

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.

>> Good Morning. This is the business meeting at the Judicial Council of California. I thank everyone for their patience.

>> We plan to adjourn approximately 1:30 PM.

>> The presiding judges are joining by phone or will be.

>> Are you there?

>> Just got here, thank you Chief.

>> Nice to hear from you Judge Nadler.

>> Our first agenda item is public comment.

>> I will invite Justice Miller.

>> We have 8 individuals here to speak to us with regards to public comment and I'd like to remind each of them that this is limited to judicial administration. We are not an adjudicatory body and cannot make a decision in individual cases. We ask that you refrain from talking about the individual cases or the individual judges involved in those. If you would come to the podium, I will give you a warning time when you have one minute and that I will ask the second person to stand behind the swinging doors.

>> So Marylin Earles, and if Catherine Ecker could be second.

>> Good morning, you have three minutes.

>> Good morning.

>> My name is Mary, and I-- -- a document and pedophiles.

>> I'm here to address the judges program because it is of growing concern to the citizens. Our Constitution gives us the right to locally elect our judges. The program is subverting the Constitution, so I'm going to ask what I would like you to do and then I will tell you some more.

I'm asking the Judicial Council to move the oversight and discipline for retired judges to the judicial performance where there is at least some transparency handling complaints and discipline. And I'm going to ask to pressure the governor to appoint more judges to fill the vacancies and tell him that constitutional issues are arising because of the use of the assigned judges program. Then I'm going to ask you to restore the program to provide the original purpose of emergency coverage.

>> Since at least the 1980s, the assigned judges program under the Judicial Council operation, judges are eligible to retire at age 60 and some of them the next day are eligible to work in the assigned judges program.

>> The former Chief Justice George expressed concern that the program supplement but not replace judges as they are not subject to accountability of the electorate, his words.

>> Many of us share his concerns.

>> We have more than 300 retired judges, some of whom work full-time receiving pensions +90% of former salaries of temporary judges. In one county there was a retired judge who had served for 18 consecutive years and appeared in 200 cases.

>> Shasta County did not have an elected judge.

>> One minute.

>> It is critical that the Commission on Judicial Performance crack down on judges before they retire, specifically violations of 3D 1 and 2 because many move into a program where there is no transparency or accountability.

>> There is no published disciplinary system similar to what the commission publishes citizenry. This is probably not the first time it will be raised but I hope you will begin considering it.

>> Catherine Rucker and if I could have Roberta Fitzpatrick line up.

>> Good morning, I'm a licensed attorney and I'm here representing myself as an individual.

>> I would like to talk about the subject of pretrial detention reform.

>> I know that all three branches of the California government are working on this very hard and the court has a working group and that the deadline is December.

>> I want to urge California to seriously consider pretrial detention reform through pretrial agencies.

- >> In my opinion, Washington DC is the model.
- >> I shared some information and their statistics are astounding.
- >> For misdemeanor cases, 98.56% of defendants were released before trial and for some cases 78.95% were released before trial.
- >> Compare that to a progressive city like San Francisco where the undersheriff recently reported that 45% of defendants are awaiting trial in the community.
- >> The secret to making -- to the success of Washington DC is not just about risk assessment and not a judge spinning a class real.
- >> There's a safety net.
- >> There's pretrial defendant supervision, the risk assessment is to determine which level is needed.
- >> There is general supervision, high risk, and supervision for special populations.
- >> So for example high risk could be something as simple as getting a reminder to the defendant went to show up for court.
- >> For high risk they might need drug testing or location monitoring.
- >> There are victims rights groups that are very concerned about victims of domestic abuse being attacked if the defendant is released.
- >> If the defendant has location monitoring that person is probably not going to go back near the victim that they are supposed to stay away from. For the special populations that usually involves treatments for mental illness so it's not a one part thing with taking a chance, it is risk assessment and proper defendant supervision.
- >> Thank you.
- >> Thank you.
- >> Roberta Fitzpatrick and next is Susan, and I apologize if I mispronounced that.
- >> Good morning and welcome.
- >> Chief Justice and members of the Council, I'm Roberta Fitzpatrick from San Jose.

>> The following poem is engraved on the Boston Holocaust Memorial. They came for the Communists and I didn't speak up because I wasn't a communist. They came for the Jews and I didn't speak up because I wasn't a Jew. They came for the trade unionists and I didn't speak up because I wasn't a trade unionist. They came for the Catholics and I didn't speak up because I wasn't a Catholic. Then they came for me and by that time there was no one left to speak up for me. The memorial is stark and beautiful and is a heart-wrenching reminder that as decent human beings we must have the courage to speak up when we witness injustice and never forget the victims of injustice, and we must work to eliminate injustice.

>> I and several of us are witnesses of cruel injustices committed against the poor, the innocent, and others in Family Court. I ask you again to do the humanly thing and change your laws and policies to protect our kids and the caring of often unrepresented parents in custody disputes.

>> No more families should have to face the anniversary of finding a missing and murdered child as my family does tomorrow. Do not allow any more kids to be sent to be neglected, accused, and murdered. Do the right thing. Recognize the errors in your system and correct them, thank you.

>> Susan Bssi?

>> Connie Valentine and next will be Catherine Campbell.

>> Good morning.

>> Good morning, thank you.

>> Madam.

>> Chair and judicial councils, I'm from fellow-- California protective parent Association.

>> I think we agreed that children should be safe at home. Section code 3118 was implemented in order to ensure that.

>> The author of that bill was shocked when she found out this desk shocked when she found out this would be misinterpreted.

>> The sponsor for this bill helped in the year 2000 to provide protection and law enforcement agencies, information to family court judges was the intent.

>> People who are self-represented and could not enter evidence properly would not get justice.

>> It was also to get the information to the process and not discover a new type of valuation but to provide court individuals the ability to put this information into a report and present it to the judge in the hearing.

