

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

>> Please stand by for real time captions.

>> Good morning and welcome. Nice to see everyone after the holidays. This is the business meeting of Judicial Council of California for Thursday January 22, 2015. The meeting is now in session. And we will adjourn later as you know at approximately 12:45 p.m. For those of you joining us here in our conference room, doubling today as our board room, you may have noticed that there is a new person sitting to my left. I call him my left-hand man. And we have a new Judicial Council member joining us today, Associate Justice Ming Chin. No stranger to all of us. I'm very pleased to have Justice Chin here, who has agreed to be on the Judicial Council once again, taking on the role of his good friend, Justice Baxter, who held it for 18 years. It is an 18-year term.

>> [Laughter]

>> And under article six, subdivision A of the California state constitution, it is required that the Judicial Council membership also have one other judge of the Supreme Court. Justice Chin is more than just one other judge. He's already served the council as indicated but he also has served as the chair of three very important committees of the Judicial Council that continue to guide our work today. Many of you have served on these committees and many of you have served our strategic goal and advisory taskforces. And they are the Court Technology Advisory Committee. Justice Chin is wondering why we still have that committee. We have work to do. We have in fact improved and moved along: the California Commission for Impartial Courts, and the Science and Law Steering Committee. He was also an active member of two other important advisory committees: the Advisory Committee on Racial and Ethnic Bias and also the Appellate Advisory Committee. In rejoining the Judicial Council, Justice Chin will bring his knowledge and passion for all things technology based by becoming a member of the Judicial Council Technology Committee. Justice Chin is what I have described recently, when asked about the Supreme Court composition, as a boots on the ground justice. By that I mean he served as an associate and partner at a law firm, deputy district attorney, superior court judge in Alameda County, and associate justice and presiding justice of the First District Court of Appeals in San Francisco, before being elevated by Governor Wilson and elected by statewide vote of the people to serve on a Supreme Court of California. He has served with distinction for what will be 19 years this March. As a decorated Vietnam war army veteran, I'm sure he is well prepared for the additional work that lies ahead of him as vice-chair of the Judicial Council of

California. Justice Chin, welcome back to the council. Thank you for your service. And would you please join me in the administration of the oath?

>> I, Ming Chin, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic, that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties upon which I'm about to enter.

>>It's a privilege to administer this oath to you.

>> [Applause]

>> Judge Herman?

>> On behalf of JCTC, we are tremendously pleased that you're joining the technology committee. We welcome you to our project. Thank you very much for agreeing to be part of our committee.

>> Thank you, Judge Herman. Before we begin our regular agenda I want to comment on the significance of our January and February Judicial Council meetings in Sacramento, the state capital. Since I became Chief Justice in 2011, this is the Judicial Council's fifth regularly scheduled meeting here in Sacramento. Beginning last year, we initiated the custom of holding our January and February meetings here to enable council members to conduct regular council business as we are today but also advocate with our sister branches of government for the necessary new investment in the judicial branch. I understand over 100 legislative visits have been scheduled for our January and February meeting. Yesterday, I was informed we had a number of very productive and informative legislative visits where council members and staff were able to discuss issues of equal access to justice and public service with legislators and their staff. Many voices and diverse personalities shared information about the needs of the branch, the impact the cuts have had on the public we serve, and the efficiencies and changes that have developed and that have occurred here in the Judicial Council and the branch. Importantly, I think we have a shared vision for our branch and a consistent task for and on behalf of public access—and equal access in public service—to justice. It's an appropriate role for Judicial Council members to be advocates on behalf of the branch as we begin this year's budget cycle following the Governor's recent proposed budget. And although we are beginning it formally, I'd like to take this opportunity to point out that the Judicial Council staff has been working on this budget with the Governor's Office in discussion ever since (frankly) the budget was signed last year. The negotiations that have resulted in the \$180 million to the judicial branch of this year in the January budget is a result of discussions and many long meetings and exchange of data by our Judicial Council staff with the Governor's Office, and the administration started from day one getting us here to the budget we have now that is proposed that really puts us a step

ahead. So I always, always like to point out the hard work that goes unseen during the summer months by our staff to our sister branches. I want to thank all the Judicial Council members for their participation, our Office of Governmental Affairs, Cory Jaspersen, and Laura Speed, and their team for organizing and helping us with these visits. Like all of you, I look forward to what I know will be continuing discussions with the Department of Finance, legislators, and their staff. January already, as we know, has brought two important actions for us as a council to deliberate upon and to consider our course of action. We've already talked about the budget as you know. This is our third year of new investment by the Governor in his proposed budget for the trial courts, with additional investment to help stabilize the entire branch. His proposal is consistent with our own multiyear approach to rebuild and create a more accessible and efficient court system in California. The second issue is with the California State Auditor's report and the audit on judicial branch spending covering a four-year time period. I believe it provides us—the governing body and Martin, our new administrative director—with yet another useful tool like the SEC report. Judicial Council itself has initiated to become more transparent with practical recommendations to consider and deliberate upon as we continue the process of constant self-assessment that we have been doing since 2011. I look forward to hearing about the deliberations of the working group on audit regulations. As you know, some of these recommendations relate to policy that will come before us, and also some related to a considered review and action plan via the Judicial Council staff. But there is this dynamic working group of branch leaders on the Judges of Justice, and a court executive who represents the council and also represents what I believe are the groundbreaking directives of the Strategic Evaluation Committee. These people are: First District Court of Appeals Justice Jim Hume, Judge Laurie Earl, cochair of the Trial Court Budget Advisory Committee; Presiding Judge Marsha Slough, chair of the Trial Court Presiding Judges Advisory Committee; Presiding Judges Charles Wachob and Brian McCabe, former chair and vice-chair of the Strategic Evaluation Committee; and Mary Beth Todd, chair of the Court Executives Advisory Committee. All of these leaders are ably led by Justice Doug Miller from our Executive and Planning Committee and all bring a unique perspective and experience and a viewpoint for access at all levels of the branch and will help us use the audit to the best of our ability and these recommendations. Our first item of business today is the approval of the minutes of our December 11 and 12, 2014 meeting. Those minutes are available to you. Please take a look if you have not already, entertain a motion and a second to adopt.

>> So moved.

>> Second.

>> Thank you.

>> Judge Nadler moved and I believe Morris Jacobson seconded, and I heard McCabe for another second. Any discussion? All in favor, please say aye. Minutes are approved. Thank you. Next on the agenda, I know it sounds like I'm doing all the talking but I'm going to be quiet in a moment, is the Chief Justice's report. This is my regular report to the council summarizing my engagements and ongoing outreach activities on behalf of the judicial branch since our last

meeting a month ago. During this reporting period, I continued my ongoing series of liaison meetings with justice system partners and stakeholders. We share knowledge, information, and where it is we can work together to improve public access. I met recently with the State Sheriffs Association, the District Attorney's Association, and the Defense Council of California. I had the great pleasure of participating for the very last time with now retired Presiding Justice Joan Dempsey Klein on the commission on initial appointment with Kamala Harris to confirm Justice Leondra Kruger, who was unanimously confirmed as you know. I'd like to point out something obvious and something that we are proud of here in California. That is that the Commission on Judicial Appointments for a period of time with Justice Klein, we were all female. We are now, with the appointment of Justice Leondra Kruger, restoring the female majority on our bench at the Supreme Court. And we are expanding the diversity of the California Supreme Court. For our court's January oral argument, which was several weeks ago in San Francisco, I know all of us were happy to have a full bench to hear our cases. And yet we are all really grateful for the hard work that was put in by the numerous pro tempore, who substituted in on all of the cases. There were well over 60 from the time Justice Kennard retired in April to where we heard our first oral argument with our full complement of justices starting in January. Following last November's election, the new year brought new terms of office that started in January. And I was very pleased to participate in two ceremonies with the Governor. One of course was my administration of his oath in his unprecedented fourth term in California. Unprecedented to be the first and the last, given term limits in California. The other opportunity was to support his swearing in of his Supreme Court appointees. I also had the privilege of administering the oath of office for the Attorney General, Kamala Harris, and also Ms. Fiona Ma for the State Board of Equalization, formerly in the Assembly, and for justices from the Court of Appeals for the Appellate District here in Sacramento. As we experienced earlier today—and many of us have sworn the oath—I strongly believe in the importance of the oath of office and what we say: what we will vow to adhere to in that oath. That we swear or affirm to support and defend and bear true faith and allegiance to the Constitution of the State of California and the Constitution of the United States. I believe there is great significance and solemnity in those words. Oaths were a part of the Sacramento Bar Association annual meeting where I delivered a keynote address and presented retired Presiding Justice Arthur Scotland with their Distinguished Attorney of the Year Award. Yes. He received the Distinguished Jurist of the Year, Pro Bono Citizen of the Year, and now he has received Distinguished Attorney of the Year. I also participated in the studio TV interviews in Los Angeles with Conan Nolan on NBC News Conference on Channel Four, and with Scott Shafer in San Francisco for the newsroom, no surprise to you. They are concerned with the budget, the audit proposal, the audit, the new Supreme Court, civic initiatives, and what the branch is doing as a whole. Budget and new investment remains a critical focus for us as it has been for the last four years, that I can tell. It was also the theme of a conference hosted by the UCLA Center for Law and Public Policy. The conference was entitled "Discount Justice: State Court Budgeting in an Era of Fiscal Austerity," where I delivered the lunchtime keynote and participated in a Q&A moderated by the appellate attorney here in California in Los Angeles. Council member Donna Melby was on the panel with Chief Judge Jonathan Lippman from New York and they discussed the constitutional dimensions to the funding of state courts. Mary McQueen from the National Center for State Courts, Craig Holden from the State Bar of

California, and Presiding Judge Carolyn Kuhl from Los Angeles Superior Court participated in other panel discussions relating to funding, research access, and the impact in California. The audience was national because the issue is national. It is not focused on California alone. However, there is agreement that the largest judicial branch in the nation here in California has had the most dramatic negative impact from the funding deficits. But I do remain optimistic through our advocacy efforts, my conversations with the Governor, the \$180 million proposal out the gate, that we are able and continue to achieve new investments and to improve access to justice for all Californians. That ends my report. I turn it over now to Doug Miller.

>> Thank you, Chief. My regular report will be posted online after the council meeting. I'd like to use my time to provide a quick report on the audit working group that you appointed as soon as the state auditor released her report recently. Again, thank you for the members that you have appointed. I appreciate that you referred to each of those, *each* of those, because they are hard-working and already doing a great job. We have met twice, once by phone last week and yesterday in person. Our view is that the auditor's recommendations are reasonable and sound. In fact some of them were already in process. Thanks to the Judicial Council's acceptance of the Strategic Evaluation Committee report back in 2012 and the work that we have been doing over the last couple of years to complete each of those recommendations. I think the thing that impressed me most as I watched and observed the conversations that the committee had were how seriously everyone takes those recommendations. We actually think some of them can be achieved relatively quickly. Others will take a deeper cost benefit analysis, a survey that is referred to in the audit, and a development of a Judicial Council and branchwide strategic plan. Our goal is to divide the work plan and present it to the council by its February meeting. But to be clear, the work group itself will not be performing the analysis of the recommendations. We have assigned those tasks primarily to Martin as the administrative director and the Trial Court Budget Advisory Committee as the Judicial Council advisory committee delegated with budget responsibility. Again, our goal is to present a thorough work plan at the Judicial Council meeting in February including a complete business analysis of as many of the recommendations as possible. Again, before I conclude my report, I want to express my deep appreciation for the members of our work group. They bring passion, engagement, civility, and a statewide perspective to their task. I also want to point out another observation that all of us have made and that is how impressed we are with Martin. He's only been with us a little over three months, but he has a practical, can-do approach to his job and truly inspires our confidence. I also want to indicate that we have had a request for an ASL interpreter for this meeting. Unfortunately, we have been unable to secure an ASL interpreter for the entire meeting. However, we will be able to ensure that we can have an interpreter here for the agenda item K on the language access plan. And I want I want to give special thanks to Presiding Judge Robert Hight from the Sacramento Superior Court for being very helpful in assisting us to obtain an interpreter from his court. So again, we will have an ASL interpreter here for the agenda item discussion with item K. Thank you, Chief. That concludes my report.

>> Thank you. That concludes my report.

>> Thank you. Next we'll hear from Martin on the administrative director's report.

>> Thank you, Chief. What I'd like to do is offer a couple comments on the audit and the things that we have at the staff level in response to that and how that will intersect back with you here at the council. And then address some of the things in my written report that is submitted to all of you in accordance with this meeting. With respect to the audit, at the direction of the working group, we were delegated some tasks so we have been busy starting our analysis on all of those things. We are roughly taking an approach where we are trying to get to a place where we can comment with full analysis on what implementations we believe should be recommended in full, what recommendations might be implemented in part, and what should those parts be? And then what recommendations in the end of the day we will conclude or recommend, or don't really make sense in their application. Hopefully that third bucket is the smallest because I think we all concluded that the recommendations are quite good. And because they are quite good, they require a really meritorious full analysis. So that roughly has been our approach to all of this. I also want to comment that it was really good to hear, and fortunate to hear, the Governor's response to some of the questions related to the audit as it connected to our budget last week. We expressed confidence in the Chief, and in the council, and groups looking at these recommendations since the two issues. It is no surprise they will intersect during the course of the next six months as we advocate for our budget. It's for me, professionally and personally, helpful to receive the audit. In some respects, one way I look at it is that the auditor and the audit team actually have had probably more time than I have to analyze many of the components related to the initial council staff. So for me, at least in terms of my arrival, it's very timely in that respect. So I will give it the attention that it fully deserves and merits along with, I'll be candid, a lot of other reports that I've received since arriving here. I think what you can expect is that we will try in our approach to find the things that we can move very swiftly and aggressively on. And in terms of managing people's expectations, as early as February in your next meeting, we hope to be able to report that these are actions that we have already taken or addressed because some of them can be taken without the council but then also present those things that we would like to take action on, but really require some decisionmaking by this particular council. I would also like to identify those things that we think will take longer than perhaps February and longer than maybe even the April meeting. At the April meeting, you also may be presented with some actions that have been taken already and they are advisory to you. But then also there are actions that may need to be taken in April. So I think this will be the course at least as far as we can see for the first several months in response to the audit so that it is not a product that sits on the shelf. I think this is consistent with the approach that the council has taken literally with every audit or every approach in recent time frames. Again, I wanted to set the stage for that. There are some things that are easier to address, to get answers and take actions on. But there are some things that are going to take longer, largely because they are bigger, more complicated, and also they are actually dependent on each other. There are some things that you have to take actions A, B, and C on before you actually get to the next thing. We'll do our best to have schedules related to that, so that folks can actually track what kinds of activities they can expect when the team is busy implementing it and lining out the types of steps that can be done in sequence, but also some things might be able to be done in parallel to try and accelerate as

