations along with input from other groups such as the APJ Advisory Committee, Trial Court PJ Advisory Committee, Executives Advisory committee, et cetera. So what's in a name? We intend to accomplish two goals. One, changing the name would highlight that there's actually a change being made to the charge and to the function of the advisory committee. Secondly, it would clarify that the role is focused on information technology for the entire branch, that is is not limited just to the work of the courts. Projects may also support the needs of those within the justice community but external to the individual courts. The new name also

makes clear that it is not involved in facility or other technologies that are within the scope of other communities. To accomplish this process, we need to [Indiscernible] rule 10.53, although the new ITAC will continue to prepare annual agendas that will be approved by JCTC. Next, in leveraging the success of the work streams, ITAC members will be asked to act as effective sponsors, which was just mentioned as well by Jake. I want emphasize that the sponsors will not be project managers but will assume an overall executive responsibility and provide status updates to ITAC and JCTC as requested. The best example I can give to you is when I was chairing the Appellate E-filing Working Group. Our focus was on rule changes to allow various appellate district courts to begin pilot projects on filing if they wanted to do it. I had the responsibility for gathering the subject-matter experts from judicial officers, lawyers with expertise in the area, and council staff. My role was to coordinate, to keep a timeframe, and to involve the necessary advisory committee, not to actually get in there and fiddle around with wires myself. So we are also going to be recommending that appointments to ITAC come from a broad array of individuals willing and able to assume this kind of sponsorship role. Hopefully it's clear -- this is all clear from the next slide. And so then to summarize with the following slide, ITAC sponsors technology initiatives that require branch resources or funding. ITAC members act as executive sponsors, in that we manage through any of these approaches—the work stream approach, traditional approach, or a hybrid. And of course we can answer questions on the specifics, if you have any questions about that. The executive sponsors -- the executive sponsor will ID a project manager and assemble the team, and the team members will come from throughout the branch.

>> Good afternoon. I'm going take you into the strategic and tactical plan content. The task force is proposing four overall technology goals for the branch, focused on digital court; improving access to justice and efficiencies through technology; our goal to optimize our branch resources, focused on collaboration, professional development, and leveraging procurement; our goal to optimize our infrastructure in support of the digital court goal, which includes our network and ability to recover from a disaster; and the goal to modernize rules and legislation to support the use of technology. We've seen that many local court technology initiatives are often delayed or impeded by existing unclear or limiting rules preventing the use of technology in specific areas that could benefit the most from it. While technology deployment and implementation typically focuses on providing new capabilities, our principle to ensure access and fairness must always be considered. Technology solutions should not create barriers to access for indigent clients, people with disabilities, and those who need language assistance. This principle does not imply that technology solutions shall be avoided but rather that they should be fully accessible. So looking into the various goals, you'll see goal number one promoting the digital court. We're proposing a set of initiatives for our first two-year tactical plan covering all four goals but primarily focused on establishing the digital court. You can see that by the number of IT initiatives supported in the grid on the screen. Other initiatives and subsequent tactical plans will independently continue to help support the digital court goal and improved efficiencies. The initiatives within the first two-year tactical plan shown here will require precise planning analysis and efforts for many to ensure validity and refinement of the end results. The tactical plan provides a way to focus efforts on a set of common branchwide initiatives, eliminating redundancy, and it creates critical

mass. In respect goal number two, optimizing branch resources, the focus for 2014 to 2016 or the first two-year tactical plan, is to establish master agreements with various vendors to reduce overall costs to the branch. Looking into goal number three, for the first two-year tactical plan on optimizing infrastructure, the focus is supporting the digital court and focusing on the core of technology operations for the first two-year tactical plan. Goal number four, promoting rule and legislative changes, first tactical plan initiatives will be to continue to identify areas to introduce or modify rules and legislation to support the strategic and tactical plans. Past examples include rules and pilot initiatives for e-filing and video, for example. Current activities are focused on digital signatures. You can see here if you look to the left in looking at the screens, there's a grid on the left and what we've done is we've mapped the goals of the proposed strategic plan for technology against the judicial branch strategic plan to ensure critical alignment. And you can see that all the goals of the strategic plan for technology support the number one goal for the overall branch of access, fairness, and diversity. On the grid on the right, you can see we've mapped the goals of the proposed strategic plan for technology against the California Department of Technology's strategic plan. You can see some key and critical areas that are spot on their well -- as well. Okay, Ron, I turn it to you.

>> Another piece of output from the task force was a proposed project prioritization matrix. So this was developed to help the technology governance bodies to evaluate different projects to prioritize them and rate them. We used this in a pilot in November 2013 to evaluate some requests for BCP funding. So all trial courts had a chance to participate. Fourteen courts submitted a proposal and the technology committee used this matrix to evaluate those proposals and selected 6 proposals to actually be included in the BCP. We did receive some feedback from the courts so that we can continually evolve this tool. This is one of the tools to help to improve the transparency of the management of technology funding and technology within the branch. At this point, I'll hand it off to Justice Ashmann-Gerst, who's going to summarize the recommendation so far.

>> As far as the governance goes, just as an overview, we adopted a vision in which we focused on the previously adopted guiding principles. And you will find those in your materials. I won't go over them right now. The original 10 described the branch's overall goals for technology. The additional four describe how those goals can be realized. As I mentioned before, we recommend restructuring CTAC into ITAC. We now are presenting a governance plan we feel encourages innovation and a clear process for project prioritization. It focuses on which decisions need to be made, who's involved in making them, how they're going to be made, and how the results are going to be monitored. Jake, want to fill in the gaps?