>> It was meant to be broad enough so that the director and counties could use court employees to gather the information.

>> In 2010 Senator Ortiz sent a letter to the judiciary committee urging that the training that was supposed to be done on child sexual abuse was done, not on a myriad of other topics.

>> 24 hours of training optimally on child sex abuse.

>> An investigative report should be done by court investigators paid by the court.

>> A report format be developed for uniformity and compliance and the report was to be provided after the parties had stipulated through an indentured hearing.

>> Currently it is given to judges prior to ever seeing the litigants which biases anyone who hears the reports.

>> Thank you for improving the procedure.

>> We appreciate it and that will help keep kids safe.

>> Catherine Campbell and then Kimberly next.

>> Three minutes.

>> Chief Justice and council members, I continue to come before you to bring awareness to the epidemic happening in Family Courts. Children who have been emotionally, physically sexually and mentally abused are being taken from protective parents and placed in the custody of their abusers. This is not the first time you have heard it but my goal is that you are not just aware of this issue but we can accept that this is fact and move closer to change.

>> One Ted talk dared to disagree and shows that even with evidence, those who were x-rayed in utero it was happening still.

>> It took 25 years before the product this stopped.

>> One of the reasons the change took so long was that doctors saw it is helpful and could not accept that they were causing fetuses early death.

>> Openness cannot drive change but the problems do not come from individuals. They come from organizations.

>> Organizations cannot think for people inside are too afraid of conflict.

>> In her research she found that 85% of employees are afraid to raise concerns which can be compared to what we are seeing in Family Court. Who knows if it is conflict, liabilities entitlement, but the facts are clear.

>> Abuse evidence is being dismissed, children are being killed by their abusers, and I hope you all watched the Ted Talk that I mentioned last time, the effects to children staying with them forever.

>> It is time for our courts to stop educating officials to dismiss would be-- abuse reports. It is time we stop blaming protective parents and forcing children to live with their abusers even if the abuser is their parent.

>> We need to stop reunification, stop allowing evaluators reports that cost tens of thousands of dollars to be required and rubberstamped and when we are fearful of the information we do not need to name the report or change reports to silence facts.

>> Please accept the truth to save our children. We are the adults.

>> Our fear of accepting the truth does not outweigh the cost.

>> You can leave those copies right there on the chair.

>> Good morning and welcome.

>> Chief Justice and members of the council this is the first time I've come to speak to you.

>> I am a lawyer and about 30 years ago I was about-- I was a family law lawyer. What I did not love was what I saw happening in the community of lawyers that were not there to make peace and help clients move forward with their lives but instead to financially benefit from the pain and hardship that others were going through. This disgusted me and I left the practice. I pursued an MBA and the intervening years have been spent doing other wonderful things.

>> I welcome you to do a web search to see what I've been doing.

>> It came back to family law in an opportune way, I was undergoing a divorce and what I had come to understand are those things that I was concerned about 30 years ago have festered into something that is impossible to describe and completely deplorable. It is of such concern that I have become actively involved in returning to the practice of family law and my intent is to

spend the rest of my life in the pursuit of changing this broken system that is so fundamental to the health and well-being of our society, the way which we and marriages and more importantly, the way in which we move forward as separated or divorced parents and helping the children of these relationships thrive and survive.

>> I was talking to a private counsel innocently thinking that the reasons for this sounded very good and legitimate.

>> Is the first speaker spoke, I came to understand that this private judge was not bound by any of the conventional rules, completely out of control, made statements such as you lost your constitutional rights when you got a divorce and I could not report it because she is no longer a public judge.

>> Getting people into this situation that they can't get out of is okay.

>> The use of the therapeutic community in a way that does nothing but enrich attorneys and judges where you feel like you've come into a club instead of people for the best interest of children and allowing not only the poor to be very abused in the system but allowing on the flipside, the wealthy to use the courts to abuse and harass their spouses to the detriment of children. You will be hearing from me again, this is the first time you see me but not the last and thank you for your time.

>> Michael Smith and then once again Susan.

>> Good morning and welcome.

>> To train a child in the way he should go and when he goes old he will not depart from that.

>> Chief Justice, judicial Council, it is an honor to serve beneath you today.

>> My name is Mitchell Smith of the Martinez family court building. My background is early childhood development. I have six years of training under the director of my children's previous school. I have taught thousands of teachers parents and children during the time. Due to the current psychological manipulation and grief suppression of my children from the judges, coparent and attorney, I've been forced to become an expert child psychologist.

>> The extreme tragedy that brings me before you this morning, is that my daughter depicting suicide at six years old? My daughter depicting suicide at six years old, my son at 13 is so antisocial, his entire body shop down. He went into a seizure and started twitching for an extended period of time. I truly thought he was dead when he was slumped over in this seat. He was rushed to the Medical Center where the emergency doctor diagnosed him with emotional stress. My children are being used as a psychological battleground.

>> One minute and please remember, general judicial administration.

>> I'm done tolerating professional ignorance. From this point forward I'm going to expect professional competence. Ever since my six-year-old daughter texted me the words killing and hate, the children have started to reject me. Children do not reject parents, children who rejected parents in the beginning were eaten by predators.

>> The genes that allow children to reject parents were selectively removed from the gene pool. Children do not reject parents so the moment you see a child rejecting an able parent that is not an authentic attachment system. The other spouse rejects parents so what you have is parental influence going down through the child, suppressing the attachment bonding system. Children do not reject parents.

>> Your time is up.

>> Thank you very much.

>> That concludes public comment for today.

>> Next is the approval of minutes, January 19 meeting to give you an opportunity to review those and I will entertain any discussion or adoption.

>> Seconded by Miss Stacy Boulware-Eurie and Miss Ibarra.

>> Any abstentions?

>> Any Nos?