quickly as we can our response and activities related to the audit. Turning to the written report, the written report is submitted to you all as part of your materials in the record but I did want to talk about a couple items. I wanted to highlight the legislative outreach activities that have been occurring. There's been activity between the council and the Legislature itself. But that's not the only activity that is occurring. We are bringing in executive and legislative stakeholders and partners to the local courts to hear firsthand some of the impacts of the service reductions that are there. One example that is contained in the report is the Governmental Affairs staff working with Alameda and San Luis Obispo to host visits by the analyst office to express some interest in some of the case management activities occurring there. I think it's healthy and good that they probe into the operations and budget impacts and see what some of that is firsthand. I firmly believe there really is no substitute to walking in the shoes of the folks that are actually administering activities and the operations out there. I can attest firsthand to the value of that particular approach because since October I've had the privilege of getting out there to some of the courts and seeing some of the challenges firsthand. As I've cataloged before, some of the actual good things, innovations, and activities occurring out there—for which I'm quickly collecting a list—become very much part of the story to be told by the Judicial Council as well as the individual courts that are out there, the things that they're doing. And I think we'll be talking during the course of the year of some of the things and how they might actually be scaled throughout the state into the courts of California. Proposition 47 is also a big top line thing to discuss. We've spent a lot of time on that. Obviously in the budget, there are some dollars related to that. I wanted to give you some numbers that we collected to date out there in the system in terms of the impact of Prop. 47 and what it is that we are learning. So far we've got data from about 35 courts on the workload impact. Those courts are reporting over 40,000 filings for resentencing or request occasions. And this is between the period of November 5, the day after the Act passed, and December 31. So I don't need to tell you that it's substantial and quite dramatic. In addition to that, over 1,400 individuals who were incarcerated in state prison out of the 5,300 that we are aware of that are eligible under Prop. 47 have actually been released from state prison to date. I want to take a moment to thank the presiding judges as well as the staff for working hand in glove with us on this issue in terms of the workload data and information. We're a long way from being done with figuring out what the true impact of this is, so I expect a heavy amount of activity between the Judicial Council staff and myself on this particular subject as we go through the coming months. As you know again, the Governor proposed \$26.9 million for the trial courts for this particular work. Part of our big advocacy starting last week is to certainly hope that that money is there on July 1. It will make a big difference. Our overriding conclusion on this point is that left unaddressed, left unfunded, this workload will make the impacts of budget reductions much more difficult, make the bad things that were occurring worse, and more importantly make the good innovations that are occurring throughout the system really harmed or hampered. And so we are in strong support of that funding proposal. Phoenix payroll system: what I want to make a brief mention about is that in the period between the last report and now, two additional superior courts have been seeking assistance from our Trial Court Administrative Services Office to transition away from their county payroll systems. We expect that Trinity County by July 2015 and Kern County will make their transition. This will bring the total number of courts that are on the Phoenix payroll system to 12. This is the

report for 3,200 employees in our system. The last thing I wanted to mention is really a good news thing that I think is important to California and important to the council. I want to recognize that we have a first in American history for the California judicial branch, one of the many which California is famous for in breaking ground in court systems. Earlier this month, the judges of the Superior Court of El Dorado County were cross-sworn into the Shingle Springs Band of Indians tribal court. The Chief Judge of the tribal court was cross-sworn into the superior court and will preside over cases involving tribal members. This grew out of the state court forum and a council advisory committee made up of superior court judges designated for other groups, and a tribal advisor to the Governor, and a director of the California Attorney General's Office of Native American Affairs. For a note, California has 23 tribal courts that serve approximately 40 federally recognized tribes. I believe the desire is to replicate the program for this jurisdiction for others that may want it. I think it's a great example of how our court system is continuing to innovate and improve access to justice in a state that really values diversity among its population, and among its people, and I think it is a positive note to strike and begin this year on. Thank you, Chief and members. That concludes my report.

>> I don't think anyone could have put it better than your panel, so to El Dorado and team, congratulations.

>> [Applause]

>> We'll hear next from Judge Kenneth So from Policy Coordination and Liaison Committee.

>> The policy committee has met once since the last council meeting, January 15. The committee was not presented with any legislation but we did take a position in support of submission of comments addressed by the Tribal Court-State Court Forum expressing concerns to the federal government about a proposed federal rule change concerning child support enforcement. As you are all aware, the Legislature convened on January 5 and the Governor's proposed budget was released on January 9. Yesterday's council legislative visits were proactive and ideally timed to support action on pending budget items with special focus on advancing our key judicial branch priorities. I know sometimes that's a little out of our comfort zone, but we know because we've heard how valuable those visits are. And we thank you for doing that. Chief, that concludes my report.

>> Thank you, Judge So. Justice Harry Hull, report on Rules and Projects Committee?

>> Thank you very much. Good morning ladies and gentlemen. Given the fact the Rules and Project Committee has not met since the last Judicial Council meeting, that's pretty much my report.

>> [Laughter]

>> I will say that we're going to meet next week though to consider changes in jury instructions. If I may be permitted I'd love to refer to a portion of your report regarding our dear friend. Justice Scotland was presiding judge of the Third District Court of Appeals for a number of years. And he was in that position when the Chief was a member of our court. He's received a number of awards over the years. Each refer to distinguished jurist, distinguished attorney, and now too many others to mention. And I'm pleased to report just out of our regard for Art that I am personally heading up the effort to have him declared the 2015 distinguished resident of 10th Avenue in San Francisco.

>> [Laughter]

>> I'm sure I'll be successful in that. The honors just keep coming.

>> Thank you, Justice Hull. Next, James Herman on Technology Committee.

>>We've met twice since the December meeting, both telephonic meetings. One of them closed session and one of them open. Our January 12th meeting, we received a presentation on vendor costing models which was the basis for the closed session regarding V-3 case management systems and their replacement. At the January 16th meeting, which was an especially focused meeting, the committee first of all received a report expanding California court protective order registry to include three additional courts: Sonoma, Monterey and Mariposa. These courts all responded to an earlier survey. Deployment of these courts will be supported by grant funding from the California Department of Justice. We then received a presentation; Judge Nadler did abstain from that vote. We did receive a presentation from Judge Laurie Earl, chair of the Trial Court Budget Advisory Committee, and Rob Young, CEO of Santa Clara Superior Court. They presented a report on Budget Advisory Committee's working group recommendations related to the IMF, improvement and modernization fund. These were approved by Trial Court Budget Advisory Committee at their January 15 meeting, which was before our meeting. Just to give a thumbnail of those regulations, first that the Judicial Council recommends that the Judicial Council Technology Committee oversee the implementation of the proposed actions. And the actions themselves are that the Judicial Council IT staff should consider reducing as many external contractors as possible. Now, the course of developing these recommendations over a number of months preceded, of course, the audit report. So we will have to discuss with E&P and Justice Miller how this aligns with the committee that Justice Miller chairs. They are focused more broadly beyond technology, focused on the same issue, and also aligned with the audit report as well as with A&E's report regarding outside consultants. The third recommendation was that Judicial Council consider creating a working group or designating an existing advisory committee to focus on IT efficiencies and cost saving measures for smaller courts. Sort of the genesis of this idea is the scalability or the scaling among the courts in terms of the court's internal IT technology support with the larger courts having significant and robust internal committees and the midlevel courts less so, and the smaller courts particularly the two- and three- and four-judge courts, most of those courts have no internal IT staff so they are receiving significant support from Judicial Council IT staff. That's the kind of the genesis and focus of

what this group would be about. The JCTC did approve the recommendations. They jointly come forward with those, Judge Burrell, at the next council meeting in February. In the meantime it will have discussion with Justice Miller and his committee to make sure that we are aligned. Judge De Alba and I on JCTC vice-chair, we are working with the judges and vice-chair of the Court Technology Advisory Committee on continuing work on transition of CTAC to the information technology convert, and we are drafting a rule of court to accommodate the change relative to CTAC. That concludes my report. We would like to give thanks to Judge Earl and her committee. Both of them have done a terrific amount of work relative to the IMF, and evaluating the IMF, and evaluating ideas about how pressure can be taken off of the IMF fund. Particularly in the area of technology, I just have to say that the CIT Managers Forum, and Rob Oyung in particular, made sure that our level got input from the trial courts on information technology issues and projects. This is just the latest instance where Judge Earl created a subgroup that included a broad selection of IT managers from the trial courts and in fact the recommendations they brought forward to us were embedded thoroughly among the CIT Managers Forum at their last meeting a month or so ago. So with that, Chief, that concludes my report. Thank you.

>> Thank you, Judge Herman.

>> Thank you, Judge Herman. I turn over to Justice Miller to call on our council members for reports.

>> Thank you. We have three Judicial Council liaison reports today. We'll start with Judge Jacobson.

>> Thank you. I had the pleasure of visiting San Francisco in October 23 of 2014. Presiding Judge Cynthia Lee, Assistant Presiding Judge John Stewart, now the presiding judge there, and CEO Michael Nguyen all welcomed me and spent about two hours with me discussing the situation with the court. I had also met with them in 2013. For me it provided the opportunity to see a contrast and how things have evolved. I divide my report into the good, not so good, and the bad. Let's start with the good. I was very pleased this time that there was considerably more good than not so good. The court has contracted with Thompson Reuters for this new case management system. They feel very pleased to get a better price, but they are for customizing the system to their way of processing cases. They are on schedule to go live with their traffic portion of it March 2015 and expect to go live with criminal in March 2016. They are also well under way in developing a competitive e-filing system. In July of 2013, they began the system with probate. January of 2014, it became available to all categories of civil cases on a voluntary basis. And as of October, they had a goal to go to mandatory e-filing in civil by 12/14. I'll come back to that in a minute because I spoke with Judge Lee yesterday and got updates on some things. Despite the budget crisis, several years ago they reduced office hours by an hour at the end of the day but they've managed to maintain reasonable office hours of 8:30 a.m. to 4:00 p.m. despite pressure from the budget. In 2013 I reported that one of the casualties of budget crisis was they were forced to cut their self-help centers from two different centers at five days a week each to one center for three days a week. Currently they still have just one self-help center but they have

been successful in beefing it up. It now has 12 employees including five attorneys, two paralegals, and four clerks, and those employees include Mandarin, Cantonese, and Spanish speakers. They've also been successful in increasing community outreach in regard to their self-help services. In 2014 they began a comprehensive veterans court focused on residents in the Tenderloin. They did that at the beginning of the year. That court handles low-level misdemeanors and a few felonies. It endeavors to offer alternatives to revolving door incarceration on a one-stop shopping model. Such that a person who would show up in that court not only would have the court process but they would also have immediate access to housing help, medical services, substance abuse and psychiatric treatment services. As of the end of October, that court had provided service to 120 defendants. They were successful in getting a grant and hopeful that they would be able to soon expand their services. From various areas of the budget, they were able to divert \$400,000 despite the reduction in budget and they've used that money to open a dependency court halftime. When I last reported on San Francisco, they closed more than 10 courts. So they were able to reopen dependency court on a half-time basis. They are able to hire a probate examiner to focus on guardianships for the elderly. They were able to increase self-help, self-represented litigants through the remaining self-help center. On criminal justice realignment, the anticipated parole revocation workload ultimately was much less than what they had expected. As a result they were able to divert some of those resources to juvenile dependency. On the general criminal side, Judge Lee specifically credited her two 2014 misdemeanor and master calendar judges, Bruce Chin and Harold Kahn, for sterling caseload management that resulted in misdemeanor trials trending down and allowed them to send more felony cases to trial. On the civil side, for nearly two years, every civil case set for trial has either settled or gone to trial in the week that it was set. They had a very large backlog of civil cases, which had developed in 2011 and 2012; that has now been cleared up. As to their asbestos cases, Judge Lee specifically credited Judge Teri Jackson for making a large dent in that backlog.

>> When I spoke to Judge Lee yesterday, and she give me an update, things that she told me: on December 8 of 2014, they instituted mandatory e-filing in all civil cases. She noted that on a voluntary basis in 2014 the court had accepted 15.4 million pieces of paper by e-filing. 3,000 law firms have used the court's e-filing system. It's now mandatory across the board in civil cases. On December 20, 2014 the court opened its own e-filing portal. She thinks that it's the first court to do so with its own resources in the state. The result of opening their own e-filing portal has allowed increased access to justice by allowing many smaller businesses to provide e-filing services at competitive rates and has also achieved compliance with the requirement of having more than one provider available to court users who wish to use e-filing. She noted the court did this with its own resources without any extra funding. She noted some meritorious pride I think, that the San Francisco Superior Court has a very talented IT staff. She also updated me on the veterans court. With the grant that they got, they have now begun a process of expanding geographic service area of the veterans court which had primarily been for the Tenderloin and now has a citywide scope. They hired a full-time case manager which doubles the capacity of clients that the court can serve and they've also been able to expand the number of low-level crimes that can handled by the court. Finally she noted that during the last two years, the court had a streak of 103 straight weeks where every single civil case set for trial either settled or went

to trial during the week it was set. The streak was broken in Judge Lee's final week as PJ when, Christmas week, there was only one available court and the UD court challenged the judge pursuant to 170.6. That was the first continuance of any civil case over a two-year period. That's absolutely outstanding. She indicated that's changed the culture in San Francisco among the civil bar because people now know the cases are going to go to trial when they are set, which has dramatically altered the way people do business there in a very good way. On the not so good, all three, Judge Stewart, Judge Lee, Mr. Nguyen repeatedly came back to the fact they are expecting four years of deficits to come. They are a donor court, they feel they must find a way to absorb continuing cuts. Clearly they were all very worried about the prospect of having to further reduce services. The court also has had significant labor problems. They are trying to meet the Governor's goal of having employees pay 50 percent of their own pension contributions, currently at about 35 percent. Additionally, in order to maintain budget, they notified employees in October that they were not giving pay raises under this fiscal year. And the response by the union was to go on strike for the second time in two years on October 15. More than 230 court staff went on strike causing 26 courtrooms to go dark including 14 criminal courtrooms. This is from clerks that are paid nearly \$90,000, nearly \$20,000 more than Los Angeles, Orange, Contra Costa, and Alameda counties. There is great frustration by the administration with the situation. They also, in different ways, came back from the budget woes that they continued to suffer. Across the court, jury chairs are in a dilapidated and worn-out condition, and there simply is no money to replace them. They gave examples of complaints they've gotten from jurors about exposed screws tearing people's clothing. They had 21 temp workers that they used in 2013–2014 that deal with backlog. There was no money to renew them. Related to that were defaults, which were in backlog for eight to 12 months. They got them caught up in 2013–2014, and now the backlog is piling up again. Traffic continues to suffer long lines. Court customers cannot get a live person on the telephone. People have to wait on hold 30 to 45 minutes before they are able to talk to someone. Judge Lee indicated she's very concerned about the toll on morale that the long ongoing budget crisis has had. Staff morale is low, and she fears that her court is trending towards judges retiring as soon as they can so they can escape the pressure of unending economic depression that the court is facing. In closing, I'm going to give you three things Judge Lee told me. She said we are endeavoring to make the most of the money we have gotten here, focusing as much as possible on increasing services to those who need it most. Next, despite the tight budget, we were still able to help a sister county in need, Napa County, following the earthquake. And for some of their courtroom closures, we lent a portable bench on wheels to help with their temporary need. Finally, she stated that this institution has thrived like a cactus in the desert. That's my report on San Francisco County, Justice Miller.

>> Thank you, Judge Jacobson. Judge Nadler has the report on Mendocino. Thank you.

