

JUDICIAL COUNCIL MEETING
Minutes of the July 29, 2009, Meeting
San Francisco, California

Chief Justice Ronald M. George, Chair, called the special business meeting to order at 11:00 a.m. on Wednesday, July 29, 2009, at the Administrative Office of the Courts (AOC) in San Francisco.

Judicial Council members present: Chief Justice Ronald M. George; Justices Marvin R. Baxter, Tani Cantil-Sakauye, and Richard D. Huffman; Judges George J. Abdallah, Jr., Lee Smalley Edmon, Peter Paul Espinoza, Terry B. Friedman (attended remotely by phone), Carolyn B. Kuhl, Thomas M. Maddock, Dennis E. Murray, Winifred Younge Smith, Sharon J. Waters, and James Michael Welch; Mr. Raymond G. Aragon, Mr. Anthony P. Capozzi, Mr. James N. Penrod (attended remotely by phone), and Mr. William C. Vickrey; and advisory members: Judges Kenneth K. So and Mary E. Wiss; Commissioner Lon F. Hurwitz; Mr. Michael D. Planet, and Mr. Michael M. Roddy.

Absent: Justice Brad R. Hill; Senator Ellen M. Corbett; Assembly Member Mike Feuer; and Mr. Joel S. Miliband.

Others present included: Judges Mary Ann O'Malley, Michael P. Vicencia, and David S. Wesley; Ms. Miriam A. Krinsky, Mr. Ronald G. Overholt, and Ms. Kim Turner; **staff:** Ms. Dianne Bolotte, Ms. Deborah Brown, Ms. Sheila Calabro, Ms. Nancy Carlisle, Ms. Marcia Carlton, Mr. Philip Carrizosa, Mr. James Carroll, Ms. Roma K. Cheadle, Mr. Curtis L. Child, Mr. Kenneth Couch, Dr. Diane E. Cowdrey, Ms. Linda Cox, Mr. Ekuike Falorca, Ms. Claudia Fernandes, Mr. Rubin Gomez, Mr. Michael Guevara, Ms. Fran Haselsteiner, Ms. Lynn Holton, Mr. Shawn Jackson, Ms. Maria Kwan, Ms. Althea Lowe-Thomas, Ms. Carolyn McGovern, Mr. Frederick Miller, Mr. Mark Moore, Ms. Lynn Muscat, Ms. Vicki Muzny, Mr. Stephen Nash, Ms. Amy Nunez, Ms. Diane Nunn, Ms. Jody Patel, Ms. Christine Patton, Ms. Kim Pedersen, Ms. Mary M. Roberts, Ms. Jeannine Seher, Mr. Colin Simpson, Mr. Christopher Smith, Mr. Curt Soderlund, Ms. Nancy E. Spero, Mr. Jim Vesper, Ms. Valerie Vindici, Mr. Lee Willoughby and Ms. Sonia Sierra Wolf; **visitors:** Ms. Christine Ace, Ms. Terry Akel, Ms. Jo Bars, Mr. Wayne A. Bilowit, Ms. Michelle Castro, Ms. Carolyn Dasher, Deputy Sherriff Bob Fonzi, Ms. Vorie Gemanis, Mr. Larry Gobelman, Ms. Gwendolyn D. Jones, Ms. Rosa Junqueiro, Ms. Melanie Kellnes, Mr. Myron Kelso, Mr. Thomas Kim, Mr. Alex Manners, Ms. Connie Mazzai, Ms. Corrine Moos, Mr. Bill Murray, Jr., Ms. Karen Norwood, Ms. Victoria O'Brien, Ms. Donna O'Hara, Ms. Debra Pearson, Mr. John Picone, Ms. Liberty Sanchez, Mr. Cesar Serrano, Ms. Arnella Sims, Mr. Dave Soon, Mr. Earl Thompson, Ms. Carolyn A. Welch, Mr. Oris Wheat, Mr. Anthony Williams, and Ms. Maggie Wong; and **media representatives:** Ms. Julia Cheeves, *Bay City News Service*, Mr. Paul Elias, *Associated Press*, Mr. Howard Mintz, *Mercury News*,

Ms. Barbara Taylor, KCBS Radio, and Ms. Amy Yarbrough, *San Francisco Daily Journal*.

Public Comment Related to Trial Court Budget Issues

Written statements and letters submitted to the Judicial Council for the meeting are attached. Ten members of the public requested to speak on trial court budget matters. The speakers, listed in order of appearance, were:

1. Ms. Karen Norwood, President, American Federation of State, County, and Municipal Employees (AFSCME) Local 3302
2. Deputy Chief Bob Fonzi, San Bernardino County Sheriff's Department
3. Lieutenant Wayne A. Bilowit, Los Angeles County Sheriff's Department
4. Ms. Michelle Castro, Senior Government Relations Advocate, California State Council of the Service Employees International Union (SEIU)
5. Captain David Souza, San Joaquin County Sheriff's Office
6. Ms. Arnella Sims, Court Reporter, Superior Court of Los Angeles County
7. Ms. Tanya Akel, Deputy Director of Research and Policy, SEIU, Local 721, representing court employees in Los Angeles, Riverside and Ventura Counties
8. Ms. Donna O'Hara, Clerk, Superior Court of Santa Clara County, and member, SEIU, Local 521
9. Ms. Debra Pearson, employee, Superior Court of Alameda County
10. Ms. Liberty Sanchez, representative of the California Public Defenders Association and the Laborers' International Union of North America, Local 777

Welcome Extended to Prospective Judicial Council Members

Chief Justice Ronald M. George welcomed the incoming Judicial Council members present at the meeting: Judges Mary Ann O'Malley, Michael P. Vicencia, and David S. Wesley; and Ms. Miriam A. Krinsky and Ms. Kim Turner.