>> Minutes approved.

>> Next is the report summarizing engagements and outgoing activities on behalf of the branch since our January meeting.

>> Since I became Chief Justice of California we've adopted as you know, a year-round multi-year approach to judicial branch public strategy and advocacy. They enabled us to engage with our sister branches of government but also on issues of mutual interest relating to California's justice system. The Governor's proposed budget, during this reporting period I've had meetings with Governor Brown, I met with the president and Speaker of the assembly, and met with an additional 17 Senators of our issues and interests in our justice system. Cunningham, Gallagher, Christina, Garcia, Reyes, Stone and King and seven Senators had interests and concerns that we have been responsive to to facilitate an ongoing dialogue. They have always played an important role in advocacy. Through our liaison meetings and representatives from the sheriffs Association, the defense counsel, consumer attorney, State Association of Counties, the district attorneys

Association and chief probation officers. We discussed access to justice issues, the ongoing need for adequate and stable funding for our judicial branch. We have been deliberate and inclusive. We have been responsive to inquiries, provided factual information applied methodology that has given us credibility and fostered trust. It's also a time of year when I've spoken about lessons learned, the right to representation because of Gideon versus Wainwright, the voting rights impact on discrimination, the Magna Carta is a genesis of our personal liberties and checks and balances of our government and all of those have been various subjects in the last five years. It was a day of remembrance at the California State Museum with an assembly member to recognize the 75th anniversary of the internment of Japanese Americans, 120,000 people by the stroke of an executive order, 9066. It indirectly and directly affected my family, especially my husband's family. I received the Asian American Bar Association to the Greater Bay Area Judges Award at the 31st annual dinner and have the privilege of having a pocket constitution signed by Mr. Conn who gave experiences of sacrifices at the expense of liberty, sacrifices for liberty. They provide services pro bono, the civics program, and receive their judicial appreciation award, attended the South Asian Bar Association of Southern California and judge and other judges where we observe the traditional pulled from Jody Patel's closet, and all to strengthen young lawyers who reach out to the communities to provide legal aid and contribute to the well-being of our current society. Jennifer at the UCLA law women's summit along with Donna Melby and that group also seeks to promote development and advancement opportunities for women in the legal profession. At Stanford Law school I had a great conversation with Professor Deborah Brody as part of the law symposium raising the bar and Justice Miller I moderated a discussion with former Secretary of State Condoleezza Rice and continued my long-established 12 years and running tradition of visiting middle schools in Sacramento where I joined with district Chief Judge Morrison England and we discussed the state and federal court system and hopefully inspire the next generation of leaders. In my connector role with the help of Justice McConnell the power of democracy steering committee and Judicial Council staff were able to host Civic Learning Summit. I initiated this and was delighted this time to have fellow alumni Justice Kennedy attend this year's conference and give a moving keynote on the importance of civic discourse. In just 40 years that program has resulted in civics being added to a new history social framework, 43 school districts passing board resolutions, more than 150 free lessons on civics add to the Department of Education portal and many about the justice system. The opportunities for involvement remain across the state organizing into leading partnerships led by education leaders, judicial officers, business leaders, and lawyers to promote civic learning. I continue to believe Californians are good for our courts, states, and democracy. I wrote a letter and my concern for public safety. I hope to get a response and we will continue to inquire about a response to the council.

>> In the interest of time I will go swiftly also break I don't know how you do that, while you were away I was working on the director's report cataloging the activities occurring here. I will talk about the budget but I want to talk about the regular written report and what it actually represents because we have some transition of members and it's important to say why do we do the report and why is this in your material regularly?

>> It's a summary of information of activities going on between the meetings and reflects the buildup of issues or recommendations, or to promote awareness that will frame and shape the issues and decisions that will come to the council. In some respects it is a bridge between the agendas you approve as you direct lower committees for the work that you do. The report chronicles the activity that gets to the final products. Let me give you illustrations for this particular month and meeting. The first one being the empirical study. You are going to be asked to take action on revisions and additions to 42 reductions.

>> A prior counsel had approved a comprehensive set of jury instructions and they were the culmination of the effort spearheaded by the council and the direction was to create a legally accurate that were readily understood by the average juror. As they improve the updates it expects the continuous improvement of that particular product and so as part of that an empirical study occurred in the study had 312 speaking participants and acting jurors read through a trial transcript. The jurors were asked to render a verdict and a question on their comprehension, circumstantial and direct evidence. As it is measured, they basically concluded that they comprehend the instructions significantly better than the older versions but maintaining this is a vital responsibility and is ably staffed by council members and some of our staff.

>> I would submit that it is a validation when you launch these activities and the second thing is to draw your attention to the national outreach research and going on with local practices out there.

>> Briefly mentioning a couple more examples we have two established workgroups, one is the ability to pay a workgroup that had its first meeting led by Judge Martin Burrell and they are developing a tool related to the individual of an ability to pay fines associated for traffic or some other infraction.

>> We had them briefed by other courts that are similarly situated and working on this as part of the commission for civil rights and the US Department of Justice. Following from that, you remember in January's presentation we had a presentation to the Council brought back to work with a pretrial detention workgroup out there working to make a similar presentation and we also brought out Washington DC which is one of those speakers you heard from earlier in public comment of Kentucky, New Jersey, and New Mexico to talk about their programs. Then we had some courts that are moving along in the area from some of our own courts and reciprocated by sharing their own information about their practices. I illustrate this as how we use the council and the direction you give to the lower committee. In forming the work that we are doing here in California. It is the budget season shifting there and they are in full swing. It is a lot of informational aspects because of the uncertainty related to the budget, there are two items that shape the context of the budget. The state of the actual economy or the impacts of changes in proposals coming out of Washington DC. Nevertheless we are there being treated well and opportunities to be able to advocate.