>> [Indiscernible -- low volume] I have a PowerPoint. Thank you, Chief. In July, I had the pleasure of visiting Mendocino County. It's north of the great county of Sonoma. I had a nice lunch with most of the judges. Ukiah has 16,000 residents. The county population itself is about 89,000 people. Negotiating travel is not easy in Mendocino. Ukiah is on the east side of the county and there's another courthouse that's operating on the coast, and although it seems like it

should be a quick jump, it's at least an hour and a half drive. So the drive, there are various names for that drive which I won't share with the council but I did hear them. It's a very diverse and beautiful county. The town of Mendocino has been the site of various movies and television programs. It is a weekend getaway for many including the Nadler family—beautiful town. Fort Bragg, which is north of the town of Mendocino, is another beautiful town. That's where the courthouse is. To get there, you drive through Anderson Valley, which is renowned for its wine. It's a beautiful place. I would like to say at this time that I didn't make that drive and go to those beautiful areas, but I did spend some time in the town where the courthouse is. It's a very nice town. It's interesting. I took a photograph of the parking sign and it has some significance. The judges were very kind to find parking space for me but I drove around early to see what it was like and it was impossible to park. That really affects the jurors. There's a place where the jurors need to park which is some blocks from the courthouse. Even that has limited parking, and it is a distinct problem in the town of Ukiah. The presiding judge is David Nelson, the PJ is John Baker, and the CEO is Chris Ruhl. They are all doing a fabulous job. There are nine judicial officers and eight judges, and one commissioner. And they did have to essentially close two of their other courts due to budget constraints. I was able to tour with Judge Nelson and the existing old courthouse. It's actually two buildings. One that was built in 1928 and then the new section was built in 1949, and this is attached. Some things never change. I did have cases when I was a lawyer in the town of Mendocino and there's a bakery across from the courthouse. I stopped in, having some time before my meeting, and ran into several lawyers, one from Sonoma County. That is where most of the business is done in the County of Mendocino. It is still there, and it is still the meeting place because there is no place to meet in the existing courthouse. We've heard about some accessibility issues but I wanted to take a minute or two to point out how bad these issues are. This photograph shows the elevator. To get to the family court, they have to go from that elevator, and go up that flight of stairs, and then go up another flight of stairs. And that's where the family courthouse is. The elevator does not go there. The elevator goes in between a few of these doors. Then there's also a similar problem going downstairs. In custody transfers, one of the two entrances to the courthouse is the end of this long hallway that we see. The view I have is from inside the holding cell out to one of the two entrances to the courthouse. The in-custody are brought from the entrance of the courthouse down to the holding cell, through this hallway, and passed all of the people there. There's the doors to the courthouse in the lower left. It goes past the jury assembly room, which of course is too small for the jurors, so they all congregate out in that hallway: adults in custody, juveniles in custody, going through the door to the holding cell, past everybody including the jurors that are congregating in the hallway. And it is not an ideal situation. The judges make do with it the best they can but it's really sad, frankly, to see the process that they use to move those in custody and the effect it has on the court. Very briefly, this court is obviously an old court. It has seismic issues. It is a category five in seismic which means it's seismically unsafe and has a critical level of seismic risk. It has been determined to be unfeasible to retrofit. It is of great concern to the bench in the County of Mendocino. They are looking at a new courthouse and they are very proud to be on the list. I believe they are in land acquisition now, so it's moving along slowly. They do look forward at some point in time to getting a courthouse where they have adequate facilities they simply don't have now. The big issue that was brought up was staffing. Not surprisingly, this goes back to

budget. They have a 32% reduction in staff as a result of budget cuts. To meet the budget crisis, the court has relied on mandatory furloughs. Even when everybody is present, they have a difficult time covering the courts. But of course people take vacations, and people get ill. So the managers have to step in and do the best they can to cover the courtrooms. And what I'm told is that the reports to Judicial Council, the mandatory reporting on which we rely, is all most impossible for them to get out in a timely manner because their managerial staff is covering courtrooms so the courtrooms can operate when people are out. And they just don't have any room for movement other than that. There are some additional staffing issues. The judges do not have legal secretaries. There are no research attorneys for the judges. There's no full-time HR staff, only a part-time consultant and only a half-time, self-help facilitator. With all the issues just addressed, they find that to be a very difficult proposition. The other significant issue that was addressed is the healthcare retirement issue, and this is unusual in Mendocino County. Because of its location, it's outside of the Kaiser scope. Kaiser won't provide coverage to the employees. So for the employees to get full coverage, coverage most of us enjoy, they would lose so much money from their paychecks to do it that they couldn't survive—literally couldn't survive. So most of them now have deductibles in the \$1,500 to \$3,000 range. And the bench find that to be unacceptable because folks are really getting into financial difficulties with their health coverage because they are not making that much to support themselves to begin with. With respect to retirement, the court indicates also that to meet its obligations, it will be paying (as of next year I believe), 44% of the employees' salary, increasing from 37% presently. I will say this. I'm very proud to serve with my colleagues in Mendocino. It is a great bench. They work very hard. They wanted me to express their appreciation for their staff because they are very proud of their staff, very proud of the extra effort that their employees give. They indicated to me that without that extra effort, they would not be able to operate. They're hoping that the budget changes, that they get some help, and that somebody will help them figure out their HR issues and help the employees with their medical care because they feel they deserve that. Thank you very much Chief, Justice Miller, and council.

>> Thank you, Judge Nadler. We will hear from Judge Rosenberg with a report on Lake County.

>> Thank you, Justice Miller. I have a 120-slide presentation.

>> [Laughter].

>> On January 16, I paid a visit to the Superior Court of Lake County. Although Lake County is located immediately adjacent to my own County of Yolo, a round-trip from Woodland to Lakeport takes about 4.5 hours. Lake County is quite rural and dominated by Clear Lake, right in the center of the county. It is by the way the largest natural lake wholly within the state of California. The lake is surrounded by a number of hamlets. Little villages. The population of Lake County is 65,000. *USA Today* rates Lake County as the poorest county in California with unemployment around 12% and a 25% poverty rate. During my sojourn at the superior court, I met with Presiding Judge Stephen Hedstrom, Assistant Presiding Judge Andrew Blum, and Court Executive Officer Crystal Levine. The court has four judges, and a 60% commissioner. Court

staff obviously is headed by the CEO. This is a hard-working court with heavy caseloads. Their biggest challenges are by the way—I'll show you a picture—that's the courthouse. Let me give you another view. That's my car in front. I had no parking problems.

>> [Laughter]

>> The biggest challenges are the following: staff challenges. The court once had 43 clerks and other staff; today they have 29. The workload, however, has not diminished. The courtrooms run regularly every day from 8:15 until 5:00 in the afternoon. The next big challenge of course is the budget challenge. The court budget was once \$5.4 million. It is now in the neighborhood of \$3.5 million. That's a big change. Because of the reconfiguration, the court increase, the increase of late will only amount to about \$12,000 dollars. They do not have funds to adequately staff the self-help center which is now open 2.5 days a week. It used to be every day. They have no staff research attorney. They don't have the funds for an assistant CEO. Nor can they afford an HR director or director of finance. They have 11 of their staff people doing IT work half of the time. Because of budget constraints, Lake County Superior Court has lost employees to neighboring superior courts which can pay them more, which is a real dilemma for some of the smallest courts where they train people, spend a few years there, they get really qualified, and then they can get a higher salary at a neighboring court. Another concern is technology. The court is very concerned about the cost of technology and the future cost of technology. Without a reserve they have no way to upgrade, and they wonder how they'll be able to do so going forward. The case management system is sustained justice. In addition, facilities is another great concern. Other than a small satellite courtroom for the commissioner, the commissioner, the four judges, and staff are in Lakeport. The court is on the fourth floor of this building, which is shared with county offices. County offices take up all the other floors. The court is up on the fourth floor. The facilities for the court are barely adequate. For example, there is no jury assembly room so staff meets with jury panels that sometimes number over 100 in the hallway. Let me show you a picture of that. This is the hallway where they meet with jury panels. It's a long, thin hallway so the staff go out there and yell down the hallway, "Ladies and gentlemen and the jury panel, here's what you need to do." So that's their jury assembly room. The court space is about 15,000 square feet which is quite small and rather old. At certain times of the year, particularly October, right around Halloween, bats invade and fly through the court offices and the courtrooms. The judges and staff are excited about the plans to build a new courthouse which will be completed in late 2018 or early 2019. I took a photograph with my new iPhone 6. This is a photograph of a photograph. I'm very impressed with my ability to do that. This is a drawing of the proposed new courthouse. The new courthouse will be 40,000 square feet, quite a change from the current situation. The site has been acquired and working drawings are complete. With regard to other issues, the judges and CEO expressed strong appreciation—and I mean strong appreciation—to Judicial Council staff that provide many services to small courts like Lake. Those services provided to Lake include HR services, labor negotiations, building maintenance, the Office of General Counsel, security, and many other services. The judges and CEO also expressed concern about how the court will be able to pay for the actual move into the new courthouse, not having a reserve fund anymore. In summary this is a hard-working court with many personnel and

financial challenges. I did not hear any complaining. Just head down, do your best, full speed ahead, can-do full speed ahead, can-do attitude. I leave you with this last slide as I'm walking down Main Street of Lakeport. Is there a movement up there to create a new state of Jefferson? It's an amazing little downtown and amazing Main Street but right on the storefront we have this poster to create the state of Jefferson. I don't want to discuss politics so I'll conclude at this time. Thank you, Chief.

>> Thank you, Judge Rosenberg. All right. At this time, we will move to the public comment and those who are providing public comment, if you please get ready? I just want to on behalf of the Judicial Council, welcome, I'm sorry, did we have one more report?

>> I just wanted to clarify Judge Jacobson's comment about San Francisco's assistant to Napa. They actually provided us with two benches on wheels as well as a courtroom amplification system that they sent their staff out personally at their cost to install and fine-tune; spent a whole day doing so. I'd like to publicly thank them for all of their support.

>> Thank you very much. Certainly demonstrates a humble personality of Judge Lee. Not bragging on herself.

>> We'll begin public comment at this time. Judicial Council wants to welcome all of you here and appreciate the time and effort that you have made to present comments to us today. I want to remind you of the rule that deals with public comment, rule 10.6. Please remember that your presentation must be in an orderly manner, that we are not an adjudicatory body so we ask that you not talk about specific cases or facts of specific cases or make personal attacks on individuals or judges. And we also ask that your comments be limited to general administration of justice. All of you have been provided with the times that you are allotted based on what staff has indicated to you as you checked in so we'll begin with, I apologize if I mistake this name, [Indiscernible] and if you could state your name so I can get the pronunciation correct? You have three minutes. Thank you, sir.

>> My name is Tilahun Yilma. I am a distinguished professor at the University of California, Davis. The first and only national academy member of science, the highest honor an academician can achieve in this country. I made the greatest blunder of my life in December 26, 2006, when I took the advice of my dear friend Professor Marty West and reported to the DS office that my son was going to be abducted and sent to a convicted thief and pedophile on Meghan's list. As a result of appearing in yellow family court, I lost my laboratory and 22 families have lost their jobs. Initially I was asked to pay \$100,000 extortion money and to sign off my home when I was asked, "What seems to be your problem?" After all, you can afford to pay it. What is my definition of yellow family court? It is a highly organized criminal cottage industry whose members include judges, lawyers, mediators, and psychologists for the sole purpose of using children as hostages in order to squeeze parents of their last pennies. I feel sad. When I hear our Chief Justice talk about the budget problems, why should that be something that takes eight years and goes on forever? So I'd like to make my comments short. So I respectfully request for the

following. To be considered. One, expand public hearing forum not just for 30 minutes. We really need to have a discussion on family courts. Second, establish a citizens board with the authority to remove immunity when there is a crime committed in family courts and also involve organizations like the FBI. And children, I also request that children be allowed to testify seven years old and up. Because there are many children who are suffering. And finally, I also request, as a member of the Committee of Human Rights of the National Academy, as the chair of the Board of International Science for the United States, I'm going to dedicate the rest of my life to bringing the plight of children to the nation and to the international community. I will not rest as a parent and veterinarian to make sure that the children come up with the same rights dogs enjoy in the state of California through the animal rights law. Thank you.

>> We'll next hear from Helen Lynn. And if Cherie Safapou could please come forward too.

>> This is a typical California divorce case of Santa Barbara County: mother told forensic psychologist custody evaluator, Gary Richt, of her concerns. The father had mental issues and was abusive to their son. A representation of abuse in California's divorce courts is labeled parental alienation. So father Nicholas Holzer was awarded custody and killed his sons, the grandparents, and the family dog. Note, the mother was right. Los Angeles County authorities said father Mr. Edwards picked up his son Eric and 4-year-old daughter Alona in the midst of a divorce custody dispute and killed them. In response to Eric and Alona being killed, child protective service director Philip Browning commented, quote, "In custody disputes, for sure, there are referrals from parents found not valid. It is a way to gain custody of children. I run across these cases all the time," he stated. I am here to tell you on the council that high conflict parental alienation and bitter custody disputes are abuse cases. Solutions would be to dismantle California divorce courts. Number two, mandate protecting children, take top precedent, trumping parents rights and judges' discretion to ensure child safety. And three, rid divorce courts of custody evaluators and minor's attorneys in dependency courts. Four, criminally charge custody evaluators like Gary Richt in custody cases where they recommend custody to abusive fathers that are killing their children. Criminally charge those custody evaluators. And five, in Los Angeles County, there was an investigation on child protective service regarding the 570 child fatalities in 18 months. They found their number one problem is that DCFS employees do not care about children. This is true of the California judges. They do not care about children.

>> Thank you.

>> [Applause]

>> Cherie Safapou and Katherine Lester, please come forward. You have three minutes.

>> Thank you. They said don't disobey the law and you won't have to worry about the guard or police. My name is Dr. Cherie Safapou. I am here today to speak up about the abuses and obstruction of justice to me, to my son, to my family, to my friends, to my colleagues. And truancy, the Police Department, citizens, and San Francisco citizens by incompetent, dangerous

[Indiscernible] San Francisco family court. And good old boy DA have to go. You have to change. I am speaking up today, not about how many people you impress but family after family you wrong. Destroy. Kill. This is about how many people's lives, how much injustice you deliver. I do not trust you anymore because of this discovery of \$30 million missing. I do not trust any of you. Not even one of you has stood up and said, "Let's see what those hard-working parents are talking about." Not even one of you has stepped up to investigate. This is a court crime: the innocent mothers, children, fathers, going through the court system, none of you. I propose a solution. [Indiscernible] or three interns. I cannot do that. Okay. Let me just say what my son said. Okay. Let me think. I cannot think right now. Okay. I told my son to come here to speak up. He said to me, "You are telling me one fox that another fox raided the henhouse. What are you talking about, mommy? What are you thinking?" I told him, I agree with you but there are researchers researching there. Would you like to send them a message? You never know. Maybe someone will hear you. He wrote on a napkin to me, he said, I am a child who put up with all of your abuses. I have no voice. No say. I have no vote. No say or voice, yet I think I matter. Will you tell them that child abuse destroys futures? Would you listen to me? I have more scars than friends. You know? [Indiscernible] and -- family court. Good judges there. Good counsel. Some of those inside terrorists, attorneys, judges, and commissioners didn't even research. Didn't even open the envelope. They are incompetent.

>> Thank you very much. Next we will hear from Jacquelyne Gorton. You have two minutes. Thank you.

>> My name is Jacquelyne Gorton, nurse attorney, coming here as an individual. And as you just heard, I don't know if you picked up, but what Cherie was talking about is the family law courts are continually giving custody to the abusive parents and letting that child live in an abusive environment. There is no oversight. There are no checks and balances on the court system, especially the family court system. I have seen family law courts taking over jurisdiction of cases that was not before them, even despite the protest by the litigant that they were represented by an attorney. The judges are forceful, they intimidate. They would question the litigant about evidence that was not before them, that was another case in another jurisdiction. They also have done in secret, in violation of California code and ethical canons, to have secret ex parte meetings where agreements are made with one litigant versus the other litigant. No notice being given to the other litigant. This has gone on repeatedly, and complaints have been made to the Commission on Judicial Performance over and over again. I have filed a complaint myself. And we get back, "We don't see any merit." Even when the Commission on Judicial Performance does reprimand a judge, it is ignored. It is ignored. There has got to be legislation. There have to be laws that implement a judicial performance evaluation system whereby people that come before these judges can give them report cards. Evaluate them. Which is published to the public, to the voters. The system of judicial performance evaluation exists in nearly half the states. It's about time California got up to speed. California is a forerunner in so many avenues of our society. Thank you.