Chief Justice's Opening Remarks

The Chief Justice acknowledged the serious situation presented by the state's current economic crisis, as expressed by court employees, sheriff's representatives, and members of the public in writing and orally at this meeting. In view of the guiding principle in the judicial branch's strategic plan, to increase access to justice, the branch does not take lightly the court closures proposed to address branch budget cuts; these are considered with the greatest regret and as the last resort. The council gave direction to the Administrative Office of the Courts (AOC) to develop a plan for court closures only if absolutely necessary in order to avoid the kind of reductions that, in the long term, could be even more devastating than the court closure option now under council consideration. The Chief Justice noted that the proposed court closures of one day per month come at a time when many state employees face furloughs of three days per month. It is important to take a broad perspective on the budget implications and to protect the 20,000 plus employees who serve in the judicial branch. The Chief Justice

pledged that he would be among the first judges to elect a voluntary salary waiver to acknowledge the sacrifice of court employees. He appealed to all judges and justices to participate in the program.

The Chief Justice also acknowledged the contributions of Justice Marvin Baxter, chair of the council's Policy Coordination and Liaison Committee, Mr. Curtis L. Child, Director of the AOC Office of Governmental Affairs, along with his staff; and Mr. William C. Vickrey and Mr. Ronald G. Overholt in working with the legislature to secure the branch's financial position. He also acknowledged the work of the Trial Court Budget Working Group in preparing the budget recommendations before the council, the assistance provided by Mr. Anthony Williams, and the partnership and support of the California Judges Association.

The Chief Justice turned to the meeting agenda and the council's task to find an equitable way to maintain services to the public and to protect court employees with considerably reduced resources as a result of the state fiscal crisis.

CONSENT AGENDA

No consent items were submitted.

DISCUSSION AGENDA (Items 1–3)

Item 1 Judicial Council Distinguished Service Awards for 2009

Justice Marvin R. Baxter, chair of the Policy Coordination and Liaison Committee presented this item.

The chairs of the three Judicial Council internal committees recommended that the council approve the winners of the 2009 Distinguished Service Awards. Their recommendations were distributed at the council meeting. The awards will be presented on a date at an event to be determined.

Council action

The Judicial Council approved the following winners of the 2009 Distinguished Service Awards.

Jurist of the Year: Hon. Ming W. Chin, Associate Justice of the Supreme Court

Judicial Administration Award: Mr. Stephen Nash, Director, Finance Division, Administrative Office of the Courts

Bernard E. Witkin Amicus Curiae Award: Mr. James P. Fox, District Attorney, San Mateo County; and Mr. Gary Windom, Chief Public Defender, Riverside County

Item 2 Allocation of Trial Court Funding for Fiscal Year 2009–2010, Including Recommendations Regarding Statewide Reductions in Funding

The Administrative Office of the Courts and the Trial Court Budget Working Group recommended the allocation of funding to the trial courts for fiscal year 2009–2010. This recommendation included allocation of resources to address various court cost issues as well as approval of methodologies for implementing trial court funding reductions included in the 2009 State Budget.

Council action

The Judicial Council approved the following allocations.

1. Allocated to courts the net \$190.13 million ongoing reduction in fiscal year 2009–2010 (which increases to \$225.13 million in fiscal year 2010–2011) based on each court’s relative share of the total statewide non–security base allocation, as indicated in column D of the Proposed Allocation of FY 2009–2010 Trial Court Funding and Reduction Adjustments chart provided to the council in Attachment 1 of the Finance Division’s report to the council¹.
2. Adjusted individual court allocations to reflect anticipated cost adjustments for fiscal year 2009–2010, as indicated in column E of Attachment 1.
3. Allocated the net security funding shortfall of \$10.26 million to all courts based on each court’s share of the total statewide security funding. The specific court-by-court allocation is displayed in Column F of Attachment 1. This allocation reflects the following adjustments to court security funding:
 - Security cost increases for existing service levels (\$8.74 million);
 - Amount of unfunded ongoing costs (\$30.60 million);
 - Security share of the overall unallocated budget reduction (\$17.68 million);
 - Redirection of one-time security funding (\$6.76 million);
 - \$10 increase in the court security fee (\$31.67 million in fiscal year 2009–2010); and
 - \$8.33 million from statewide special funds.
4. Authorized the distribution of funding to each court once the court has provided documentation to the Administrative Office of the Courts verifying that security compensation and retirement cost increases are confirmed and ratified.

¹ See the Proposed Allocation of FY 2009–2010 Trial Court Funding and Reduction Adjustments following the public statements attached.