>> We've been represented by a judge from Santa Cruz as well as another from Santa Clara at our first hearing. They did an outstanding job of not just presenting on behalf of our priorities and unmet needs but also describing what the impact is when you chronically underfund and inadequately fund a judicial branch and judicial system.

>> The Senate committee reconvened yesterday and the hearing as I understand what well and we were ably represented. Most of the issues are resting and probably will likely be released May 12 and not May 15. The last updates will be coming with April tax returns and we will be having another council meeting shortly after that. We will talk more in depth about what is going on there so I want to stop and really thank and extend a debt of gratitude to Judge Barton and others from the CEO committee. Judge Conklin from the budget advisory committee and all of the individual courts that have been spending a lot of time at the capital in a difficult year. Make no mistake we are all fighting as hard as we can. It is a difficult year and I don't need to dwell on that but we are making our best effort. Lastly with respect to the state of the judiciary, the Chief Justice will deliver that for a joint session of the Legislature. Others will be joining members of the Council for a series of meetings to support advocacy on priorities somewhere north of 65 meetings that are actually scheduled for us on that particular day. I know many of you will be there to help raise awareness of important issues in terms of providing equal access to justice and that concludes my report.

>> We will have the internal committee reports.

>> The written report of executive and planning will be posted online and detail what work they have made in regards to our committee over the last couple months.

>> In addition to studying the agenda and reviewing nominations for the Chief Justice for the advisory committees and Judicial Council we have a new responsibility of the last couple of years to review the agendas of the advisory committees overseen by the executive and planning committee and there are 11 such committees that we oversee.

>> We held a public meeting which is also a change. It is open to the public as to what the advisory committees are working.

>> We ask that the chair and lead staff attend those meetings either in person or telephone.

>> We assign each committee to one of our executive and planning committee members to review and report on and then we listen and evaluate and then approve the annual agendas and consider if there are any appropriate changes to be made.

>> This is new policy that was just adopted where before the agendas were provided as judicial councilmembers without oversight per se, this now is what I would consider to be one of the items that we've adopted in the practice of good governance.

>> As all of you know, the advisory committees are the backbone for what we do. They bring the issues and concerns confronting the judicial branch and over a span of months or years work on the issues, come up with solutions and responses and recommendations.

>> There are committees for every aspect, every aspect of what goes on in the judicial branch and are overseen by one of the internal committees of the Judicial Council. Also in a closed session we reviewed nominations for one of the out of cycle appointments of one of the advisory bodies and will make that recommendation to the chief.

>> I bring that up not so much to say that we did it during the time period but to remind all of us that we are in the midst of the advisory committees that will soon be under nomination requests for the judicial Council and I ask all of you to promote that and encourage individuals to apply for either of those.

>> We will also be soliciting nominations for our annual Distinguished Service Award which recognizes those who have demonstrated extraordinary leadership and made significant contributions to the administration. We encourage you to nominate and request nominations for those awards. Lastly a recommended change for one of our advisory committees, rule 10.63, what that does is brought in that community's responsibility to assist the Council carrying out its responsibility to ensure that fiscal affairs of the branch are managed effectively and transparently.

>> The key word is the branch because it expands the responsibilities from reviewing audits of the trial court's and audits of the appellate court and others in addition to the court that will go through its normal public comment and we hope to bring it back for discussion and recommendation in July.

>> Thank you Justice Miller.

>> Policy Coordination and Liaison chair.

>> As you remember the Legislature convened on the fourth and the proposed budget was released on January 10. Since the last council meeting the policy committee met once in February and approved six proposals to go out for public comment.

>> The legislative deadline was Friday, February 17 and our staff has been reviewing those to identify those of interest and those that will impact the judicial branch.

>> There are 10 sponsored proposals introduced. Among those included electronic filing and service and bills dealing with the judgeships that we are keenly supportive of.

>> The policy committee will meet to take positions on pending legislation and I'm pleased to report that the public can review the take on legislation that our committee has taken action on.

>> The letters are available on the governmental affairs website and chief that concludes my report.

>> Thank you, good morning again ladies and gentlemen.

>> The Rules and Projects Committee met by telephone three times and acted by email one time since my last report.

>> The January 5 they met by telephone to consider a proposal to implement legislation that was effective January 1. They recommended adoption of the proposal and the Council adopted the proposal at the January 20 Council meeting.

>> They met by telephone on February 24 to consider 27 proposals to circulate during the regular comment cycle.

>> Additions and revisions to proposals that make technical changes and one proposal that circulated during the winter comment cycle.

>> They approved circulations which are posted for public comment through April 28.

>> Following circulation and further review, the proposals are expected to come before you at the September 2017 business meeting.

>> In addition approval is recommended of the criminal jury instructions, the proposals that make technical changes in and that circulate during the winter comment cycle. Those items are 53, 55, 56, 57, and 65 on today's agenda.

>> On March 8 we met to consider one additional proposal.

>> The proposed that -- approve that as well and on February 15 a circulating order was approved that advised quorums to affect the federal poverty guidelines that were updated on January 31, 2017.

>> That includes the report and if there are any questions I would be happy to answer.

>> Next we will hear for the Judicial Council committee.

>> I will be reporting on the Judicial Council committee since I last reported. We held an educational session yesterday and in addition have had three open meetings by teleconference which occurred on January 9, February 6, and March 13. We've also had two actions by emails, one related to updating trial court, electronic filing and service rules in the California Rules of Court. The rule amendments would reduce redundancies and improve consistency between electronic filing and service provisions in the court of civil procedure.

>> It also included a proposal to provide clarity about the electronic service and fostering use of electronic service.

>> The second action that we approved was an update of the tactical plan for technology and also recommended that technology and tactical plan come to you today.

>> You will be hearing from several judges on that in a little bit.

>> At the January 9 meeting members received the normal update as well as the work going on in the posting consortium. The civil case management system replacement and sustained justice addition kit minute-- case management system.