>> If we could have you hold your applause? I skipped over Katherine Lester. Three minutes. And then Jacquelyne Gorton, I'm sorry. Katherine Lester?

>> Katherine Lester, from Monterey County, California. Thank you for all being here and listening to us. I did work for the federal government for 12 years with the Social Security Administration. And I took an oath to protect the American people and our privacy. And help them through their discipline declaims and I did my service. And I'm thoroughly retired with post-radical stress syndrome because they took my grandson on hearsay allegations. I'm asking or respectfully demanding a public hearing. There is no way that you guys could even begin to learn the tyranny and corruption that we families are dealing with, within the CPS agency. One huge thing I beg you to look at is the foster system. Why is it so out of control? Why are there no foster homes for these kids? I'm going to tell you I witnessed it. The first thing that should happen is family placement—relative placement. In their guidelines it states what their policy is. That is a live-scan background check on the family member. A home check. They did none of that to me. Basically said I wasn't levelheaded. And that was their grounds for denying me placement of my grandson. The judge did not question that hearsay allegation. I could not even get into the courtroom. I tried to save this boy before he was even born. My daughter is a heroin addict. An adult heroin addict. I didn't raise her that way. I raised her in church. She chose a different life. I was a single mom working two jobs. So now I lost my grandson in April of last year with my last visit. I fought and appealed because I couldn't get an attorney to help me. They said grandparents had no rights to juvenile CPS cases because it's a secret court. Secondly I ask that you revisit the Title Four funding, because that's the problem. They get more funding to put that child in foster care than to give it to a relative. More children are dying in foster care than they are being placed with a relative. The statistics show it. Please give us a public hearing so we can present all the statistics to you. This is a huge problem. There is no reason why a government employee, me being a federal one, state government employee has the right or the power to just make up anything they want and deny me placement or any other parent or grandparent placement. I beg you guys to look at that and I also am asking for legislation to bring the act into California. It's in Florida right now. If we had that act in California, I could have had my daughter put in jail or put into a court-ordered rehab for her and the child until he was born and then make a decision.

>> Thank you.

>> Thank you.

>> Please. Next we'll hear from Jacquelyne Gorton. And Edwin Snell, you're next. Jacqueline, you have one minute. Jacqueline already spoke? I'm sorry. Next is Edwin Snell. One minute.

>> One minute? Wow. First Amendment come in? I tried to bring in my clown costume. They said I couldn't have cameras in here. Do you people know anything about the First Amendment? I was 2014 court statistics. The Supreme Court issued 94 written decisions out of 7,800. In comparison the six appellate districts, seven justices issued 548. It's a big gap there. The

judiciary is definitely in disrepute on many issues. Too many to talk about in a minute. I drove 400 miles to speak for one minute. Medicating foster children is probably my favorite. But I think what we need here is love, kindness, care, tenderness. And some humanity. The lack thereof for foster children is pretty obvious.

>> 10 seconds. Wow. I just want to sit and look here. How about a prayer? Dear Father God, please bring the evilness out from this body and restore justice for the children. You can't medicate a two-year-old foster child. Every doctor will say that's a moronic move. You might as well take an 18-wheeler and run their heads over because what you're doing to these children is insane. It's immoral.

>> Next we will hear from Melinda and Demitria Daire.

>> One minute.

>> Los Angeles Superior Court officially took my son away from me. I've had had no contact with my son in the last three months. I showed text messages where I was called a bitch, dumb, stupid, a whore, gold digger most every day when I was with my son's father. The court used that against me to take my son. I know you guys sit here, you don't really listen to us. You go home and go to your kids and you sleep at night peacefully. I used to want to be an attorney. More than anything I was looking up to you. I wanted to be you. Now I just want to be a minister. All I can say to all of you: James 4 and 17. You guys know wrong from right. This is your sin if you do not change something. It has to change. And I say that to everyone here. Don't cry. Just pray about it. That's the only thing that's going to fix this because this is not doing anything. God bless you all.

>> Thank you.

>> Demitria. And then Brandon. You're next. One minute.

>> Good morning. These are pictures of my grandson. The judge said that this is a bruised cheek, not a black eye. And turned around and took my daughter's custody away because he said that he exaggerated. I'm a medical professional. That's a black eye. This is reportable. This is what's going on. He also had other moments of abuse. He was abused on his foot where he said his dad spanked his foot. The child is three. Who spanks a 3-year-old's foot? He also stated that his dad beats him up. Hits him very hard and is very mean. Once again the courts feel that because he is a pro ballplayer and he gets privilege in the courtroom, dad gets the child. Has nothing to do with mom. The dad gets the child. The judge also screamed at my daughter so loud we heard it out in the hall, he would not let her put forth the paperwork to show what the dad said was true. So I'm going to say what the dad always tells us. He's going to get his judges on it.

>> Thank you.

>> Got bless you.

>> If you are complacent, why are you here? I need to say that.

>> Next Brandon Daire and after that is Lani Kitkowski.

>> There was an order issued against me on which I received no paperwork, no notice. When brought to my attention I tried to rectify the issue, and I was denied being heard because once again I'm not a party to the case. I then tried to appeal the action and once again, I'm not a party to the case. So now I have a permanent restraining order against me which I cannot defend myself and when my witness declarations proved that this order should not be in place, it was suppressed and not even looked at. It was based solely upon what someone said or in the matter which I'm not a party to so I can't defend myself. This has ruined my business and is effectively tearing my family apart. If you're going to sit here and hold this and waste our time, that's fine. But let us know that before we come down here. If you're going to do something, plan on doing something about the mockery and upholding California Rules of Court, having some honor and integrity for your jobs which you do, eliminate these judges and their tyrannous reign that are actively violating California Rules of Court.

>> Next we'll hear from Lani Kitkowski. I apologize if I said that incorrectly. And if Stacey Hart could get ready? You are next. One minute. Thank you.

>> I'm sorry. I thought I was told three minutes. I belong to a victim witness program and I also belong to Safe at Home, which I'm sure all of you are aware is a program to protect people against their abusers. And I am a victim of Jack Halpern, he took my daughter May 18, 2007. Her father is my domestic violence abuser. He's the reason why I belong to these. But they convinced the court my daughter didn't get to belong to Safe at Home and gave custody to the husband. I've seen her 33.5 hours since May of 2007. I continue to fight through CPA, through the Dr. Phil program, the Senate hearings, et cetera. Nobody is listening to what is happening to our children. Then I get arrested when my daughter turns 14, where the court is supposed to listen. I get arrested falsely. I get released by the judge. To get arrested another year later in Shasta county. All backdated on the J land, I have proof that the times and dates are not correct from the Shasta County court. If you are going to use that date to prosecute somebody and hold them to that, that is completely unjust and none of this is recorded on my register. Nothing. You need to be very, very adamant and assured that everybody follows the law.

>> Thank you. Stacey Hart and then Fatima Katumbusi?

>> I'm here to support getting a public hearing on the Kathleen Russell request. There's so much to say about the broken family court and the lack of due process and justice. One of the major things again is this lack of court reporters or being able to record in court. Because even if you have 28 witnesses against one judge, it doesn't matter. Again, we please deserve a public hearing. Thank you.

>> Thank you. Fatima and then Connie Valentine next. One minute.

>> Good morning. My name is Fatima Katumbusi from Sacramento County. I'm going to comment on the current audit. Average employee salaries of \$82,000 and eight directors who earn more than Governor's \$177,000 plus savings of \$7.2 million is about 70 contractors and temporary employees were replaced with state employees and 56 vehicles that had not been justified necessary. My question is, why can't some of that \$7.2 million be spent on oversight and accountability at the state and county court and extensive investigation on CPS court that is financed through our county court system, and the misclassification of children in foster care that are receiving title IV-D funding? That's it.

>> Thank you.

>> Connie Valentine and then Bob Saunders. One minute.

>> Thank you, Madam Chair and Judicial Council members. My name is Connie Valentine, cofounder of California Protective Parents Association. We've done a survey project on the issues in family court. It was responded to by 400 women and two men. 90% stated they were domestic violence victims, 80% began with full custody. They went to family court to ask for protection. Instead of protection, the court placed the children with the abusers. Only 25% ended up with custody. That's about a 70% drop in custody—27 declared bankruptcy. They could not appeal due to a lack of court transcripts. Two thirds of the children continued to report abuse, even in the custody of their abusers. California has excellent laws and excellent rules on domestic violence. There's no lack of laws and rules. But children are still being injured and killed. A mediator was fired trying to follow the law. We believe there's one simple solution that is also cost-effective. A statewide form to fill out with the rules and laws people must follow. We would be happy to help with this project.

>> Thank you. Next we'll hear from Bob Saunders. And if Randall Padilla could come forward next? One minute.

>> Nelson Mandela said there can be no better revelation of a society than the way in which it treats its children. In accordance with that, this country has failed our children miserably. We've destroyed families and I believe that when you destroy a family, there's nothing you can't do to them. This country has proven once again that that is so. Our family courts are nothing but a kidnapping and trafficking of children for profit cartel. As I said, we destroy families. We destroy children. We see the results on our society all the time. We have to bear the cost of the damage of children lacking education, unwed teenage pregnancy, and children growing up watching fathers in prison. They themselves go to prison. And therefore a lot of that lies at the feet of the judges and what they do. I call for a citizen oversight review committee, an end to all judicial immunity, equal shared parenting for fit and loving and caring parents unless it can be proved otherwise, judicial accountability, and court reform. Thank you.

>> [Applause]

>> Randall Padilla and then Angelique Barboa? All right. Angelique Barboa? I'm sorry. Are you Bob Saunders?

>> [Indiscernible -- low volume]

>> I'll take that extra minute.

>> He's here. One minute. Go ahead. You can go ahead, Angelique.

>> I'm Angelique Barboa. I was here before. I'm in the United States Navy. This year on 9/11 will be 12 years for me. I'm asking you to hear very clearly within the minute I have, that one of the judges was once stated and I saw it online, and he's quoting if it's not broken, don't fix it. We do have a broken system somewhere. And it needs to be adjusted. Here today, I am asking as well as every educated person here, that we are not dumb at all. We are actually reaching out for your attention, real attention, not just to turn the page, or look at your cell phones, or play on the computers or anything like that. Make it worthy. The second thing is as a member of the United States Navy, we have to be evaluated every time on our performance and everything. It is true, we need to have the judges, mediators, and evaluators be performing all the time. Not just go to the courthouse, shake hands, and have lunch and that's it. Okay. The last time I got to see my child, he said, "I want to come home." I haven't seen him in three years. When President Obama says make change, I'm asking for change here. Let's put out forest fires. Let's do it here. That's why we come in front of you. There is violence and it's happening everywhere. Thank you.

>> Thank you. Randall Padilla? That if we could have Ghobad Sadeghi.? Randall Padilla? One minute.

>> My name is Ghobad Sadeghi and I would like to add—I'm here to talk about the frayed forms and the importance of self-judgment. And I believe here is the, I'm honored to be here, but allow me to go to some subcommittee and explain my idea. Thank you for listening.

>> Thank you. Next we'll hear from Oshea Obdia?

>> My name is Reverend Obdia. I'm executive director for the Justice Reform Coalition. For the past 10 years we've been talking to you people and with this court system about the injustice and the crime that's going on. Right now you are helping and abating crime. You are allowing crime to cause ...

>> Please.

>> Thank you. Go ahead.

>> Do I get extra time then? You know, all these people come here and they're talking about the family court. But it's not just the family court. It's the entire court system. Every single aspect of the court system is corrupt from top to bottom. You are where it starts. Unless you are going to do something about it, it's going to be on the people to do something about it. And as someone says, when you take away the people's right to peaceably address and get results, the only thing left is for them to take it into their own hands. That's what you're pushing. Thank you.

>> Thank you. Chief, that concludes public comment. Thank you.

>> We're going to stand in recess for 15 minutes. We will return at 10:26.

>> [Recess until 10:26]

>> We're going to start in about one minute please.

>> Next on our agenda is the consent agenda, items A through G. As you know, we have about seven items on our consent agenda including Judicial Council reports to the Legislature that are mandated. These cover various expenditures, revenues and fund balance constraints, audit reports, certification of child support software, and fund balance carryovers. To my knowledge, we have had no requests to take any of the items off of our consent agenda to put them on the discussion agenda. Therefore, you have the consent agenda before you. I entertain a motion and a second.

>> Make a motion.

>> Thank you. Second by Jim Fox. I don't see a hand raised for discussion. All in favor of moving the consent agenda please say aye. Any opposed? The consent agenda is passed.

>> If it's okay, before we do one of the agenda items on discussion, we have someone who wanted to speak on item K who can't be here at this time. We were going to accommodate him.

>> We'll take out of order then public comment on item K, which we are not hearing at this moment to accommodate the speaker. Two minutes. Thank you.

>> Thank you, I apologize for that. Thank you for taking me out of order. I was hoping to comment during the public comment period. My name is Ignacio Hernandez. I'm here on behalf of the California Attorneys for Criminal Justice, which is a defense association. I also regularly appear on behalf of the California Federation for Interpreters, but they will have their own representative this afternoon speaking to item K. On the language access, let me state two quick things about it. Support the language access plan. Most of it we've been supportive of, the idea of it. We participated in the development of it. Thank you. There is one change that I urge you to make today, one short amendment. And for those who have it in front of you, it is on page 48, paragraph 16, which talks about a pilot project for video remote interpreting, which was added

after the comment period in November and was added as a meeting in December which was telephonic. We didn't have an opportunity to respond to this amendment since it was telephonic and no public comments were accepted. It says two things: we're going to create a pilot and standards and guidelines for technology for video remote. However, courts are free to do whatever they want. They can go forward with their own video remote approach and do not have to comply with the guidelines and standards that are going to be developed. That's contradictory. On the one hand, we see this is great where we're going to do video remote and figure out the best way to do it—set standards and guidelines—but how can we also tell courts they can do whatever they want? So that line, which is I believe is the next to last line on page 48, "Judicial Council should make clear this project would not preclude any court from proceeding on its own to deploy remote interpreting so long as it allows full meaningful participation in the proceeding," that needs to be stricken. That was not in the original plan. It was inserted after public comment. I do not know who asked for that language. I assume it's the courts that did not want to comply and wanted to go on their own. Please strike that and adopt the plan and everything else. Go with it. It's a great plan. I'm open to questions. I know you don't normally ask questions, but it would be nice on this one. It's so important because the message on the ground to interpreters is that we go forward with video remote. We will participate in the pilot. It was a huge concession. As long as there are standards and guidelines. Courts can go forward on their own without standards and guidelines and presumably, after the plan isn't limited and guidelines are adopted, they can continue to ignore them. Stand by this plan. Stand by the original version. I ask you to make that one amendment and I'll take a victory lap with you. Thank you.

>> Just so you know I can, I wrote that down and I will ask that question.

>> I appreciate it. I have to catch a plane and they changed my time.