5. Allocated savings of \$2.45 million from rate-driven retirement reductions to offset a portion of the costs for those courts that will have or project to have rate-driven increases for fiscal year 2009–2010 (as indicated in columns G and H of Attachment 1) and authorized the use of monies from the statewide special funds on a one-time basis to address the remaining \$7.62 million retirement cost shortfall for fiscal year 2009–2010, as indicated in column I of Attachment 1.
6. Allocated \$9.28 million from the statewide special funds in fiscal year 2009–2010, on a onetime basis, to fund the Court-Appointed Dependency Counsel program at the fiscal year 2008–2009 level.
7. Authorized the allocation of savings from the statewide special funds, on a one-time basis, to address the anticipated shortfall in the court interpreter program for fiscal year 2008–2009. (This amount is currently estimated to be less than \$1 million.)
8. Allocated to each court interpreter region a prorated share of the baseline appropriation in fiscal year 2009–2010 as a guaranteed reimbursement level for planning purposes for fiscal year 2009–2010. The program would reflect each region’s current share of overall eligible program costs. Any funding unused for reimbursement in any region at the end of the fiscal year would be available for payment of unfunded eligible costs in other regions.
9. Guaranteed 100 percent reimbursement of court interpreter cross-assignment costs to courts in fiscal year 2009–2010.
10. Allocated \$644,973 in one-time funding from statewide special funds for non–security costs for new and transferring facilities in fiscal year 2009–2010, as indicated in column J of Attachment 1.
11. Delegated authority to the Administrative Director of the Courts to make minor or technical one-time and ongoing allocations of funds to courts, as needed, to address unanticipated needs and contingencies, to the extent that program savings are identified during the fiscal year from reimbursable or other funds.

The council requested that the Chief Financial Officer of the Administrative Office of the Courts report to the council with further recommendations on potential budget adjustments for courts that qualify as under–funded and under–resourced according to Resource Allocation Study standards.

Item 3 Uniform Closure of Courts for Cost-Savings Purposes

The Executive and Planning Committee and the Administrative Office of the Courts recommend that there be a uniform closure of courts in fiscal year 2009–2010 for cost-savings purposes on the third Wednesday of each month starting in September 2009.

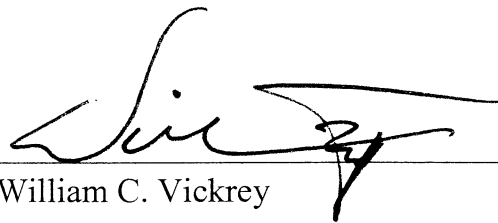
Council action

The Judicial Council took the following action effective September 2009:

1. Designated the third Wednesday of each of the remaining 10 months of this fiscal year as the court closure day for all superior courts, Courts of Appeal, the Supreme Court, the Judicial Council, and the Administrative Office of the Courts beginning in September 2009 and continuing through June 2010.
2. Directed the AOC to obtain from the courts information about the actual monetary savings that are obtained as a result of the court closures, the extent of disruption to court users, county justice partners, and court operations resulting from the one-day-per-month court closures, and the courts' assessment of their ability to realize sufficient savings throughout the remainder of the fiscal year; and to report that information to the council in January 2010, along with information concerning the then-current fiscal condition of the judicial branch and any available projections for fiscal year 2010–2011, so that the council may reconsider whether to continue or reduce the number of monthly closures for the remainder of the fiscal year.

There being no further public business, the meeting was adjourned at 3:28 p.m.

Respectfully submitted,



William C. Vickrey
Administrative Director of the Courts and
Secretary of the Judicial Council

Written statements received

“REQUEST TO SPEAK AT JUDICIAL COUNCIL MEETING”

We wish to speak regarding agenda item number 2/ Allocation of Trial Court Funding for Fiscal Year 2009-2010 Including Recommendations Regarding Statewide Reductions in Funding

Our proposed statement: (We would like to distribute this at the meeting)

Trial Court Closures

This action will only create Denial of Justice, put women and children in danger and allow criminals to be released from jails.

Council Spokeswoman Lynn Holton said the plan was developed by the Administrative Office of the Courts (AOC) in response to the severe fiscal crisis now facing the courts. She said the state court system is facing at a least \$495 million shortfall in the annual budget.

What is not mentioned is that the AOC has earmarked approximately \$600 million for the Courts Case Management System (CCMS) project which is much more than the shortfall the courts are facing.

The CCMS project is ***not successful or complete*** and does not operate in the Los Angeles Superior Court system. However, only the Small Claims module of the CCMS system is being piloted, tested and running parallel with the existing Case Management System at the Alhambra Court branch of the Los Angeles Superior Court Northeast branch.

The CCMS project is not complete. This project should be placed on a spending hold until modules 1-6 are in complete operation. A spending hold will not stop the CCMS project. It will allow a chance to address and repair the problems before adding onto a system that does not work. Why should money be spent on Modules 7-10 before the other modules are working properly as required?

This is a choice by the AOC not a necessity. Why does it make sense to spend such a large amount of money on a computer system at the expense of denying the general public access to justice and impacting employees?

The Administrative Office of the Courts should be required to open all books and become transparent.

Karen Norwood, IT Instructor
Los Angeles Superior Court
P.O. Box 712268
LA, CA 90071
(310) 988-5989

AFSCME Local 3302, President
514 Shatto Place, 3rd Floor
LA, CA 90020
AFSCMELocal3302@yahoo.com



LEROY D. BACA, SHERIFF

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



July 28, 2009

The Honorable Ronald George
Chief Justice of the California Supreme Court
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, California 94102-3688

Dear Chief Justice George:

**TRIAL COURT BUDGET ISSUES
BUDGET YEAR 2009-10**

This letter is to express my concerns about the current state of trial court funding as a result of the recently passed Fiscal Year 2009-10 State budget and specifically Senate Bill 13 of the 4th Extraordinary Session and its implications on public safety.