>> We had 2 action items, one was the approval of information, technology, the advisory committee, their annual agenda also reviewed and approved the traffic advisory committee and ITAC committee for remote proceedings in traffic cases.

>> This is an update and was originally adopted by the Technology Committee in 2013. The revisions are necessary to reflect the amendments that became effective September 1.

>> At our February 6 meeting as well as March 13 we received our normal updates and the other projects that are in play. At the March 13 meeting we had an update on a potential budget change proposal for the Phoenix program for fiscal year 2018–2019.

>> It is a combined business and technology effort that provides critical financial and procurement administration for all of these courts as well as human resource and payroll administration to 12 courts.

>> The last significant investment occurred in fiscal year 2008–2009.

>> One-time funds are required to upgrade the system once again and migrate to a more current cloud-based platform.

>> At that meeting we also had to make action items, the review and approval of the jury management system grant program, the committee also reaffirmed support for the California court protective order registry.

>> We approved the ongoing full deployment and is a critical program for our state.

>> I want to take a moment and show you the depth of the work going on by ITAC.

>> It is really the muscle, the backbone to the work that Judicial Council technology supports and approves.

>> So very quickly, these are the work streams that you've heard me talk about, the work streams that they are tasked with. One is a tactical plan which you will hear in a moment. What I want to highlight is not just what they are doing but the number of people involved in the work.

>> There are 12 members on that update.

> Another WorkStream is the next generation hosting WorkStream to assess alternatives for transitioning to a new branchwide hosting model.

>> Judge Luckey from Riverside is the sponsor for that initiative.

>> There are 15 members dealing with that WorkStream.

>> I say members but they are judges, CEOs, CIOs, people who have full-time day jobs adding to their list of work by volunteering to help with these initiatives.

>> The third is the disaster recovery framework which is to document and adopt a court disaster recovery. There are 27 members involved in that WorkStream.

>> The critical WorkStream is the e-filing strategy which is to update our standards and develop and provide certification and deployment strategies.

>> We have 19 people working on that WorkStream under the direction of Judge Hansen. The SRLE WorkStream is developing requirements and a request for proposal for establishing branchwide self-represented litigants e-services.

>> A very critical WorkStream with 23 members of the judicial branch involved we have the video remote interpreting pilot projects.

>> One justice has been at the heart of getting that started and we are pleased that it is rolling forward. He has 17 people helping him with that.

>> Intelligent forms phase 1 they are at the very beginning of scoping intelligent forms which is allowing us to have people who need access to the court to do a lot of the work online in an intuitive fashion without having to think about what all they need to add and how to proceed.

>> They are currently recruiting members.

>> I point that out because there's a lot of work going on in technology and it's not just for the sake of technology.

>> You can say so so we can do our work better but we can also reach out to people who need us and make it easier access to make it easier to address their needs.

>> I want to say first off, this justice was the first chair and I want to thank you for laying a great foundation for the work that we previewed and we appreciate all you have done for us and for the presentation you will give today and the hope that-- for the work you will do in the future.

>> Judge Hansen is from Orange County and is now the chair.

>> You can tell she has her hands full and we appreciate all the work that you do in your vice-chair Justice who is one of your buddies in Sacramento.

>> As I've said, they are the muscle and we could not accomplish as much as we are accomplishing without the work that they do.

>> Finally, I think all the members of the committee, my vice chair, other members, and most importantly those who keep us on task and driving for. I'm grateful for all of the work that you do and that concludes my report.

>> Next we will hear from the Judicial Branch Budget Committee.

>> Thank you Chief and members of the council.

>> The charge is to administer the \$10 million emergency fund budget requests that go to the Department of finance and administer the innovation great program about which I will be speaking to later this morning. As I have mentioned previously, the budget committee takes a branchwide approach to its work meaning they promote the fiscally prudent, effective and fair allocation of limited resources reflecting overall statewide interest of a branch.

>> Since our December meeting or since I last reported, the committee has met 8 times. All meetings in person, one consisted of a 2-day session.

>> Since December the committee completed the review of the innovation grant proposals and has begun the budget change proposal process. Yesterday at our public meeting the committee approved the concepts which will now proceed to the development stage. Finals will be presented to this body in the summer. And I would like to thank our nine committee members and dedicated staff who have spent countless hours to assist in budget committee work. Thank you for the opportunity to address the council, I will talk to and about 15 minutes and this concludes my report.

>> Now we will turn this over to Justice Miller.

>> We have two reports, Judge Gary Nadler will report on Mendocino and then Judge So and myself and we will report on our visit to Los Angeles.

>> Please remember these are limited to five minutes.

>> Judge Nadler?

>> We appreciate you appearing and are glad to hear your voice and glad you are recovering well so good morning and thank you for this report.

>> Good morning Justice Miller.

>> Is the PowerPoint ready to go?

>> I'm pleased to report that I had the honor to visit the Mendocino court a few months ago and it was an informative and enjoyable visit.

>> The court executive officers, there were seven judges and one child support Commissioner.

>> To start with the basics, Mendocino has a population of approximately 89,000 people.

>> Known as the 10-mile court, one resides in West County. The facility is necessary and very challenging, it would be a considerable barrier where they're not another court available on the coast.

>> The Mendocino court has since innovative practices in addition to its successful adult drug court there is a successful behavioral health court.

>> In collaboration with justice partners and mental health organizations, the court includes misdemeanors and felonies except those involving sex offenses.

>> The mental health issues are addressed using available resources and creates success in several courts. The impact of the program is a significant decrease in custody time resulting in significant savings and tax dollars. Between 2011 and 2016 they dropped from 50 to 1 for graduate. During the same period the number of days in jail post graduation and participants.

>> Mendocino has a family dependency court which has served 20% of those children in foster care. Involving counselors, child healthcare, social workers, parents, and necessary ancillary services.