>> Thank you very much. Item H, no action item. Invite the presenters, Martin Hoshino, Curt Soderlund, Corey Jaspersen, and Zlatko Theodorovic to present.

>> Curtis Soderlund.

>> Good morning.

>> Thank you very much [Indiscernible -- low volume]

>> [Indiscernible -- poor audio] [Indiscernible -- low volume] -- salary benefit increases. We have as Martin has discussed almost \$27 million for Prop. 47 implementation. Ongoing effort with the administration and Legislature to ensure that the workload is funded. Those amounts may change as we go forward. Those are our preliminary estimates. We are committed to working with the administration and Legislature to monitor that workload and ensure that all the costs of implementation are addressed. You are aware that we do have a fund problem in our Trial Court Trust Fund. This was an issue of great important discussion last January or July when

the budget came out and there was a \$22.7 million hole in the Trial Court Trust Fund which we unfortunately had to allocate out to trial courts. The budget does not provide additional resources relative to that shortfall but does provide additional resources for furthering of the problem in terms of our baseline revenue estimates of approximately \$19.8 million. As we look to the 2015–2016 fiscal year, there is some relief, ongoing relief, to the trial courts and Trial Court Trust Fund for that revenue decline but we still do have to carry forward this \$22.7 million that we experienced in the 2014–2015 fiscal year. The budget reflects revenues retained in the improvement and modernization fund. Also another fund we've had troubles with: overextending that fund and revenues declining. This will help reduce a hole in the improvement and modernization fund which funds technology, self-help, and a number of important programs for the trial courts. Again, you have our two main trial court funds facing fiscal difficulties and we are working with the budget advisory committee to bring options to the council in how to deal with that. An important commitment by the administration in the budget was the proposed elimination of the fee increases that were set to sunset at the end of this fiscal year. Approximately \$37 million is generated from those revenues and so there's important extensions notwithstanding our desire to get away from fees to support the branch. Given the fiscal condition of the general fund, the Department of Finance was consistent with elimination of the sunset and continuing those revenues that helped offset prior cuts. There's funding for judicial salary increases that were effective July 1 of this fiscal year. Carrying forward consistent with a Government Code that requires salaries for judicial officers to increase based on the average of state employee increases, there's a \$4.6 million increase proposed for judicial state-level branch employees provided a 2% COLA. While there's no new money for dependency counsel, it's become an interesting topic for the administration as they wrote in their Governor's' budget summary about their interest in looking at data and improving the way in which those funds are distributed out to the trial courts. There's other technical items regarding rent for state-level facilities that are included. Next, an issue regarding traffic amnesty program. If you recall, in 2011 we had a six-month traffic amnesty program that was proposed by the council. This now is an 18-month proposal by the administration to deal with some fund shortfalls, and other areas of the budget, and help us through this amnesty program and collect additional revenues, and they can provide some support for some other programs related to peace officer training. There's \$174 million for 12 construction programs, projects that are outlined in our memo. So all told, over the three years in which we've not had specific reductions, maybe there was underfunding of some items like the Trial Court Trust Fund problem or benefits. We do have a three-year reinvestment of over \$240 million back into the branch, which is good news in terms of going forward. We hope to work with the administration for stable funding to go forward.

>> Two points I can emphasize real quickly. Zlatko mentioned the dollars for health benefits and other related costs. Several years ago, Finance changed what had been practiced for years and years. Back several years ago we used to get this as a technical adjustment, BCP wasn't required, and they made a change for the entire branch. So in the intervening period of time we've been fighting like hell to get that restored and now that's been successfully restored so it's merely a technical adjustment for the entire branch. So that's a real win for everybody. And then on technology, there is still an ongoing dialogue with technology. We submitted a request for

around \$10 million for a LAN/WAN in support of the court that BCP was not rejected. So it's still out there and those dollars will be put into it, they may revise, and on top of that they have asked to have meetings with Judge Herman and the JCTC, Technology Committee, for further discussion.

>> Justice Hull has a question.

>> Maybe I can wait until after we hear from Mr. Jasperson, but I was here last week when Judge Burrell and the panel, including Zlatko, gave a very helpful presentation to the presiding judges relating to the budget issues that have been referred to. I recall, Zlatko, that one of the PJs, or maybe the court executive officer, expressed some concern about this 18-month amnesty program and what costs would attend that. I take it there's nothing in the budget as it presently is constituted that would help trial courts with the costs that would be engendered by that program?

>> Costs for these types of collections are reimbursable so they come off the top. The concern is you have to make an initial investment and then as the revenues come in, then you can deduct your costs. So given the lack of fund balances, and revenue, and resources to kick start these programs and no funding to help trial courts, given that there's no new money for this, that's probably one of the concerns: they spent a lot of money to get very little back in terms of overall net benefit to the state. It's an ambitious 18-month program, three times as long as the last one. It's going to be quite a burden on the branch notwithstanding the ability to recover costs. You have to put the resources forward and hope that you generate significant revenue to cover your costs.

>> This item will be subject to discussion next week in front of all the presiding judges and it's been calendared for discussion with them.

>> Thank you. It does seem this is a matter that may come back before the council at some point to find the funds to at least go forward with the program subject to later reimbursement. Is that fair enough?

>> Yes.

>> Thank you.

>> Justice Hull, I would ask that the trailer language for this and other proposals on the budget is probably several weeks away from being released. So a lot of details are still to come and we'll be working with the Department of Finance on that proposal. I'd also add briefly where we are in terms of the timeline. Legislative analysts should have their report out on the budget, usually like the first week of February so a couple weeks from now. We'll look forward to that and we would anticipate hearings in the Senate and Assembly by the subcommittees probably later in March, April time frame? And that's where we are in the legislative timeline.

>> May I ask given your comments, Corey, and comments about this being on the agenda next week, is there some strategy that's beginning to be developed as to how we're going to approach this particular program if it goes forward? I think that was the question the judge had last week. Of course it was premature, probably still premature. Do we anticipate being advised that we suggest modifications or accept it as it's presently set forth? Or oppose it? How are we going to go forward with that?

>> After Curt, Mary Beth, you want to speak to that?

>> The discussions are taking place with regard to that particular program and how it might be implemented. We also met with Finance and shared some concerns at 10,000 feet, so it's still in flux at this point in time but there are intimate discussions being held on it.

>> Thank you. Mary Beth?

>> I just want to share that I did have a brief conversation with Martin about this particular issue and I have started to have some conversations with board execs, and we want to have an informal court collections working group that's made up of court executives and CFOs to start some discussions on how we might brainstorm and come up with some alternative solutions that might meet the goals that Department of Finance and the Governor want to achieve but may be looking at amnesty from a little different perspective that will make it a win-win for both the judicial branch and that part of finance.

>> Thank you.

>> If I might just crystallize and underscore some comments from the staff, I want to remind folks that I think this is the broad point in Corey's comments. This is a proposal that's what we have. It's just the beginning of the legislative process now for making a budget and there's a long way to go on the road. What happens is that budgets come out and the language and the devil's details, as it were, that go along with the dollars that sometimes are teased out later. So just as the LAO and other folks are analyzing the components of the budget, we are doing the same. So there will be some back-and-forth, and things will be clearer as we proceed and as we have the back and forth between Finance and other branches of government going forward. I wanted to also underscore what you're hearing in terms of the precise elements that Zlatko presented on the budget piece that really is strikingly the same as almost all of the prior years, which is the administration, I think, signaling to us and working with us and looking to work further with us on a stable formula. We've tried to start the discussions about that stable formula and what it might look like, not just for stability—which everybody seeks not just in this branch but all levels of government—but also how it can be sustained going forward. So that's why I think you see the elements certainly: the philosophy, or approach, or principle behind Prop. 47. Infusion and also the same thing with filing fees, also the same thing for employee costs at the trial court level, and also the backfill for the Trial Court Trust Fund. All of those seem to be flowing from

the same approach, which is let's not make things worse. Let's try and stabilize things and then let's go to work on what might be something that's more stable and sustainable in the long run.

>> Very good. Thank you, Martin. Any more discussion on this topic before we move on? Thank you, Curt, and Zlatko, and Corey.

>> Next is item I, this is an action item: the budget for fiscal year 2015–2016. This is a budget request for the trial courts. We welcome Judge Laurie Earl, cochair of the Trial Court Budget Advisory Committee, and Zlatko Theodorovic, cochair of that committee. And I believe now joining us is Shawn Landry from the Superior Court of Yolo County. Thank you.

>> I'm no longer the cochair, as the rules have changed and I am the chair of the budget advisory committee, Judge Earl.

>> I recall this. As part of the change, this used to be a working group advisory committee composed of PJs, former PJs, and CEOs. Thank you.

>> It's a good evolution of the group as well. Hopefully you are all as competent as I am now that I'm on my own on this now.

>> [Laughter]

>> I know I am.

>> Thank you. [Laughter]

>> Thank you, Chief and members of the council. We bring to you a recommendation to approve the preparation and submission of a fiscal year 2015–2016 spring budget change proposal to the Department of Finance from the Trial Court Budget Advisory Committee. As you recall when criminal justice realignment occurred in 2011, funding for sheriff-provided security was transferred to the county. As a result, trial courts' base budgets were reduced by the total amount for sheriff-provided security. However, some courts continue to receive funding for security costs that were not provided by their sheriff's department: costs for things like private security contracts, correspondence, and marshals, to name a few. County-provided chairs of security receive gross funding from the trial court security growth special account to cover their increased costs. However, courts that have costs associated with nonsheriff-provided security have not received any such gross funding for their increased costs. In preparation for our request to submit a budget change proposal, a security survey was sent to all courts that have nonsheriff-provided security to develop a cost justification to support the intended budget change proposal. Once that survey information was received, it was reviewed by the Trial Court Budget Advisory Committee. We discussed three options which appear on page two of our report. Ultimately the budget committee unanimously voted to approve option three. That is that a spring budget change proposal be submitted to the Department of Finance that essentially maintains funding at

security levels of FY 2010–2011 with a cost estimate increase of approximately \$2.7 million. And the committee does not bring to you today a request for specific growth percentage. We will bring that back to you in the fall. Today we're asking for approval for the budget change proposal to maintain security funding levels at FY 2010–2011 as sheriff security has done. Thank you.

>> Any questions?

>> Thank you, Judge Rosenberg.

>> Just a question about where the money comes from. In other words, this would be a budget change proposal. Is this our highest priority?

>> It is for those courts that bear these costs and have incurred these costs since 2010 and 2011. It turns out to be 39 courts that comprise that \$2.7 million estimate.

>> Have we done any evaluations with regard to other budget change proposals that should be considered?

>> Not for the spring. As you might recall, we do bring you a recommendation for budget change proposals for the next fiscal year. This is for the current year.

>> Thank you.

>> This would be in addition to what was submitted to the administration as part of the September process.

>> Thank you. Not seeing hands raised on the issue, it is an action item. I invite a motion. Thank you. Judge Nadler. Second by Judge So. Any discussion on this? All in favor please say aye. Any opposed to the motion and recommendation? Matter passes unanimously. Thank you, Judge Earl and Zlatko.

>> That was option three?

>> Yes. As indicated.

>> Thank you.

>> Next is item J, also an action item for Juvenile Dependency: Court-Appointed Counsel Funding Reallocation. Again we have Judge Earl presenting as chair of the Trial Court Budget Advisory Committee, Zlatko Theodorovic as Judicial Council staff, and also Mr. Don Will from Judicial Council Center for Families, Children & the Courts.

>> Thank you. The budget committee recommends that the Judicial Council approve a process to reallocate those dependency court-appointed counsel funds that are estimated to remain unspent in fiscal year 2014–2015. Funding for court-appointed dependency counsel, which includes counsel for both parents and children, is a dedicated funding that can only be used for costs of the court-appointed counsel. Total statewide funding need is determined by an existing methodology approved by the council at its October 2007 meeting. It is based on a caseload standard for dependency counsel of 188 cases per attorney. However, in the current fiscal year the annual funding for court-appointed dependency counsel was \$103.7 million, which is far less than the identified need. And that is the same amount that the Governor has proposed in his January budget proposal for the next fiscal year as well. Although there is a net funding need statewide, data indicates that primarily because of changing dependency caseloads, not all courts are able to spend their entire funding allocation within a fiscal year. For example, in fiscal year 2013–2014 trial courts did not expend approximately \$1.2 million. And these unspent allocations then remained in the Trial Court Trust Fund as they cannot be used for any other purpose. At that same time, however, 18 courts augmented their dependency counsel allocation with a total of \$1.8 million in funds from other sources. In the current fiscal year, it's been determined that approximately \$1.1 million is currently not encumbered. Thus we recommend that there be a midyear and, if necessary, an April and June reallocation process that relocates a portion of those funds that are estimated to remain unspent to those courts with the greatest need. This would represent 29 of the 58 trial courts as reflected on attachment A to our report, column D. The courts eligible for reallocation would be those courts whose base dependency counsel funding allocation is less than 90% of their funding needs, as calculated by the dependency counsel caseload funding model. The formula used to reallocate funding to those eligible courts would be based on each eligible court's proportion of actual needs. And actual need is the difference between a court's funding need and a court's base funding. So we recommend a January reallocation of approximately 50% of the projected unspent fund or \$560,000 dollars which will still leave the program with a reserve of \$550,000. We recommend another reallocation of 50% of unspent funds in April and, if necessary, again in June. This recommendation is for the current fiscal year only. I will also say, Chief, that it appears to the budget advisory committee that the method by which these funds are allocated, not funding needs, but how we allocate these funds is perhaps reflected by the information that little courts do not get their needs met and used to be in need of adjustment. And we are working on that. We hope to bring you a recommendation in April, with proposed allocation methodology that might equalize court-appointed dependency counsel funding.

>> Thank you. You've gone over the six recommendations. Justice Hull?

>> Can I interrupt this for a second? I apologize. There was someone who wanted to make public comment. If that's okay, it's Leslie Starr Heimov, executive director of the Children's Law Center of California. I apologize for that.

>> No problem. Thank you very much for the time. I'm the executive director of the Children's Law Center of California. We represent all the children in foster care in Los Angeles and

Sacramento counties, giving us the responsibility for 33,000 children. First I want to thank and commend the work group. Judge Earl, Sherry Carter, and others on the committee have done a great job and today's recommendation is most welcome. The committee has taken the first step toward addressing the long-standing problem of significant inequities in court-appointed counsel funding amongst and between the various counties. While the small redistribution in existing funds does not come anywhere near solving the current caseload crisis, it does—when combined with the proposed plan to make similar adjustments in April and June and most importantly to present a revised and equitable allocation plan for the 2015–2016 budget and contracting cycle—give us some hope that the Judicial Council is now prepared to make the decisions needed to ensure a funding scheme based on current workload. While this is good news, we also know that until the court-appointed counsel budget increases, the caseload issues cannot be solved. To that end as mentioned earlier, while the Governor's January budget disappointingly does not include any new money for court-appointed counsel, it does invite conversation with the Judicial Council and we have begun that conversation with staff at the capital regarding their interest in solving this problem. We are very interested in and anxious to learn who will take the lead on this issue and are prepared to work with you and the Governor's staff to provide needed information and come up with a budget proposal for 2015–2016 which can be embraced by both the Legislature and the Governor. To be sure that we are all 100% clear, caseloads are growing not decreasing. Research presented by the USC Children's Data Network confirms that the number of children entering the child welfare system is outpacing the number who are exiting. Accordingly, the trend for at least the foreseeable future is that the number of children needing our services and protection will grow. Without relief, our ability to provide effective representation will weaken and ultimately become meaningless. In closing, I urge you to adopt today's recommendation and proceed with the recommendation to reevaluate allocations again in March and June. Thank you.