We knew from working closely with the legislature and your office that deep budget cuts were coming to the State Trial Court System and the Administrative Office of the Courts (AOC). We were working with you, the AOC and our local Superior Courts in an attempt to offset these budget cuts by shifting reserves, delaying infrastructure improvements and increasing fees. We also realize that many courthouses throughout the State will be forced to close for 12 business days.

However, the passage of Senate Bill 13 creates unacceptable conditions for local Sheriff's Departments that if allowed to stand, would add to a serious reduction in services and threat to public safety.

Amongst the most problematic amendments are the addition of Government Code Section 68106 (b) (6) (A) (Mandatory MOU renegotiation) and Government Code Section 69926 (b) (retiree health care reduction) which combined would result in a \$13 million loss to the Los Angeles County Sheriff's Department. This, on top of the currently projected \$79 million cut I will be forced to take as a result of a county budget shortfall, will result in an unprecedented cut to public safety services in Los Angeles County.

A Tradition of Service

As you are well aware, the Los Angeles County Sheriff's Department is the largest law enforcement agency in California and is responsible for providing front line law enforcement services to 136 communities within the unincorporated area of the county, 40 contract cities, the Metropolitan Transit Authority and the Los Angeles Community College District. Because the Sheriff is required by law to operate the County Jail System, and to provide security services for the Superior Courts, any unanticipated budget reductions may require me to close jail facilities. Reductions in the patrol services I provide for over three million Los Angeles County residents would similarly be considered.

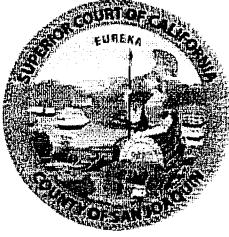
As Sheriff, I have a responsibility to ensure that the best possible levels of public safety services are provided to the residents of Los Angeles County. With the irresponsible acts of the Legislature, in passing certain provisions of Senate Bill 13, this task has become much more difficult and has left me few options.

I urge the AOC to work with Sheriff's across our State and try to find any available means to reduce the negative impacts on public safety that forced budget reductions will have on the residents of the State of California.

Sincerely,



LEROY D. BACA
SHERIFF



The Superior Court
COUNTY OF SAN JOAQUIN
222 E. WEBER AVENUE, ROOM 303
STOCKTON, CALIFORNIA 95202

TELEPHONE
(209)468-2827
WEBSITE
www.stocktoncourt.org

July 28, 2009

Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102

VIA EMAIL

RE: Budget Reduction Allocations for Superior Court, San Joaquin County

Dear Council Members:

This letter comes to provide supplemental information to assist you in addressing the difficult decisions you must make on trial court budget reductions. The Superior Court for San Joaquin County is unique when compared to other courts. Because we are both historically under resourced and have insignificant reserves, a pro rata approach resulting in an 11.91% reduction will have a devastating impact on our court. We ask you to consider our unique combination of circumstances because we believe there are no other trial courts that: 1) are as under resourced as our court, 2) that have such meager reserves, and 3) that have our same funding history.

Budget Impacts

The most recent RAS model (July 2009) shows that our court is 29.86% under resourced, second highest in the state and first in our cluster. In addition, unlike many under resourced courts, our court has insignificant reserves. We have not been frivolous in our spending. We simply have had insufficient funds over the years to build up a reserve. Unlike many courts, we will not be able to offset reductions by using reserves. Program reductions other courts are preparing to make are reductions we made long ago or relate to programs we never could afford to implement. We realize many courts are facing layoffs. Our court is different because the positions those other courts will reduce are positions we never had the ability to have. Our layoffs will cut deeper into our operation and have a much more critical impact than layoffs that may take place in the other courts.

We had planned for a \$1.62M reduction based on the methodology discussed at the Trial Court Budget Working Group meeting in April. Using the pro rata approach now recommended to the Council, our combined operations and security reduction will be \$3.22M. It appears we will realize some offset from security funding reductions mandated by the budget trailer language. Assuming those security offsets, we will still be faced with an additional \$1.25M in reductions.

We currently have 352 FTEs. We have intentionally kept 12 positions vacant. In addition to our employees giving up their 3% COLA, our employees have already agreed to an unpaid furlough

one day per month to address what we thought was going to be a \$1.62M reduction. If they are unwilling to negotiate a second furlough day, we estimate having to layoff approximately 23 positions, 6.5% of our already understaffed workforce. Even if our employees agree to furlough a second day, we will still have to layoff 5 positions.

These may sound like small numbers to some. Based on the RAS Model Estimates of Court Staff FTEs (May 2009), our court should have 446 FTEs. At 352 FTEs, we currently have 94 FTEs less than the RAS model. We have kept 12 of our 352 positions vacant. A loss of an additional 23 positions plus 12 furlough days per year will be devastating. A loss of 5 positions combined with the loss of 24 days productivity per year from each employee will also be devastating since we are already behind in case processing. We previously had planned a reduction in clerk's office hours. Laying off 23 employees will likely result in our inability to handle certain case types and/or court closures in our county, a jurisdiction that is already significantly under served.