>> As a result of this, children average over 379 fewer days in foster care.

>> The bar graph are graduates and those that are not participating. With regard to parents who graduate, 90.6% reunify with children. If a parent does not graduate the reunification number is only 44% and the likelihood is twice as high if a parent graduates from this exemplary court and significantly when a parent graduates almost none of the children suffer a recurrence of maltreatment. This is a dramatically lower rate in non-graduates both in the County of Mendocino and the state in general.

>> To segue into the courthouse issue, Mendocino has considerable facility deficiencies. A new courthouse has been approved to complete acquisition and after that it is on a hold until there is sustainable funding. There has been a public investment of over \$1 million along with considerable local investment. They notice considerable deficiencies which exist. Custodies entered through a public entrance and are likewise reported through public areas. The sole elevator-- [Indiscernible -- low volume] the only elevator in the building. This is awaiting jurors in the same hallway. The access issues include not stopping at that floor.

>> Some of the judges requested that I include a video of the presiding judge and I tried to do that here. The photo on the left is an example of the layout and if I could ask for that video to be played--. To the left, the elevator does not go down to the landing so jurors, prisoners, everyone has to ride the one elevator to the top or can take the elevator through two floors. There is no wheelchair access, no handicap access. A person with a disability is unable to serve as a juror.

>> Then when you hit down here -- cases are referred so all the people that weighed for juvenile cases which we know are private, people waiting outside for those cases – the entire hallway which again, jurors have to walk through. It is also true that [Indiscernible -- low volume] to get to the holding.

>> Thank you.

>> As with many court houses Mendocino is located in an area that will suffer the highest likelihood of ground shaking in a seismic event. Because of the location, the court is outside the coverage area and there is a much higher cost to find medical benefits. Over 10% of the budget goes to medical costs and likewise a significant portion of salaries -- the competition with local businesses, the court has had difficulty attracting every level of employees, housing is difficult to find and it is difficult to attract employees to relocate.

>> It is difficult to compete with other counties because of size and location of those counties.

>> All of this has caused insufficient staffing and interference with regular court function even if all employees are present, some positions are barely covered. If there is an illness, supervisors and managers must cover which leads to difficulty completing the necessary reporting which may affect the allocation of the court or its budget.

>> The Mendocino judges are extremely dedicated to providing access to justice. To address the budgetary limitations in addition to specialty courts, they have focused on reducing the caseload and reducing delays. Considering that it prohibits the use of research attorneys I must say the judges do an extraordinary job on behalf of the citizens, this concludes my report.

>> Thank you Chief and Justice Miller for the opportunity to meet with this exemplary group of officers in the staff.

>> Next judge So and our visit to Los Angeles.

>> There is not really any way we can do justice in five minutes to our visit with Los Angeles County so I thought I would try and at least do something that would make this memorable for you. As you are all aware Los Angeles County is the largest county in our state. The population is huge, Justice Miller who is a presiding judge in Riverside and I have been a presiding judge in San Diego, Los Angeles is three times our size.

>> I know the difficulty that we have managing our court.

>> I cannot even imagine the difficulty that Judge Buckley has in managing his court.

>> [laughter]

>> Why did you put me at that end?

>> A lot of times what you have to do is pick up.

>> [laughter]

>> I think you will remember this presentation.

>> Population is over 10 million in Los Angeles County.

>> We know the authorized judge level is 400 something and there are subordinate judicial officers.

>> So we are talking about 500+ judicial officers.

>> The total filings are just enormous.

>> 44,000 felonies.

>> Now we have courts around here that have 2 judges.

>> I have 4.

>> Misdemeanors.

>> There's a budget of \$789 million.

>> Not on this slide are an indication of increased caseload and the mental health cases that have skyrocketed.

>> So how does someone like Judge Buckley and Sherry Carter wrap their arms around something this large?

>> Only with dedicated staff, dedicated executive committee because Los Angeles has problems just like every other court.

>> We know that our courts have infrastructure problems, Los Angeles is not immune. There are 38 courthouses spread over all of Los Angeles County and that has been consolidated. Let's take a look at some of the particular problems because this is just a symbol of what happens in other court houses as well.

>> The mental health courthouse had to close.

>> Why?

>> The roof falls in.

>> So LA has to shuffle around and move all of those courtrooms, everyone that comes there, all of the holding cells to get business done and they do that well.

>> All I can say is a lot of money goes to Los Angeles but they have problems just like everyone else.

>> They are adapting and because they have good management they are able to cope but a lot of us do not see exactly what goes on behind the scenes.

>> More importantly what they've been able to do is innovate. One of their mantras has been let's assess and move forward and they've been able to do that very well.

>> One of the things that they have shown us is their ability, because they have a lot of bright people and a lot of people working to innovate to make things better.

>> One of the things they have shown that I think was so cool that I want to be sure you can see is what they have done with someone that I know that Justice Miller is fond of, Gina the avatar.

>> That is one of six languages that Gina speaks to but it is something like that that demonstrates the ability of the court to assess, stabilize, and move forward.

>> They move forward in a way that really does take people out of line and put them online and move forward.

>> I could be up here the rest of the day describing what happened in Los Angeles but I want to thank the court and the executive committee for the warm welcome that they gave us and for our

chance to describe the innovations and the fact that they are moving forward but also have the same problems that every other court has in the state.

>> First I wanted to say I did not see this until just now so I didn't approve it.

>> [laughter]

>> That's right, my five minutes is up.

>> We toured the old mental health building and observed the dedication of judges and staff there. We went to the Family Court and visited a number of the dependency and delinquency courts and the dedication was amazing. We saw some of the unique issues that we have with types of trials that they have and probably the best part of the day was the committee meeting that the judge had with all of the court leaders from across the entire county who came down for a regular monthly or bimonthly meeting but for us it was a great opportunity to see the leadership, here from the leadership and listen to some of the issues and concerns and try to answer any questions.