>> Thank you.

>> Justice Hull, I believe you had the floor next.

>> I did. Just a quick question in the report to the council, under the comments section, we see there were none. Was there any formal or informal disagreement or objection or questioning of this reallocation either in the method or its amount?

>> [Indiscernible -- low volume] and our document materials are posted so there is an invitation for public comment both written and in person. Might have presented written comment in support of the agenda item to us but there was no disagreement among the budget committee members.

>> But we haven't heard anything from the trial courts affected by this reallocation?

>> Informally, we have. They are in support of this and they wish we would get to it quicker.

>> I think I would add that allocating only half of the estimated reserve is a way to address concerns that if caseloads for the first six months were low, and then generate a savings, and then that particular court's allocation is reduced by the entire estimate, then they get to the second half of the year and things change dramatically. That's why half of the amount is what's proposed, and so as we look at it again through the fiscal year to make sure we're not overtaking on this site, and then they are left short having to move money and providing it there. So that was the process by which we addressed this concern about being overly aggressive in the midyear.

>> Thank you, Judge Stout.

>> I move the recommendation. Also echo the sentiment. I'm encouraged that the Governor's Office appears to be open to further discussion of increased appropriations.

>> I'll second.

>> Seconded by Judge Jacobson. No further hands raised for discussion. All in favor of recommendations 1 through 6, please say aye. Any opposed? Recommendations pass. Thank you. We are not ready to address item K. We are waiting for one other party. At this time I'm going to take item L out of order. This is not is not an action item and there are no materials in your binder. We welcome Judge Jim Herman, the chair of our Judicial Council Technology Committee, Curt Soderlund, and I believe perhaps in spirit only maybe, Mr. Mark Dusman.

>> In spirit only. The subject is the 2013 procurement audit recommendation. It's an update on that audit. The JCTC, Trial Court Budget Advisory Committee, presiding judges, CAC, and council staff continue to work together to follow up on the recommendations from the California State auditor's 2013 contract and procurement audits. These recommendations are part of a wider-reaching focus of the California State auditor to assess data reliability within the state's information technology systems. These assessments are required by audit standards whenever the state auditor is using systems data to perform its audit. And this has been an ongoing focus of the auditor who's been issuing a biennial report on data reliability since 2008 throughout the state and across a number of different groups. The state auditor's most recent report on data reliability was issued on December 18, 2014. This report summarizes the results of past audits of a variety of state agencies including the Judicial Council and emphasizes the importance of strengthening the information systems control throughout the judicial branch, and the state auditor will again audit the Judicial Council including systems reliability this year. And audit a number of trial courts as well, as it has in the past. Mr. Soderlund?

>> Thank you, Judge Herman. When we last met in August and gave an update, there's a lot of things that have gone on. We submitted the one-year report to the state auditors last month, covering all the details that the auditor had identified. In June, the council adopted a framework for information systems controls based upon national standards. There's been a number of other efforts that were initiated with regard to implementation of this program. A risk management overview was developed. IT operational risk assessment for internal JC systems was also

conducted. The assessment portion of this effort is complete and finalization of that effort will be completed shortly: a consolidated policy and procedures manual which defines the methods and actions to place the control set forth in the framework being put into effect and developed. Full implementation of all practices detailed in the framework and policies and procedures will require resources and of course time. Substantive compliance for the GCC is expected in 2015, but there's still more work to do. There's also a lot of work and support we still need to give to the trial courts in whatever ways we can. In addition to that, we're working with Robert Oyung from the Santa Clara Superior Court and other IT CIOs out in the trial courts. Other products that have been developed in this effort include entity-wide risk assessment, entity-wide information security plans, information security policies and procedures, and there's other products that are also being developed at this point in time. The BCP is pending for submittal as part of the spring finance as an attempt to acquire additional resources for implementation. Judge Herman?

>> All right. Closing remarks. This is an issue that's been before the council before. I want to doff my hat towards Michael Derr, the line staffer who led this effort as well as Mark Dusman, IT staff, Curt Soderlund, and Judicial Council staff. This is a tremendous effort to respond to this audit in the timeframe provided by the auditor. Beyond that, the cooperative working together of trial court presiding judges, CEOs, and CIOs, something that is facing us at the Judicial Council level. I think we've successfully met the audit at that level with a few other things on the horizon that you'll see again during the following year. We've also provided a real resource to the trial courts. The trial courts can realign their technology and their data with the standards that we have developed and of course it's all about funding. At the state level, we've been able to work through this. Our trial court budget constraints are going to have difficulties in terms of enacting and meeting the standards over the years but they are all focused on the efforts. So again, thank you, Curt, for your good work and staff's good work on this very important issue.

>> If I could momentarily give a shout-out also to John and Jessica Craven who have also been instrumental in this project going forward.

>> Thank you. I joined in support and compliment the work of staff and the judges as well because when this issue first came to us, it was alarming and I know that was not a problem unique to the judicial branch. In fact, you need data technology especially in state government. And it was a long road ahead of us in terms of getting our data aligned under these standards. And you all did it quietly and expeditiously and correctly. So for that and for the protection of our data, thank you for taking care of it so quickly.

>> Thank you, Chief. Data security is huge and this is another missile that came in at us, and it was handled efficiently and well. Thank you from JCTC and from the council.

>> We thank Judge Herman for his exceptional leadership in this effort.

>> Thank you.

>> At this time several things have happened. We are ahead of schedule, and of course the Judicial Council schedule always says times may vary. For item K we are awaiting several necessary parties to the presentation that have not yet arrived. So in order to make the best use of our time, we're going to take our confidential discussion, our private executive discussion now instead of 1:30 to 2:30, and we're going to close the board room and invite others out. We will have a public meeting as soon as item K is ready to be called, at noon. And we may if time permits also be able to make this a working lunch. Thank you for your patience.

>> [Executive session discussion]

>> Good afternoon. We're back on record in our business meeting. We appreciate your patience. We have taken a few things out of order. We have a working lunch but we are all ears for the next item, K, California's language access plan, a strategic plan for language access in California courts. It's an action item, and we have presenters who I will invite to the table. We have a number of public comment speakers. At this time before we hear from the speakers, I invite Justice Maria Rivera and Judge Manuel Covarrubias as the cochairs of the joint working group for California's Language Access Plan. We also have Judge Stephen Austin, chair of the Court Interpreters Advisory Panel. And I'd also like to note before we start that we welcome Mr. Richard Park. He is an Assistant United States Attorney from the United States Attorney's Office, who has been following the developments of our Language Access Plan. Mr. Park, would you please stand? Welcome, sir. Welcome. So we will hear public comment and then get to the presenters.

>> Thank you. We have nine individuals who are going to give public comment. We allotted them two minutes each. I want to initially, publicly thank Ramona Crossley, the ASL interpreter. She's graciously agreed to give her lunchtime to be here with us. She's been in the Sacramento court. Thank you very much. Our first public comment is Jose Navarrete. If we could have Ana Maria Garcia, you will be next. If you could state your name, please?

>> I am a full-time, court-certified interpreter at the Santa Barbara Superior Court. Very happy, honored to be here. Chief Justice, Judicial Council, thank you for allowing me to make these comments right now. The plan is very positive. I'm glad. It is long overdue. I've been asking for evaluations of my work for 10 years now. It's been 10 years since I made a decision to become a full-time public servant and dedicate my linguistics skills to public service. Judge Herman can attest to the fact that I go around personally to my judges and ask them how I'm doing periodically, because I don't get evaluations. We've gone through some growing pains at the Santa Barbara Superior Court as you may know. It is a relatively new thing that we are employees of the courts. But lately it's been going well, and I have some positive things to say. In conjunction with the administration of Santa Barbara, I go out to local schools and give presentations during Career Day to talk about my progressions and the rigors of my profession. And I think this is important and this speaks to one of the specific recommendations in this plan. Also working with administration of the Santa Barbara Superior Court to begin training bilingual staff at the windows, clerk and criminal windows, and I think that also speaks to something very

specific in the plan. I also work on translations. I started doing that even before this became a topic. And the civil cases, I'd like to repeat what I said at the Los Angeles hearings back in March, that it was very important that we also do civil cases. The following you can call the negative comments but I hope they are well taken. I do have some strong opinions. During the March 2014 public hearing, I was disappointed over the lack of attendance and participation of actual court interpreters: those professionals who are truly on the frontlines of language access. The panelists at the hearing should have been made up of court interpreters from a variety of jurisdictions and interpreter types so that the public can actually understand how language access works on a day-to-day, county-to-county basis. The California Federation of Interpreters could not possibly represent the insight and opinions of all court interpreters across the state. CFI are a centralized, elitist, dysfunctional organization that does nothing but tax my wages and deny me my rights to access collective bargaining. They take nearly \$100 a month and never provide a systematic account of how this is spent. This is almost criminal.

>> Time. Thank you.

>> If I can be allowed to finish ...

>> I have eight more people and I gave you more than two minutes.

>> I appreciate the time.

>> Ana Maria Garcia. Maureen Keffer come up next.

>>Good afternoon. My name is Ana Maria Garcia, managing attorney at Neighborhood Legal Services. My day job when I'm not in Sacramento is supervising attorney for the nine self-help centers in LA County operated by Neighborhood Legal Services. I'm also charged with managing the Shriver Housing Project, also in LA County. Thank you for the opportunity to speak with you today about California's language access plan. I want to congratulate you, the leadership of this branch, and the language access leadership and members for their hard work, commitment, and development of this plan. The language access plan is an essential first step towards filling the promise of justice. In a state as diverse as California, language access in our court system is essential for millions of Californians to truly access justice in our state. On behalf of LA County's 10 million residents, I'm here to urge this body to embrace the charge of creating a robust culture for language access and inclusion in our courts. The plan lays out groundwork and we must be vigilant, innovative, and solution-focused in the details assigned to the implementation task force. It is essential that this implementation task force be comprised of members of the community, interpreters, and legal services advocates who have experience in providing language access services and demanding language access services for their clients. The implementation task force's voice will tackle very important issues like waivers, the complaint process, the oversight process, accountability, and other such matters. The costs of language access services must be made part of the court's standard operating budget; the days of being an add-on are over. This service is like turning on the lights or booting up a computer; it is essential.

Justice cannot be sought without it. We would like to acknowledge and recognize the Los Angeles Superior Court's aggressive, assertive steps towards providing these services in Los Angeles County. California is the leader in this nation in several areas. And our language access plan should be something that we point to and be proud of. Thank you.

>> Thank you. Next is Maureen Keffer and Stephen Goldberg, be ready next.

>> Good morning, Madam Chief Justice and members of the Judicial Council. My name is Maureen Keffer. I'm the Indigenous Program Director at California Rural Legal Assistance. I've been working with legal services advocates like Ana Maria and Stephen Goldberg from Legal Services of Northern California who you will hear from in a moment to try to support [Indiscernible -- background noise] over the last year to develop a plan that will ensure language access for all limited-English-proficient persons encountering the courts in California. I want to acknowledge the joint working group's efforts. They've really done tremendous work in addressing what is a fundamental civil rights issue for our clients and for all people in California. And I would like to acknowledge and appreciate the seriousness with which they've taken the comments from the public, from legal services providers, and their willingness to speed up the implementation process. One of the strongest comments coming from the public and from legal services providers during the development of the plan was that it needed to happen faster. And I really appreciate their taking those comments seriously and speeding up especially the guarantee of interpreters in all civil proceedings. I'd like to urge that that same sense of urgency and swiftness are carried over into the implementation process, in the naming of an implementation committee, and beginning the work of implementing this plan. There are many of the comments that were made by legal services providers, by interpreters, by members of the public that were identified by the joint working group as more appropriate for the implementation phase. So I'd like to urge that there be an important degree of accountability of monitoring, of ensuring that the implementation committee is doing this really important work, and making sure that local courts are implementing the plan because its goals are incredibly important for the civil rights of Californians who are not English proficient. Thank you very much.

>> Thank you. Next we'll hear from Stephen Goldberg. And if Ariel Torrone could be present next?

>> Stephen Goldberg, attorney with Legal Services of Northern California. I echo Maureen's comments and I appreciate the efforts on providing interpreter access to this point. The Language Access Plan is a very good first step towards the goals of interpreters in all civil cases in California. I asked to comment today to raise two concerns. The first is about training, about the Language Access Plan. I'm concerned that not just court administrators, clerks, and court staff need training but that judicial officers will need training about the requirements of the plan. An example is a recent case that I had. I won't say the court or the judicial officer, other than to say that it is a judicial officer I have great respect for. This individual stated during a hearing several times, and in part based a decision on, the belief that parties are obligated to provide their own interpreters in civil cases. Such misconceptions demonstrate the need for training on the

Language Access Plan and its requirements throughout the judicial branch. Secondly, I'm concerned about proposed California Rule of Court 2.895 which as written only requires local courts to have written policies with regard to interpreters in civil cases and allows complete discretion as to the content of such policies. Under the proposed rule, a court's policy could be to never provide interpreters at all in civil cases and that would be fine if that policy is publicly available. This is contrary to the letter and spirit of the Language Access Plan. We must—as the judicial branch and as people involved in implementation of the Language Access Plan—be vigilant to make sure that court rules at all levels are consistent with the letter and spirit of the Language Access Plan of providing interpreters in all civil cases. Again I appreciate everyone's efforts and look forward to the implementation phase of the plan. Thank you very much.

>> Thank you. Ariel Torrone and Susan Gonzalez will be next.

>> Good afternoon. My name is Ariel Torrone, president of the California Federation of Interpreters. Chief Justice and Judicial Council members, thank you very much for allowing me the chance to speak today. I want to start by congratulating you for putting together this impressive, well-thought-out plan with substantial input from all stakeholders. It's been a very positive process and we look forward to continuing to work with you. We support you in wanting to see the fastest and most effective expansion possible, and know this will require cooperation and collaboration with interpreters and CFI. With that, we hope you'll consider putting a CFI representative along with representatives of other stakeholder groups on the implementation task force committee. We saw during the LAP working group process that there are numerous and inaccurate assumptions about how labor agreements and interpreter act provisions affect aspects of language access. These assumptions are reflected in a few comments in the plan that we think should be corrected. If you include CFI as a member of the task force, working out these inaccuracies can be streamlined and our members would be able to help facilitate the expansion of these services which, like I said, we support strongly. Let me speak directly now about the recommendations about the use of VRI made on page 48. It's no secret, CFI has had a very strong position and perspective on VRI throughout this process. While we appreciate that the plan recommends a pilot project and the adoption of minimum technology standards, we sharply disagree with the clear recommendation that the development of these standards and a pilot should not and I quote, "preclude or prevent any court from proceeding on its own to deploy remote interpreting." It has always been our position that when VRI is used in limited cases with specific standards and guidelines, it can help the expansion in some instances. However, the plan says that while standards need to be developed and guidelines should be set to limit the use of VRI, nothing should stop the local courts from moving forward with any variation of technology and certainly no concern for guidelines. What I would ask then is if you are not going to stop the use of VRI in local courts, until guidelines can be developed and standards can be set, why do a pilot or work to develop standards? I would urge you once again to consider this and consider having CFI be part of the implementation process of the task force. Please, we're here. You know where to find me. We'd love to discuss more about technology guidelines, particularly VRI. Thank you for speaking to us. Trying to get that into two minutes. Thank you.