Fund Balances

In addressing the \$92M one-time reduction in FY08-09, the Judicial Council exempted our court and three other courts from reductions. These courts were in the unique situation of being both under resourced and having insignificant reserves. Our court's situation has not changed. Aside from being nearly 30% under resourced, we are projecting our FY08-09 ending reserves after contractual, statutory and operating and emergency fund requirements to be only \$489,486.

We understand the reasoning behind not factoring reserves into allocations that involve ongoing reductions. Reserve funds cannot be used on an ongoing basis. On the other hand, the accumulation of reserve funds is an ongoing process. Because we have been genuinely under funded, we have been unable to accumulate reserves. Courts that have been able to build reserves are able to soften the blow of the pro rata reduction in this budget year while we will experience the full impact. Indeed, we understand that many courts were able to increase their reserves over the last fiscal year and operationalize their reductions. We believe it will be appropriate to no longer consider the relative lack of reserves in our years when reserve funds in the other trial courts have been depleted. For the current fiscal year, we ask the Judicial Council to consider both the fact that we are significantly under resourced and the fact that we have insignificant reserves in allocating our reductions.

Validity of RAS

We understand the concern of some members of the Trial Court Budget Working Group about the need to update RAS, especially in light of the fact that some under resourced courts have been able to build up significant reserves. The RAS model shows our court as being under resourced because we are truly under resourced, and our inability to build up reserves proves that fact. As further proof, one need only compare our filing statistics, the number of judicial officers and FTEs we have, our budget, and our fund balance to other courts in our cluster to verify that we are truly under resourced.

History of San Joaquin Superior Court Funding Disparities

Some may wonder why our court's circumstances are so different from other California Trial Courts. Before the Trial Court Funding Act of 1998, our court was under resourced as a result of the level of funding provided by the County. Because the Trial Court Funding Act took into account a county maintenance of effort amounting to the level of court funding provided by each county in FY94-95, our court has been under resourced ever since the Judicial Branch became solely responsible for trial court funding.

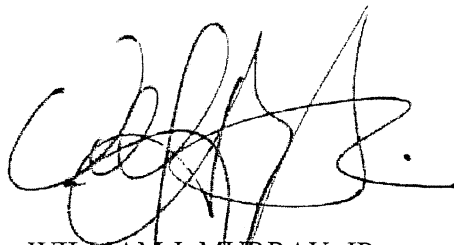
We are grateful for the RAS funding we received over the three years when RAS augmentations were authorized by the Council. Despite that funding, however, we are still nearly 30% under resourced. In 2004 when the first RAS results were published, we were 30.10% under resourced.

We are also grateful for the \$3.1M we received to implement CCMS in 2008 and allowing us the opportunity to demonstrate to the Judicial Branch that CCMS can be implemented in all case types at one time, under budget. It should be noted that aside from spending our RAS augmentation on employees, the single most significant expenditure we have made using those funds was the \$482,286 we were required to contribute to the implementation of CCMS in our court.

Conclusion

We realize we must share the pain. However, we have been experiencing the pain of being under resourced ever since 1992. A pro rata reduction to our budget allocation will have a disparate impact on our budget and a devastating impact on the administration of justice in San Joaquin County, to the detriment of the citizens we serve.

We are happy to answer any questions. Thank you for your consideration.



WILLIAM J. MURRAY, JR.
Presiding Judge
Superior Court
San Joaquin County



ROSA JUNQUEIRO
Court Executive Officer
Superior Court
San Joaquin County

Enc.

cc: William Vickrey, Administrative Director of the Courts, AOC
Ron Overholt, Chief Deputy Administrative Director of the Courts, AOC
Stephen Nash, Director and Chief Financial Officer, Finance Division, AOC
Jody Patel, Regional Director, NCRO, AOC



Officers

President
Clay Parker
Sheriff, Tehama County

1st Vice President
Curtis Hill
Sheriff, San Benito County

2nd Vice President
Mark Pazin
Sheriff, Merced County

Secretary
Keith Royal
Sheriff, Nevada County

Treasurer
Greg Ahern
Sheriff, Alameda County

Sergeant-at-Arms
Adam Christianson
Sheriff, Stanislaus County

Al Cooper
Sergeant-at-Arms, Emeritus

Immediate Past President
Ed Bonner
Sheriff, Placer County

Directors

Bob Brooks
Sheriff, Ventura County

Bill Cogbill
Sheriff, Sonoma County

John Crawford
Sheriff, Alpine County

Dennis Downum
Sheriff, Calaveras County

Pat Hedges
Sheriff, San Luis Obispo County

Mike Kanalakis
Sheriff, Monterey County

John McGinness
Sheriff, Sacramento County

Steve Moore
Sheriff, San Joaquin County

Ed Prieto
Sheriff, Yolo County

Perry Reniff
Sheriff, Butte County

Martin Ryan
Sheriff, Amador County

Donny Youngblood
Sheriff, Kern County

Presidents' Counsel

Robert Doyle
Sheriff, Marin County

Warren Rumpf
Sheriff, Contra Costa County

Laurie Smith
Sheriff, Santa Clara County

Sheriff Jim Denney (Ret.)
Executive Director

Nick Warner
Legislative Director

Martin J. Mayer
General Counsel

California State Sheriffs' Association

Organization Founded by the Sheriffs in 1894

July 27, 2009

The Honorable Ronald M. George, Chief Justice of California
Judicial Council of California - Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3688
Attn: Nancy E. Spero, Senior Attorney
nancy.spero@jud.ca.gov