>> But Judge So is right, you have dedicated leadership from Judge Buckley to Sherry to all of the administrative staff, it was just very clear to us the concern that they have.

>> It was a great day, a great visit and a great court, so thank you for letting us come.

>> That completes the liaison report.

>> Next on the agenda is the consent agenda.

>> We have 11 items that include reports as indicated earlier, changes for child support commissioners and family law facilitators, after you have had a chance to reacquaint yourself I would entertain a motion to approve a second.

>> Thank you Justice Chin, all in favor of moving the consent agenda say aye.

>> We are now going to convene to the session agenda regarding the judicial branch award recommendations.

>> We are a bit ahead of schedule and if we could proceed that would be convenient.

>> Gina is talented and at a recent presentation on March 16 she told Irish jokes.

>> She can do quite a bit.

>> Am I on?

>> Always.

>> Thank you for the opportunity to present the results from the judicial branch. I should start by saying I'm judge David Rubin, I chair the judicial branch budget committee to my right.

>> Justice from the first district is the vice chair.

>> We are enthusiastic about our recommendations and at the end of the presentation I'm going to request that the Council approve the grants listed at the suggested dollar amounts that you find in our report and attach as attachment a.

>> I want to thank the Chief and Mr. Hoshino for this existing and we are excited to see it begin. We want to be quick to point out that unprecedented budget cuts throughout the recession have resulted in courts becoming more innovative and more resourceful even before the program was created. We also have to understand that there is a limit to how far we can go with innovations on new investments. The committee believes that this will yield extraordinary results but for the branch as a whole and the public that we all serve.

>> Innovations in the technology area may benefit operations in both sister branches. Vitality and a concern by local courts to modernize creating more access and better serve California's 38 million residents.

>> I'm going to talk to you about some important great numbers to give you a profile for attachment a and a couple of different ways, then.

>> First of all the budget act of 2016 which I don't expect you to read but that was the language that created the grant program itself. It gave us \$25 million.

>> The governor's original proposal was \$30 million in the competitive grant program would be administered at the discretion of the branch. We could sort it out anyway we thought it was appropriate.

>> What happened later was legislative modification and \$30 million was reduced to \$25 million and that came up with the legislation. The legislation came up with defined categories. Up to \$12 million was for collaborative courts and \$8 million for self-help juvenile and family programs and \$5 million for other efficiencies.

>> Almost half of the money is to go to collaborative courts and one third would go to self-help, family and juvenile programs and the remaining \$5 million or 20% would go to other efficiencies.

>> There is a consequence to these fences between categories and it is this.

>> The legislative parameters meant that no matter how many applications we receive to fund different ideas, we simply could not award grants in an amount that exceeded the total authorized for each category.

>> We received many grants that fell in the deficiencies category in that particular category and we could not pull money in, so a category was a category. By September we had the developing of the application and to approve that in August, by September we are underway with releasing the request. They were due by October 31 and on that date that's where we got to see the enthusiasm and interest that the courts had.

>> Courts participated, the Supreme Court requesting a staggering \$70 million.

>> Those courts submitted 118 grants, what this reflected was two things. Given the number of applications and the total amount of monies, some of that we saw was for a very basic operational support outside of the bid for this program which was the first observation, second was the process by which we whittled this down to the number we had which will be very difficult and very challenging.

>> 7 times over a two-month period, we reviewed each grant individually. I'm not going to go through the rules but they are very strict and mirrored some of the ones that will happen this morning.

>> As we ordered the process we thought the first thing we should do was to eliminate grants outside the program and that was because of the criteria that were established statutorily or because the parameters approved back in August fell outside what the great program was designed to do.

>> At the consequence of chronic branch underfunding, a subject with which every attorney and justice system stakeholder knows quite a bit by now, there were some courts that were seeking basic operational resources and it appeared as a committee that this was especially acute amongst colleagues and friends who serve and work in smaller and medium courts.

>> The need is very apparent. The ones we could not award revealed the need for increased, we believe those proposals serve as a basis for future proposals.

>> In our open meeting this was the linkage, in the review that we did we saw some budget changes for proposals that reflected the grant so we will see where that goes.

>> What do you do with the other 100 or so grants? We thought the best thing to do was to sort the applications by type so we considered together all of the veteran collaborative courts side-by-side so the exciting proposal that you have, to the Gina avatar that we saw, we have another one being developed in Riverside, across multiple case types and others navigate multiple case types.

>> To see how they looked together.

>> That eliminated for us a different approach to innovation from different size courts or from rural or urban applications.

>> That was one round of examination and during subsequent rounds, we start to go into the budget, the proposed budget that we saw and prepare those to the parameters, grants, and rules that the council set up in August.

>> During both phases, I say both phases but they were multiple phases. We consulted with in-house efforts such as the legal department, budget, and we got questions that we need to talk to with the experts when we generated questions we would go to the courts and ask clarifying or augmenting information so we could understand what the grants were doing and asking for.

>> Half of the committee would like to thank the courts and acknowledge a significant effort of dedication whose proposals we considered during this kind of iterative or dialogue phase of the grant evaluation process.

>> The courts answer without delay.

>> We want to get the contract signed by June and obviously it is 36 months.

>> As you reverse engineer the timeline you need to come to the Council in March which is the last day for the courts to get awarded and recognized.

>> We are sometimes meeting in sequential weeks which meant that when we had a question the courts would only have one or two days to gather information and answer it.

>> We want to thank the impacted courts.

>> As we go to examine the grants in depth the court starts to make selections.

>> We realize that on a project of this scale and scope, if you are looking at your package of products, we need to retain contingency funding against unexpected issues that may crop up and were mindful that circumstances unforeseen would arise requiring the grantee.