>> Thank you. Susan Gonzalez and then Vanessa Phillips next.

>> Okay. This podium right here is blocking my signing. As someone who uses American Sign Language, I need to use my whole body language to be visible for you to see me.

>> Thank you.

>> Thank you for your flexibility. My name is Susan Gonzalez. As a program developer working with a deaf access referral agency in San Leandro, I represent the deaf, blind, hard of hearing, and late-deafened adults. These communities have already checked in as to what is successful in using the facilities of VRI. And my coworkers will be talking about that a little bit more. There are several points I would like to make. First of all, the comment was repeated, the standards of the process. And for deaf, blind, late-deafened adults, we would like to have them involved as stakeholders and they are not currently. Our opinion is that our feedback has not been included in the LAP; that's a concern of ours. Where is the oversight for the use of VRI interpreters? The interpreters would be set up away from the court site. There must be some kind of oversight for that. Can you test them on their qualifications? Can you make sure they maintain confidentiality? It can't be done because they're remote, faraway. And there's a lack of oversight that would lead to problems with the interpretation. Also decisions would be made incorrectly as well.

>> 30 seconds.

>> The previous speakers have used the words of the local people to establish things, to understand that the local courts do not have an oversight of their own. The ADA coordinators would be making their own decisions about how to use that. And that is related to quite a few problems in the ASL. One of the things is that we want to stress that they don't know anything about it. You need to include us. We need to be involved in the process. Thank you.

>> Thank you. Vanessa Phillips? And then Tracy Husted next.

>> Hi. My name is Vanessa Phillips. I'm an executive assistant at Deaf Counseling Advocacy and Referral Agency. I want to bring up a couple of concerns that I have in regard to VRI, and it relates to the deaf community. Susan recently mentioned VRI interpreters, in some cases, where they are interpreting from their home. And it's a great idea if a person is in a rural area, and there are no live interpreters available. But for the city, that shouldn't be necessary. They should not be putting a VRI interpreter in there first. They should be obtaining a live interpreter first. Because the deaf community has various needs. For deaf, it's okay. They are pretty much standard. For other variations of deafness, they are not the same. Late-deafened adults, a person who was born deaf, their needs are different. They may have strong English skills or they may be using home signs. So there are variations. We need a live person to be able to match that person's needs. The deaf person's needs, we need to be able to assess that. The interpreter qualifications, their signing skills, or receptive skills of being able to read sign language and the community needs. Okay. Thank you. I'm concerned about the dependence of the VRI. When you

need a last-minute interpreter, and you bring in a VRI interpreter, I think they should be looking for a legal interpreter first who has the qualifications, the certification, and has already passed the test, has all the qualifications for the job. Also including the deaf community. And feedback and critiques. And they're live themselves. The best qualified person to be able to interpret to make the best decision from their life is the deaf. So we need to ask the deaf about this. Thank you for your time.

>> Thank you. Tracy Husted?

>> Thank you for allowing us some time to be able to discuss this today. My name is Tracy Husted. I'm a family advocate. I work at the same agency as the other two speakers. And the families I work with are deaf and hard of hearing parents and oftentimes, at least once a week, I attend court as an advocate for them for various cases such as CPS-related child custody, divorce, separation, that sort of thing. I'd like to share some of my personal experiences with you. Every day, when we go there to advocate for them in court, they face many challenges in court. Where VRI can make it a little more difficult for them. For example, when they go, they show up, they must have access to a lot of the various rooms and nowhere to sit and be told what the environment is like, environmental information. With VRI, the interpreter will not be able to give them the full environmental information. Who is sitting where and saying what. The client would have to try to guess. A lot of guessing going on in regards to the environment for them. Another issue is that when they have a hearing, they tend to have interpreters to support each other. But if you have a VRI interpreter, it's just one interpreter. There's no team. How can they support each other with the information if an interpreter misses something? There's not a team interpreter to say, what did I just miss? It can make it a little bit challenging.

>> 30 seconds.

>> Okay. One of my clients, just an example, has anxiety issues. When she gets anxious, visually, her vision becomes blurred. When you have a VRI, if she's looking at the screen, she's going to be struggling to be able to see clearly what the interpreter is saying and it will be a huge struggle. So when you have a live person, that live person could meet that deaf person's needs. I would like to say, finally, we would like to fully participate in court. Please consider not using a VRI as a prime method. The deaf community would like to be on the task force and be able to provide feedback. Thank you.

>> Thank you. Judge Jonathan Conklin.

>> Two minutes.

>> Good afternoon. Thank you very much. I want to start off by thanking all of you very much for the work in this plan. This plan is outstanding and fully supported by my court and numerous others. I also acknowledge the important work interpreters do on a daily basis. None of us have lost sight of that. We do recognize from a judicial perspective how important interpreters are. I

want to make a few clarifying comments to start off and acknowledge the comments made earlier about the pilot project. I would strongly encourage this committee to keep the pilot project language at page 48 in the plan. It's very important to allow courts with the unique nature of the 58 counties to be able to develop their own plans. I remind this council that region three, there's an existing plan that in fact CFI has already agreed to the limitation of VRI and that VRI is being used already in numerous counties, and I was very pleased to see the private project language and the flexibility that provides to all the courts and the state. I believe that is critical to the success of the plan. Secondly I would encourage this committee to keep in the language in the plan that emphasizes that the ultimate decision and use of an interpreter via VRI should be up to the judicial officer. I note with some concern the language on page 43 that notes VRI could be used only and would ask the council to change language to "should only be used" to emphasize that the ultimate decision on the use of VRI is up to the judicial officer. We all know that judicial officers are governed by due process and that those judicial officers will need to keep that in mind in making this decision. I would also ask the council to maintain the minimum technology requirement discretion, that that language itself should also be a recommendation for minimum technologies rather than a constraint on the courts. Each court has its own budget. Each court has its own limitation. I would ask this council to recognize that limitation as well. Finally in appendixes B and C, have the council clarify that while parties may object to the use of the system, that the court judicial officer makes the final ruling. Once again, thank you so much to this council for the work they've done on this plan. We fully support its implementation and would be anxious to participate as a pilot court. Thank you so much.

>> That completes public comment on item K.

>> Thank you. I will invite the presenters, and I want to say one thing. Not to foreshadow, but of course I greatly appreciate the hard work, and the timeframe, and the scope and magnitude of this report. I'm sure others will have things to say about this as well, but a year ago or so when this was appointed, it was an uphill climb. And I'm very pleased to see you back here today.

>> Thank you. Good afternoon, Chief, members of the Judicial Council, Director Hoshino. Eighteen months ago, the joint working group for California's Language Access Plan was formed. Today, we are thrilled to be able to present for your consideration a comprehensive strategic plan for the delivery of language services in every courthouse in the state and at every point of contact that the user has with the court. With me today are my cochair and chief holder of wisdom, Judge Covarrubias, and Steve Austin, the presiding judge in Contra Costa County and the man who gets things done. It was because of Steve Austin that this working group got formed at all. Of course the Chief as well. But his push made this happen. At this point I would also like to introduce and acknowledge the amazing, hardworking, and exceptional staff that carried us through this process with grace, knowledge, and a sense of real urgency. These folks worked long, long hours, exerted extra effort every time it was needed, and kept track of countless details to make this plan come together on the short timeline that we demanded. So speaking for everyone in the group, we want to thank, and I'm going to ask them to stand, Douglas Denton, Anne Marx, and Catherine Price for their work here.

>> [Applause]

>> We also want to recognize Diane Bolotte, Donna Hershkowitz, and our terrific consultant, Christina Young, who unfortunately could not be here with us today. Others who played a supporting role were Sonia Sierra-Wolf, and the staff of the access support program and Laura Rigdon, who just did a masterful job of putting together the public hearing.

>> [Applause]

>> So the plan did grow out of many emphases, but a primary one was the Chief Justice's for improving access to justice for all Californians through her Access 3D initiative to create and maintain physical, remote, and equal access to our justice system. The Chief has stated that a comprehensive plan to provide language access for court users who have limited English proficiency is a key component of the decision. So today, we will briefly retrieve the structure, process, and key elements of the plan, and we will propose how the plan might be implemented, if you decide it should be approved, and then we will answer any questions you have. Before we begin all of that, I think it is important to restate why a language access plan is needed. California is the most diverse state in the nation. It has about 7 million limited-English-proficient persons, residents who are potential court users. They are dispersed across the state in wide geographical areas, and they speak over 200 languages. The lack of language services in civil cases raises the specter that many of these folks will be unable to understand and participate meaningfully in judicial proceedings. And so the cornerstone of the plan is the principle that we must provide equal access to justice for everyone. And now I'm going to hand it off to Manuel.

>> Good afternoon, Judicial Council members. We're very honored and privileged to have been asked to serve as the cochairs of the joint working group and join Justice Rivera's comments and acknowledgment of efforts made by the individuals involved. It's been a true pleasure and honor to work with so many talented individuals on the workgroup and especially to serve as cochair with Justice Rivera. During the public hearing and public comment process, we've heard many voices expressing the view that language services are currently being provided in the courts, although [Indiscernible] quality is far too limited both in service area and scope. As the legal services commentator explained to us today, they realized long ago that the services they provide had to become a central component and core component of their services. The court should also develop a culture in which the provision of language services becomes part and parcel of the core court services to be provided. And this is the goal of the strategic plan. To provide a roadmap, a variety of tools by which language access can realistically become an essential core court function at all critical points of contact, both in and outside of the courtroom in every courthouse of our state. We will point out that the plan also supports goal one of the Judicial Council's 2006–2012 strategic plan, which among other things includes the objective of making all court procedures fair and understandable to all court users. That certainly applies to those who are limited English proficient. It goes along with the other objectives of being responsive to the needs of court users from diverse cultural backgrounds and also aligns with the U.S. Department of Justice's recommendation to California to expand its language access efforts. Speaking of

Department of Justice, we would like to acknowledge two of the DOJ attorneys, A. Medina and Richard Parks, for their willingness to work with the joint working group and for their comments, suggestions, and development of this very comprehensive plan we are presenting to you today. We described to you the content of the plan and the structure. You have already the plan and it was very detailed in nature. So we will not provide much detail about the plan. I would note that it does contain eight goals and 75 recommendations that are proposed to be carried out in three phases. Some would be mandatory, some aspirational. They run the gamut from granular, such as preparation of benchmarks for judicial officers, to institutional, such as advocacy for specific funding to meet the goals and limitations of this plan. And creation of the statewide complaint process and monitoring system to ensure compliance with the plan's objective. One of the main goals of our plan is to provide a comp and subset of the conditions that create a branchwide approach providing language services while accommodating the very diverse needs of our cohorts through flexible and a variety of approaches. You have heard described more than once the planning and development information gathering process engaged in; it's outlined on the slide on the report. I did want to point out and emphasize a few points. First our planning process included listening sessions, public comments, and public meetings. Designed to be as inclusive and transparent as possible to get information, experience views, and opinions from individuals and stakeholders who are involved in the judicial process, both within and outside of the courts and those who represent or interpret for limited-English-proficient users. Second, all the input received from interpreters, legal aid attorneys, court users, judicial officers, educators, and others was absolutely critical to develop this plan. I really want to thank everyone who took the time to attend the various meetings and those who put in a great deal of time and effort to read the extensive plans we designed and provided suggestions on the plan. Every piece of information was vital to our collective education of the language access needs, and to our decisionmaking process and the development of this plan. And to further emphasize that we also walk the talk during our planning process, interpreters—both spoken and sign language interpreters—were made available. The information we provided was also translated and provided at every public hearing we conducted. Both captioning and video transmission of our public hearing were provided. The cost of these services is not insignificant. Providing this language access simply had to be an essential part of our process and more importantly we gained valuable information as a result of these efforts. We'll now pass it on.

>> We were delighted with the interest shown by many courts, legal aid organizations, and others who took the time to comment on the plan. The various categories of commentators are up on the slide. All the comments were made public by posting to the joint working group web page. Staff has prepared a lengthy document summarizing all the comments and providing the joint working group's response. I can assure you that the working group engaged fully and conscientiously in reviewing the comments and making appropriate changes to the plan. Want to be sure I did them both. The joint working group met in October 2014 to review and discuss all the public comments. It was a long and highly focused two-day session. Among many other things the group reorganized introductory material, reordered some priorities, and made specific changes to the recommendations in response to public comments—that's just one example of the group discussing VRI at length—and concluded we should add language to the plan to make it

clear that when deciding to use VRI, the quality of interpretation is of paramount importance and should never be compromised for the purposes of expediency. We also added two new recommendations relating to VRI. First, that minimum technology standards for remote interpreting must be established and second, there should be a pilot project for VRI which dovetails with judicial branch's recently adopted tactical plan for technology. It took a full day and a half to agree upon all the changes. I can assure you that the group engaged fully and conscientiously, considering the comments in making appropriate changes to the plan. Now we get to the burning questions. How do we propose to carry out the plan and how are we going to pay for it? As to the first question, the joint working group proposes to immediately establish a language access implementation taskforce. It will have a three- to five-year charge. The charge would be to figure out the nuts and bolts of how to implement the recommendations and to identify what additional funding would be needed to carry out the plan. In so doing, the task force would work closely with other advisory groups and Judicial Council staff to provide expertise in their subject areas. The task force would also be responsible for setting in motion any statutory rule changes that may be needed to implement the plan. We recommend the task force be given the flexibility to monitor and adjust the implementation as feedback is received from courts and court users. The task force would report to E&P and/or to the council on its progress. In addition to the information task force, the joint working group recommends that the Judicial Council form a new standing committee for translations. This committee would oversee translation protocols for Judicial Council forms, written materials, and audiovisual tools. As to the second question, we recognize fully that the expanded services vision in the plan will require both innovative solutions and additional funding. The plan clearly states in principle that the provision of language services cannot be at the expense of other core court functions and the plan recognizes that strong advocacy for additional funding would be required. The plan proposes to set in motion some ways to address this issue, although it does not present a global solution. In part because we need more data to make rational estimates of what all of this is going to cost. Keep in mind however that many of the recommendations will not require additional funding. The plan is doable. As to the recommendations, we've already talked about the first two. The only additional recommendation is that the implementation task force will provide periodic updates to E&P and/or the council. And now I'll turn it over to Justice Rivera. Without her tireless efforts, this would never have come to fruition. She worked so hard driving us all to get this done in such a short period of time. We really appreciate her efforts.

>> Also our editor-in-chief, [Indiscernible -- low volume]

>> So in conclusion, here we are. As Judge Austin stated, in December the joint working group formally approved the final version of the plan that's now before you. We were charged with developing a competency plan that would serve all of California's LAP court users and provide consistent guidance to all of our courts. And we believe this plan encompasses that charge. Speaking for myself, I would like to say that this planning process has been an incredibly enlightening, educational, and satisfying project. When I was asked to cochair this group, I had no idea how complicated this question was all along the way. I just want to say that not only was I being educated, we were all being informed by our wonderful, exceptional, and highly

professional interpreters. Their voices were incredibly important as we went through the process. So I want to thank the Chief for giving me this challenging and gratifying opportunity where I learned so much. Finally, we need to acknowledge the members of the working group itself. They all worked very, very hard and everyone brought something different to the table. And it was a blend of voices from within the courts, and outside the courts, and the administrative, and judicial, and court users, and interpreters. And every voice was important and I know Manuel and Stephen want to thank every member of our working group and acknowledge Christina Young, our consultant, who really created the backbone of this plan for us. And we hung the ornaments on them. That completes our presentation. We're ready to take your questions.