Dear Chief Justice George:

On behalf of the California State Sheriffs' Association (CSSA), we are dismayed at the lack of a timely notification of this critical meeting, but do want to provide the following comments to be submitted into the record for the July 29 Judicial Council meeting on trial court budgets and the recommendation for uniform closure of courts. We note that the agenda for the meeting includes discussion of "implementing trial court funding reductions" as a recommendation and later in the day, "uniform closure of courts" as a remedy for "cost-savings purposes.

While CSSA is certainly understanding of the very difficult financial times we face in this state, which have impacted every department and agency, including the Administrative Office of the Courts (AOC), the mandatory or discretionary closing of any county court facility in California needs careful review and reconsideration.

We are very concerned that any uniform closure of courts will only exacerbate an already overwhelmed system and to believe any financial gains will be realized by shuttering a courthouse for a day, thereby pushing criminal and civil cases "down the road" in 58 counties will, in the end, only burden our court system further. We also believe that a decision as critical as this should not be made with such a short period of time for deliberation.

Thank you for your attention to our concerns. Please do not hesitate to contact me should you wish to discuss this matter further.

Sincerely,

Clay Parker, President
Sheriff, Tehama County

Sheriff Mark Pazin, Merced County
Court Security Committee Chair

Robert T. Doyle
Legislative Committee Chair

CDP/cmc

cc: Jim Denney, Executive Director
Nick Warner, Legislative Director

1231 I Street, Ste 200 ★ Sacramento, California 95814
P O Box 958 ★ Sacramento, California 95812

Telephone 916/375-8000 ★ Fax 916/375-8017 ★ Website www.calsheriffs.org ★ Email cssa@calsheriffs.org



San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062



William D. Gore, Sheriff

Thomas J. Cooke, Undersheriff

July 28, 2009

The Honorable Ronald M. George, Chief Justice of California
Judicial Council of California - Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3688
Attn: Nancy E. Spero, Senior Attorney
nancy.spero@jud.ca.gov

Dear Chief Justice George:

I appreciate the opportunity to provide comment on the proposed court closures. Given the critical nature of the State's budget, the need to work together to resolve these challenges to our ability to serve the public is obvious.

Closing the courts one day per month on a uniform day makes sense if your only concern is having the public uniformly aware of which day will be unavailable to them. Each county large or small can likely cite several factors that would make a non-uniform closure more effective for the individual county in question. I would suggest each county be given the latitude to select which day would be best to remain closed. I do not believe the decision to close alleviates the court's responsibility to honor the contract in place with my department. Usually when parties cannot agree to amending an existing contract the general practice is to retain the status quo. We intend to conduct training and explore alternative assignment options for my staff on the proposed furlough days. If the courts do not intend to honor the existing contract, I would ask who they suggest bear the burden of paying the personnel for whom they originally contracted. In San Diego County we are not prepared to absorb this unanticipated fiscal burden.

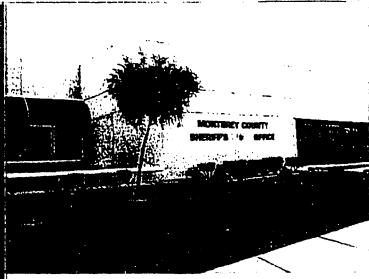
If less funding is available then one would correctly expect there will be less available staff hours for security staffing. What is proposed amounts to per diem staffing and does not take into account the contract obligations I have to my deputies. Clearly the single biggest expenses in our contract with the courts include the wages and benefits of my deputies. In making sustainable reductions in expenses serious consideration should've been given to reducing the number of open courts throughout the state. It is unreasonable to assume adequate security can be provided for all of the existing courts with less staff hours available.

Sincerely,

William B. Gore, Sheriff

WBG:gr

"Keeping the Peace Since 1850"



OFFICE OF THE SHERIFF

MONTEREY COUNTY, CALIFORNIA

July 28, 2009

Ms. Nancy Spero
Judicial Council of California
San Francisco, California

Dear Ms. Spero:

I am submitting my written statement to the Judicial Council to express my concerns regarding the proposed court closure scheduled for the third Wednesday of each month beginning September 2009. The closure of our courts will impact Monterey County and the Sheriff's Office as follows:

- The courts will experience heavier calendars during the rest of the furlough week necessitating additional number of deputies to be hired on overtime in order to provide adequate back-up for the increased numbers of jail custodies caused by the furlough day.
- Delays in adjudicating cases will contribute to an increase in the number of custodies held in jail. Misdemeanor and felony arraignments will be continued to the following day. Inmates who could have been released on their own recognizance by the court will spend an additional day in jail waiting for their case to be heard.
- The furlough day will likely extend jury and court trials, inconvenience jurors, and delay adjudication of defendants - further adding to an already backlogged system.
- Condensing a five day work week into a four day work week may result in additional overtime costs because the judiciary is unable to finish the calendar by close of business.
- A Wednesday furlough day is not conducive to efficiently reallocate personnel to other duty assignments.
- The furlough day will increase County cost and the cost to the Sheriff's Office by an estimated \$147,847 above and beyond the cuts already taken as a result of the State deficit. This will require the Sheriff's Office to identify other resources or reduce public services in order to balance the budget.