>> All right. Moving onto funding categories, and before I get there, Brian reminded me that I forgot to recognize Rob Oyung, which is a major, major, major, major issue because Rob is the project manager for this whole effort, has just been extraordinary, put in an extraordinary amount of time with extraordinary expertise, and has really taught me what project manager is all about at the ground level. And I'm grateful to Rob for his efforts as well as to the Santa Clara court for lending him -- lending us his services. So thank you so much for that.

>> Judge Herman, that was noted, by the way. We're going to have a chat afterward about the compensation.

>> The compensation piece? Alright. So at any rate, similar to the way we're categorizing initiatives so that we can manage the initiatives appropriately, we are proposing a model for managing different types of technology funds. There will be different governance models, funding sources, and allocation models for branchwide initiatives, operational expenses, and upgrades. We're also proposing an innovation and improvement fund, where we will set aside a small amount of money for technology experimentation and innovation. And I would add that in presentations to the Trial Court Presiding Judges committee and CEAC, they were very enthused and excited about this idea. The categories in blue are managed at the branch level. The categories in orange are managed at the local court level. And proposed innovation and improvement fund can be sourced and managed at either level. And from public feedback we got the idea of developing the equivalent of an R&D budget for the branch and fund it with the equivalent of 10 to 15 percent of technology operations budget. Moving to the next slide, we have done the funding track but the problem is where does the money come from? It's a zero-sum game at this point. We've got the Trial Court Trust Fund; the IMF, which is in deficit balance; and of course we didn't even this year meet the tread water level that we requested of the Department of Finance. I was somewhat encouraged by Mr. Cohen's acknowledgment that in order for us to create efficiencies, it's important to fund technologies. We'll see where that leads going forward in terms of request for budget change proposals for various branch-level initiatives as well as local court initiatives. Frankly, we are with the 1 percent fund balance, which looks like it's going to continue, the local courts are in a very difficult position in terms of any capital improvements. At this point it's merely being able to deal at the operational level with ongoing cost. We have over 30 courts at this point that are upgrading their case management systems but that's primarily because of the consequence of the necessity to burn down to the 1 percent fund balance at the end of this year and go forward, it's just unclear what funding there will be in order for us to appropriately carry forward with our strategic plan, tactical plan in the future. So the endpoint is this. The expected outcomes are these. First of all I want to acknowledge the Chief Justice and thank you very much for authorizing and appointing this effort by the task force. We have aligned our planning documents with -- in support of your Access 3-D physical remote and equal access.

>> Let me interject. Thank you, all, for taking this on, for all of the reports. Interject briefly because it was -- a huge task and you really took a deep dive. Thank you.

>> You're welcome, Chief. Thank you again and thanks to the council for your support. While technology deployment and implementation typically focuses on providing new capabilities, our principle to ensure access and fairness must always be considered. Technology solutions should not create barriers to access for indigent clients, people with disabilities, and those needing language assistance. This in principle does not imply that technology solutions should be avoided but rather that they should be fully accessible. Once we implement the proposed governance, model strategic plan, and funding model, we expect to have again support for your Access 3-D, a

clear shared direction for our technology initiatives, a transparent model for managing and allocating technology funds, increased credibility with our sister branches, which was a primary driver in terms of our need to develop planning documents that we have brought to the council today, more consistent services across the courts, and a better accountability for the use of resources and public funds. And we believe we can realize these outcomes by working collaboratively as an IT community. Any comments -- additional comments by the project leads? I'm proud we did compress the data and we actually brought it in 10 minutes early. So any questions or observations? First project leads and then --

>> I'm going to jump in here and say, I'm going -- because there was a public speaker who wished to make comment on this area, I'm going to defer until tomorrow morning all questions or comments on these recommendations and any motions in light of our commitment to the public speaker before we act on this.

>> Alright.

>> So we will put this in abeyance until tomorrow. Unless there's any closing comments that the panel would like to present.

>> I just had one. I wanted to give thanks certainly to Justice Herman and the other track leads and Rob.

>> Thanks for the battlefield promotion, Rob.

>> I also wanted -- we also owe a thanks as well to the number of individuals that contributed on the task force, not just the task force but other justices, judges, CIOs, and CEOs that contributed, that we brought in for knowledge and contributions throughout our efforts. So thanks to everybody.

>> One closing comments for today. That is Jake Chatters let go that he has empty shelf space. He prefers all of his documents to be digital rather than analog. But I have prepared presentation copies, first editions, by the way, which will be very valuable sometime down the road, of the technology plans, and we will provide each of our leads with that as well as our IT staff from the Judicial Council that supported this effort. Thank you, Chief, and council.

>> One question. Are the panelists going to return tomorrow?

>> Probably not.

>> Probably not?

>> We can if we need to.

>> I've got we can.

>> Probably -- probably can -- and/or call in and --

>> Call in for questions?

>> Let's do that.

>> I bring that up not for any reason other than to commend the committee and the team for their comprehensiveness in the development of the governance and strategic plan, and the inclusiveness in its development as well. Wonderful work and it's something that we should all be very proud of.

>> Agreed.

>> Hear, hear.

>> [Applause]

>> We'll resume this matter tomorrow in our regular business meeting. We stand in recess. We will reconvene at 4:30 in the auditorium to begin our Judicial Council distinguished service awards and the Benjamin J. Aranda III Access to Justice Award. Thank you.

>> [event concluded]