>> Thank you. Justice Chin?

>> Justice Rivera, could you share with us your thinking on the matter that Presiding Judge Conklin raised? That is whether or not standards ought to be adopted? And you should know that we received a contrary opinion from an interpreter by the name of Mr. Hernandez, who gave his comment to the council before he arrived. I'd just like your thinking on whether or not we ought to adopt standards or whether or not we ought to go with what Judge Conklin says. We really should not be so rigid, because counties like Fresno have already adopted this.

>> Right. This was discussed at length at the last meeting we had in October by the subcommittee and then the full committee. VRI was the subject of a great deal of discussion. The group concluded that they felt it was the wisest thing to go forward with a pilot working especially with Jim Herman and Teri Vermeer, all the pilot project for VRI, spoken language, move forward with that and identify minimum standards for technology. We think those standards should be required. The second point is if you are requiring minimum standards, why are you going to allow all these courts to go off on a lark and frolic and do their own thing? And the thinking process among the group was it's going to take a while to do minimum standards. It's a process. And of course technology is always chasing the changes in technology anyway. But it's going to be what, a year? 18 months? To set up a good set of standards using a pilot project and being able to test everything out. Why on earth would we want to keep people from using one tool in their toolbox in the interim, to provide interpreting services to people who need them? The last thing we want to do is to prevent people from having access to interpreters by laying down absolute rules today. And so our recommendation is that it be mandatory that the VRI that is provided must provide for meaningful participation in the proceedings. If the VRI being used doesn't provide adequate technology to further the proceedings to go forward so that everybody knows what's going on, you can't use it. That's the standard now that we are proposing be adopted. And then building on that during the implementation process, we're going to have actual technological standards put together and those will become the floor that would apply to all the tools.

>> Thank you.

>> I just wanted to make sure we were on the same page. With regards to both the implementation and translation committees, they will report to E&P. And any policy decisions you're making will come through E&P to be approved. That's the first link, everyone is shaking their head yes. The second is that any legislation that you may propose, that will also go through PCLC.

>> Or RUPRO?

>> If there are rules that you recommend a change, those, okay. That's all I had.

>> Ms. Pole and then Judge Rosenberg.

>> One question: one of the public comments that we received that you heard. That is, what protocol do you have for training about the requirements of this plan including judicial officers?

>> We don't have any protocols. We have a recommendation. There is a whole section on training in the plan. The plan recommends that all judges be required to take training in three areas. One is what this plan is all about. The second is apparently there are judges out there who really do not know how to manage a courtroom when there's an interpreter in the courtroom. And it makes interpreters lives very difficult and it makes the litigants' lives very difficult. So we need to ramp up the training that we have for judicial officers in managing courtroom proceedings under those circumstances. That's the secondary one. The third area is probably a cultural competence understanding that body language is different in some cultures and other kinds of areas. It's become a preventive recommendation, and we'll be working with CJER and the implementation task force to put together the curricula, so you can't require judges to take classes but you can offer them and I'm sure there are incentives we can provide to make sure the trial court judges receive this training.

>> Let me add it also applies to all judicial officers. That would include individuals serving as temporary judges. Knowing that in many civil courts on behalf of temporary judges and attorneys, who have passed on the training and they need to be trained in those areas also. But it's a critical part of the recommendation that we have much more judicial education on interpreter issues and the like to make sure that they are properly trained.

>> I know what you have in this paper. I just don't know whether the public knows what you have. And so I wanted you to make sure you address the comment that was made because I think she was very, very emphatic and emotional about that particular part of this recommendation.

>> Yes. I think that's a really good point. That is a scene. You'll see at the beginning, we gathered some themes that we heard throughout the public hearing process. And sadly, one of the themes was judges aren't doing a very good job in making sure that all of these things happen, and that they happen correctly, and they happen in a way that makes the process work. And so that that is why we put an entire section on training here.

>> Another recommendation is for increased staff training that goes right along with it. I think that's a very important component especially in the courtroom because the judge is not going to be there pushing the buttons, and working things, or dealing with the interpreters in a way that staff will to get things set up. On many occasions I know I rely on staff for quite a few things. I don't know that much to assist in setting up the process. And there are going to be a great deal of training informational materials and staff to assist the judges.

>> Thank you.

>> Judge Rosenberg?

>> Thank you, Chief. What you've done and what we're doing here is very important. I do thank you. I am very concerned about the impact on trial judges and clerks. We are facing court staff training, judge training, new procedures. We are short of staff. Most courts have lost 30% of their staff. Judges are being impacted by realignment, by Prop. 47. We are 350 judges short in the state of California, with a lot of stuff flying at California judges. I'm very concerned about the impact that will occur on trial judges in California.

>> Do you want me to respond?

>> When I pause, it normally means I'm waiting.

>> Okay. My thoughts on that is that I would expect that judges would not only embrace but would look very much forward to having more interpreters available to them, particularly in civil proceedings because now in civil proceedings, it is a catch-as-catch-can proposition. And I know one of the judges here at the last hearing remarked about that and told us the story about how painful it was to have this litigant in front of him who couldn't speak English, and he couldn't speak the litigant's language, and he couldn't even explain what was going on, and no one was there, and the best they could do was come up with somebody's kid who came in. It was a dreadful, stressful situation for the judge. So I'm thinking of that component of the plan as the primary goal of the plan which is providing interpreters in all civil proceedings—which is our core goal—is going to be something judges are going to love. The fact that they are going to have to do some training, I guess they are not going to be joyful about that. But I think the trainings can be done. We can do them on the system, we can do brown bags, we can structure them in a way that people will be able to do that without their workloads being added to and that the judges will be anxious to get the kind of information they need. One example: how do judge the efficacy and the quality of interpreting? You're sitting there listening to somebody talking Vietnamese, and back and forth, and you have no clue and no system for testing whether this interpreter is providing the right quality of interpretation. This plan proposes a whole system whereby these things are going to be tested. These things can be monitored. There will be a complete system and so on set up. So I think all of this is designed to support trial judges and courts even though it could add in some fashion to a little bit of their training workload, and so on. I think overall it's going to ease the stress of the provision of services to LAP users.

>> I know that in teaching classes with Judge Ito, many of the people here have taken his class at the college which is really one of the most popular and long-standing courses that the college offers. I've talked with him. You could convey so much information in a relatively short period of time on the topic to make judges much better at their jobs. Judges are always happy to receive that kind of training whenever I've conducted the classes.

>> Judge Slough, Judge Nadler, and then Justice Ashmann-Gerst.

>> I understand Judge Rosenberg's point, but on the other side of that same point, I believe, is that if we get the training and we have the services and we know the folks we're dealing with are understanding the process better, I think in the long run, not only are we serving the public better, but in the long run, we also can save time because many times it will prevent additional hearings. And secondarily, spending a little bit of time now sometimes saves a lot of time in the future. Thank you for your work.

>> Judge Nadler?

>> Thank you, Chief. I appreciate Judge Rosenberg's concerns about the cost, but I think that we're talking about basic access to justice. This is what we do. I read this presentation or this report. And flashing before my own eyes were all of these instances over the many years of people that stood before me with a look of panic because they didn't speak the language and my own concern is possibly they panicked because I did not draft 12-year-olds to come into court to interpret Spanish in a case that had far-reaching... this is their lives. The decision can affect their lives forever. So I think this is necessary. I think we'll have to deal with the cost of it down the line. The first issue is to understand that this is such a monumental problem and I think this was a monumental effort. I thank the working group for that. I am a great supporter of it, and I will do everything I can to help to implement this.

>> Thank you.

>> Thank you. Justice Ashmann-Gerst, and Mary Beth Todd, and Judge Herman.

>> Thank you very much. Maria, I had a question, clarification on this transition committee. I wasn't 100% clear how that will be developed. Where would that transition committee reside? And do you foresee a proposed composition of it?

>> The translation committee or the implementation?

>> The translation committee.

>> The translation committee would be like any other standing committee that you have. It resides in the ether but it would be supported by the staff of class. And it would report to probably E&P. And the whole point of the translation committee is to prepare protocols for

standardizing translations. One thing that came to our attention as we were doing the public hearing process was that every language has many different dialects. In some dialects, the word from a witness is different from other dialects. What we need is a translation committee that has nuanced understanding of languages. Presumably it would be made up of judges and interpreters and other folks like that, but also my thought—I talked to the Chief about this yesterday—to bring in professional translators who understand all these things and who can assist us in preparing the right protocols of reviewing either the Judicial Council forms or signage, whatever it is. I think now it's mostly being done by sending it out to professional translating places, but we wanted to bring oversight of that back in-house, back into the courts.

>> Are you envisioning being a translation advisory committee to the council or would it be a committee of the council? Like the Judicial Council Technology Committee?

>> I have no idea. I don't understand. It would be whatever the Chief wanted it to be.

>> Advisory committee.

>> [Indiscernible -- low volume]

>> We next have speaking Mary Beth Todd and then Judge Herman.

>> Thank you all for your work with this working group and putting together this plan. Reviewing the plan, it's very well thought out but put out in very simple terms. It's easy to follow and easy to understand what the expectations are, going forward. Next week, we'll be hearing more about the plan in our Court Executive Advisory Committee meetings, and we look forward to that, and we look forward to starting the implementation discussion, and then providing more input to the implementation task force. I did want to weigh in on the language with respect to the remote video interpreting, or video remote interpreting, whichever way you want to say it, and a language that has been referred to on page 48 with respect to allowing courts to move forward notwithstanding the pilot being completed and guidelines. I appreciate the position that the working group took and included in the report, especially in region three. We heard from Judge Conklin. Region three is our largest region and has the most courts in it. And it has large courts like Fresno, Sacramento, but it has the majority of the very small and rural courts in it. Most of the small rural courts do not have interpreters. The need for interpreters is sporadic but as we all know, when you have the need you need it now. That region has really been looking forward to the benefit of remote interpreting so that people's rights and due process aren't delayed while we wait for an interpreter to drive a full day to get to some of these courts. So while I think standards and guidelines moving forward will be important, and I look forward to the pilot and what we can glean from it, I agree with the comments of Judge Conklin. Ultimately, it is the judge's decision and the judges are very conscientious about this working for their attorneys and all the stakeholders in the courtroom. And that we do need to move forward and allow for these remote interpreting proceedings absent the formal guidelines so that we can begin the process of expanding this access. In the end, that's the goal here. While we can't

provide the Cadillac of access today, at least we are providing access, we're expanding that access and we are doing it thoughtfully. We'll continue to look at how we continue to improve and as resources become available, we'll make it better. But the bottom line is to ensure that everybody has that access, and this will go a long way in helping that. I do want to thank Fresno court. They've taken the lead on some of this, and they will be providing those interpreters that will help some of these rural courts along with other courts in the region. And we're all in this together, and I think it really shows the collaborative spirit of our branch that we are being creative, assisting each other, and doing our best to provide access as needed. Thank you.

>> Thank you. Judge Herman?

>> On behalf of Judicial Council Technology Committee, I wanted to thank Justice Rivera, Judge Austin, and Judge Manuel Covarrubias for all their input. And the working group that worked on our strategic and tactical plan so that we align the technology front with language access so that we make sure that technology is an enhancement to access, language-wise, and not a barrier. So thank you for helping us in that way. Thank you for all your good work.

>> Judge De Alba? And also Rick Feldstein.

>> I was that 12-year old boy that translated for a relative who lost a leg in an industrial accident in a Workers' Comp case. As a judge who has presided over all types of criminal and civil cases over the last 14 years, I am extremely thankful when I have an interpreter in the courtroom. Criminal cases, we're not talking about that. That's not front and center today. When I have an interpreter in the courtroom who can explain to someone who doesn't understand anything I'm saying, the reasons why I am doing something, I am eternally grateful to that. And it pains me greatly when I have a family before me where their housing is at issue, the custody of their child is at issue, the loss of liberty of a child or family member is at issue. And they don't understand what's going on. It's a tragedy. So I am so grateful for your work and your report. And I, like Judge Nadler, pledge to do all necessary to ensure the implementation of the plan. Thank you.

>> Very well said. Getting back to some of the points that were raised by our public speakers, there is a great need for recognizing individual circumstances of litigants and as Mary Beth said, courts really do need the flexibility to recognize those and react to them. I don't think anybody is in a better position than the judge in the courtroom to see what the needs of that person are—and also to have good interpreting services that further the case.

>> Thank you. Did you want to say something?

>> I didn't want the proceedings to close without responding to the comments that were made today from the deaf community. So I wanted to explain that this plan ... the deaf community as you know is required to be provided with language access services under the ADA. Because the ADA is a structure under which those services are provided, that was not a part of the discussion in this plan. But I want to point you to footnote eight of the plan, which very clearly says that we

want to include the deaf community and the ASL issues in our implementation process. So wherever it touches on anything we do—such as when VRI touches on what’s going on in the courts—with ASL interpretation, we will be including the deaf community on that. And that is our intention and we stated that in the plan itself.

>> Thank you. Judge Phelps?

>> I am assuming that if the council adopts that strategic plan, then the Chief, you will be appointing an implementation task force committee and the other committee that’s recommended by this working group. Am I correct?

>> Yes.

>> Time to make a motion?

>> If you care to, yes.

>> I’m moving yes.

>> I’m moving that the council adopt the strategic plan for language access in California courts.

>> Second.

>> Second by Judge Jacobson. Anything further, Judge Jacobson? Any further discussion at this point? I want to say one thing. I remember when you first came to speak to us about the road ahead, and how you, Justice Rivera, spoke to us for two minutes in Spanish. And we were all silent. And asking ourselves, what did she say? I think I caught a word of that. By your word indeed, by Judge Manuel Covarrubias, Judge Austin, every single working group of the professional interpreters who brought forth their input, their influence, their guidance, and wisdom, in any language, thank you. All in favor of recommendations one through three as stated, please say aye. Any opposed?

>> Judge Brandlin abstains.

>> Thank you, Judge Brandlin. And a round of applause.

>> [Applause]

>> Let me say one more thing. In anticipation of this report in council today, I have taken the liberty of appointing the chair of the implementation task force with input from, of course, relevant folks here at the table and I’m proud and happy to say that the chair of the implementation task force will be Supreme Court Justice Mariano–Florentino Cuellar. And we will be inclusive and collaborative.

>> [Applause]

>> Thank you. Finally and sadly, we conclude today's meeting as we often do, and that is with a brief remembrance of judicial colleagues recently deceased. As many of you know, Judge Dennis Forland was on the bench of the Superior Court of Butte County at the time of his passing in December. We also have four other colleagues who were retired from the bench. Justice Orville Armstrong of the Court of Appeal, Second Appellate District; Judge Donald Fitzpatrick, Superior Court of Los Angeles County; Judge Robert Monarch, Superior Court of Orange County; Justice Richard Neal, Court of Appeal, Second Appellate District. I'd also like to acknowledge the passing of Judicial Council staff member, and friend, and constant person in our council meetings and our meetings offsite at hotels and conferences, and that is Malcolm Franklin, the manager of the Judicial Council Office of Security who passed away in December unexpectedly. Thank you.

>> We regret that Judge Bill Draper, retired from San Diego, passed away a few days ago.

>> Sorry to hear that, Judge Rubin.

>> We honor them for their service to the courts and to the people of California on the access to justice. That concludes our January business meeting. Our next scheduled meeting is again in Sacramento, February 19. This meeting is adjourned, but we will have half an hour of closed session on the class and, no? We're not? We stand in adjournment.

>> [Event concluded]