Mike Kanalakis, Sheriff - Coroner
(831) 755-3700 1414 Natividad Road, Salinas, CA 93906 www.co.monterey.ca.us/sheriff

Judicial Council of California

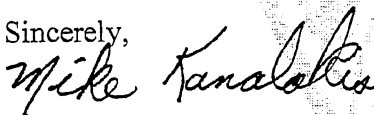
July 28, 2009

Page 2

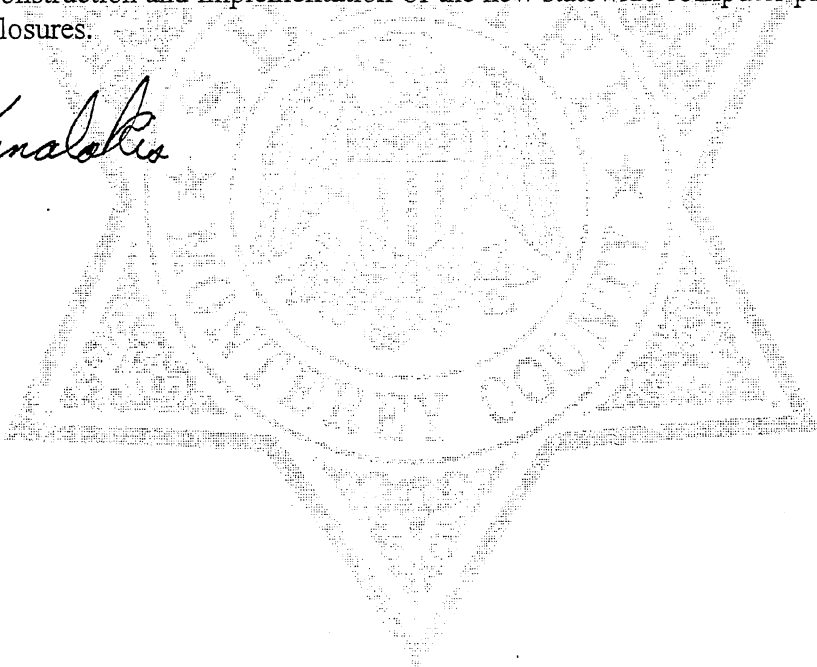
- One furlough day per month has the potential to negatively impact wages of deputies assigned to court services which would be in addition to, or above and beyond, negotiated contracts with the County and DSA. This will negatively impact the ability to attract future deputies to work in court services.

Public safety services are critically important to the security and well being of citizens. The courts play a critical role in providing public safety and services to the citizens of the State. I believe that the Administrative Office of the Courts would be well served by looking at reserves and money set aside for court construction and implementation of the new statewide computer program rather than pursuing court closures.

Sincerely,



Mike Kanalakis
Sheriff-Coroner



Proposed Allocation of FY 2009-2010 Trial Court Funding and Reduction Adjustments

| Court System | Information Only | | | Proposed Allocations | | | | | | | Information Only |
|----------------|--|--------------------------|--|--|--|---|--|--|---|--|------------------|
| | FY 2009-10 Beginning Base (excluding security) | FY 2009-10 Security Base | FY 2009-2010 Total Beginning Base Budget (A+B) | Allocation of \$190.13 Million FY 2009-2010 Reduction in | FY 2009-2010 Security Funding Adjustment | FY 2009-2010 Security Funding Reduction | FY 2009-2010 Retirement Courts with Cost Savings | Redistribution of FY 2008-2009 Retirement Cost Savings | FY 2009-2010 One-Time Retirement Allocation | FY 2009-2010 One-Time Funding for New Facilities | |
| | A | B | C | D | E | F | G | H | I | J | K |
| Alameda | \$ 92,023,913 | \$ 24,883,637 | \$ 116,907,550 | \$ (9,258,900) | \$ 860,204 | \$ (511,267) | \$ - | \$ 722,270 | \$ 2,243,540 | | \$ 110,963,399 |
| Alpine | 661,975 | 12,034 | 674,009 | (66,604) | - | (239) | (487) | - | - | | 606,679 |
| Amador | 2,692,300 | 562,331 | 3,254,630 | (270,883) | - | (11,168) | - | 1,448 | 4,497 | | 2,978,524 |
| Butte | 9,722,019 | 2,338,928 | 12,060,947 | (978,172) | 73,529 | (47,911) | - | 39,030 | 121,237 | | 11,268,660 |
| Calaveras | 2,447,430 | 277,500 | 2,724,930 | (246,246) | 9,712 | (5,704) | - | 243 | 754 | | 2,483,689 |
| Colusa | 1,771,429 | 132,002 | 1,903,431 | (178,231) | - | (2,622) | (5,111) | - | - | | 1,717,467 |
| Contra Costa | 43,168,907 | 13,513,201 | 56,682,107 | (4,343,399) | (487,660) | (258,684) | - | 24,102 | 74,867 | | 51,691,333 |
| Del Norte | 2,909,375 | 287,693 | 3,197,068 | (292,724) | 21,193 | (6,134) | - | 2,714 | 8,431 | | 2,930,548 |
| El Dorado | 7,833,240 | 2,181,504 | 10,014,743 | (788,134) | (32,555) | (42,678) | (6,879) | - | - | | 9,144,498 |
| Fresno | 42,967,578 | 13,690,086 | 56,657,664 | (4,323,142) | 496,921 | (281,751) | - | 47,331 | 147,022 | | 52,744,046 |
| Glenn | 2,299,824 | 329,013 | 2,628,838 | (231,395) | - | (6,534) | (4,144) | - | - | | 2,386,765 |
| Humboldt | 6,664,526 | 1,203,256 | 7,867,781 | (670,545) | 26,883 | (24,430) | (6,600) | - | - | | 7,193,089 |
| Imperial | 8,575,956 | 1,583,744 | 10,159,700 | (862,862) | 43,377 | (32,314) | (191,542) | - | - | | 9,116,359 |
| Inyo | 2,175,697 | 245,101 | 2,420,797 | (218,906) | 6,652 | (5,000) | - | - | - | | 2,203,544 |
| Kern | 35,101,848 | 9,028,381 | 44,130,229 | (3,531,739) | 312,382 | (185,505) | - | 206,612 | 641,785 | | 41,573,764 |
| Kings | 6,577,335 | 1,395,525 | 7,972,860 | (661,772) | (53,723) | (26,648) | (5,029) | - | - | | 7,225,687 |
| Lake | 4,035,447 | 661,008 | 4,696,455 | (406,023) | 1,083 | (13,149) | (61,663) | - | - | | 4,216,703 |
| Lassen | 2,542,495 | 446,935 | 2,989,430 | (255,811) | 6,727 | (9,010) | - | 395 | 1,226 | | 2,732,957 |
| Los Angeles | 522,537,366 | 163,843,355 | 686,380,721 | (52,574,606) | (1,611,085) | (3,221,894) | - | 281,644 | 874,852 | | 630,129,631 |
| Madera | 7,624,424 | 1,320,506 | 8,944,930 | (767,124) | 57,936 | (27,376) | (36,397) | - | - | | 8,171,970 |
| Marin | 17,295,984 | 2,815,070 | 20,111,054 | (1,740,219) | 143,768 | (58,762) | (7,488) | - | - | | 18,448,353 |
| Mariposa | 1,227,062 | 189,802 | 1,416,864 | (123,460) | 3,539 | (3,840) | (638) | - | - | | 1,292,466 |
| Mendocino | 5,344,401 | 1,615,040 | 6,959,441 | (537,722) | 62,426 | (33,314) | (85,809) | - | - | | 6,365,023 |
| Merced | 11,475,434 | 2,494,647 | 13,970,081 | (1,154,590) | 255,321 | (54,614) | (200,886) | - | - | | 12,815,312 |
| Modoc | 1,225,308 | 104,137 | 1,329,445 | (123,283) | - | (2,068) | - | 368 | 1,143 | | 1,205,604 |
| Mono | 1,515,969 | 434,901 | 1,950,870 | (152,528) | 54,946 | (9,728) | (4,210) | - | - | | 1,839,350 |
| Monterey | 17,186,615 | 4,639,507 | 21,826,121 | (1,729,215) | 237,454 | (96,855) | - | 797 | 2,474 | 489,000 | 20,729,776 |
| Napa | 8,112,242 | 1,805,325 | 9,917,567 | (816,206) | 68,055 | (37,205) | (19,334) | - | - | | 9,112,878 |
| Nevada | 5,268,486 | 1,140,295 | 6,408,781 | (530,084) | (2,045) | (22,605) | - | 11,561 | 35,912 | | 5,901,520 |
| Orange | 157,701,070 | 41,900,845 | 199,601,915 | (15,833,401) | 1,259,864 | (857,161) | (330,284) | - | - | | 183,840,933 |
| Placer | 14,951,574 | 3,197,440 | 18,149,014 | (1,504,339) | 399,659 | (71,438) | - | 7,089 | 22,019 | | 17,002,005 |
| Plumas | 1,828,391 | 198,159 | 2,026,550 | (183,962) | 7,985 | (4,094) | - | 161 | 499 | | 1,847,140 |
| Riverside | 79,364,889 | 15,755,674 | 95,120,563 | (7,985,224) | 627,312 | (325,362) | (668,511) | - | - | 129,973 | 86,898,751 |
| Sacramento | 78,767,257 | 22,462,995 | 101,230,252 | (7,925,094) | 1,665,747 | (479,191) | - | 178,806 | 555,413 | | 95,225,933 |
| San Benito | 3,259,495 | 356,207 | 3,615,701 | (327,951) | 12,778 | (7,328) | (3,163) | - | - | 23,000 | 3,290,037 |
| San Bernardino | 83,839,852 | 26,925,339 | 110,765,191 | (8,435,468) | 55,794 | (535,839) | (227,258) | - | - | | 101,645,421 |
| San Diego | 161,661,182 | 33,094,093 | 194,755,274 | (16,265,388) | (722,601) | (642,890) | - | - | - | | 177,124,395 |
| San Francisco | 66,879,650 | 10,645,041 | 77,524,691 | (6,729,033) | 667,978 | (224,674) | - | 497,734 | 1,546,078 | | 73,282,774 |