>> It commissioned, additionally did not award the category holding back between 3% and 4% against unforeseen issues.

>> We are excited about all 53 projects and they reflect new projects faced by the public. What is interesting when you do a deeper dive, some really talk about brand-new approaches and technology.

- >> Some take things that exist and we combine them to yield new and exciting results. Lots of innovation in these.
- >> Let's start looking through some of the numbers.
- >> You will see that the beneficiaries include small, medium, and large courts.
- >> Of the 50 child courts, 42 participated while seven reviewed, five submitted the application + 9 additional courts recalled the multi-court collaboration or partner courts.
- >> Of the appellant process we have one of the five that were submitted, one was awarded but it had an additional one as a partner court.
- >> 16 did not apply, 2 of the appellant districts did not apply. 28 grants with the lead courts, when you join, roughly 96% of the state will fall within a grant awardee jurisdiction.
- >> 10 is the multicourt or partner court and you see a huge swath of the state.
- >> The grants that we suggest are intended to benefit as many users as possible so what is in the package that we propose to you?
- >> Spread across county and appellate courts receiving these, there are too many to go through in detail.
- >> Let me highlight a few to give you an idea of what you will be improving. Let's talk about videoconferencing.
- >> Let's see what they are doing up there, this is an exciting new technological innovation.
- >> While videoconferencing is not new, what we have always seen our one-off solutions, other limitations. The one-solution universal application, this approach without connectivity through business offices, court rooms, hearings, meetings, any kind of smart device like a PC Internet provider, screen space, the point is that you don't have to be in a specific place in a specific location to interact with the court for some type of hearing.
- >> It can be used anywhere in any court.
- >> This will establish what waivers you might need, what hearings to be covered, exciting innovation, and in a rural county or a county that has a huge land area think about the convenience to appear in court or appear at a meeting from any device.
- >> We are very excited about it so you can ask more questions about it if you want.

>> Here's another grant, veterans treatment court. I don't know if all of you know that there are 22 million service veterans and almost 2 million live in California. We turn to Contra Costa where they have millions of service veterans living within its county. Sadly some instances with friends and family who are veterans and who have served our nation faithfully, with unseen injuries that are frequently more difficult to treat the injuries we can see, sometimes those injuries result in criminal justice resentment.

>> They have studied the eight veteran courts in California and come up with a best practices model. They are going to take us further with new technology and create new and exciting information gathering systems and will be partnering with their local VA. Not every veteran has access to a good VA and depending on discharge status you may not get and if it's but courts will be universal enough that they will be taking us further.

>> We are excited about this court and it serves a population that is deserving, a population that served us. It is an exciting development and a grant worthy of your consideration.

>> My last example is the one family one Judge Grant.

>> We are frequently confronted with families involved in multiple parts of the courts: independency, delinquency, and domestic violence cases but because the cases are all heard -- they are in effect silo to the orders could be duplicated and they can be conflicting sometimes. Even when they are concluded, they can be very difficult to harmonize and so returning to El Dorado where they are taking a new look at how to treat at-risk families.

>> They have looked at one judge, one family processes, and different jurisdictions.

>> They have come up with a best practices approach that they have studied.

>> They are taking another step if they are developing a whole new triage process which they are going to link with case management systems and it is going to be managed by one judge per family per the orders will not be conflicting.

>> We are going to be able to help restore the family's, get the families back on their feet, functioning as family should. We saw, for instance in the presentation from Mendocino, how important that can be. How important it can be to the communities when the families function and they are becoming peaceful, nurturing places where children and people thrive.

>> So that is kind of the third example and it will be a great step forward for the treatment of families in crisis. These are just a few of the examples of our 53 that we are proposing that the Council approved what does your final package look like?

>> There it is on the screen for you.

>> We are proposing to spend \$23.5 million.

>> You can see how we have it set out.

>> Roughly \$11.3 million -- for the collaborative course. Almost \$7.5 million on the self-help and family juvenile grants and almost \$5 million on the grants creating other efficiencies.

>> We are suggesting that the Council approved \$625,000 for administrative costs, instead of the \$1.25 million statutorily authorized these costs will cover the ongoing support grantees will require such as assisting with quarterly reports.

>> We are not just going to give them money in year one and the money that we parsed out over the three years of the grant and the courts will be required to report that quarterly.

>> They will have quarterly reporting, auditing, and other staff functions to assist each grant to be successful.

>> We also recommend withholding for unforeseen challenges to the awardees \$898,000, and the committee anticipates returning to the council in year 2 of the grant, to see if there are any unspent funds and if there are unspent funds we anticipated or protected. We will come to you with a proposal to spend those on more innovation grants.

>> Chief, in closing, we would like to thank the hard-working members of the committee for their efforts and dedication. As of any Council committee we realize the amount of time taking from participants other branch duties and my practices. It is a domino effect resulting in less time with family and we thank the committee members for their hard work and I do not think I'm going too far bionic does on behalf of the judicial officers on the committee and that was seven out of the nine, we want to thank Mrs. Barbara and Ms. Flener who brought unique perspective that was not judicial officer-based that helped to remind us it has shown as different ways to view each scenario.

>> We appreciate their efforts part of the committee members also want to thank the committee members.

>> All nine of us.

>> We also would like to thank the hard-working staff who supported us and the courts during the last four months of this part of the project.

>> Jodi Patel, Mr. -- and Mrs. Fogarty, and our analysts, and also Mr. Everhart.

>> Without all of them, this would not have been possible.

>> They made sure and they helped us to make sure that the committee was timely and thorough on the work on the grants.

>> The glance recommended -- they will be bold, new and innovative.

>> If successful, and they will be, they will help the public in many ways.

>> Now, the grant program, we realize is not so and during challenges faced by the branch. However, the innovations grant program will allow for courts across California to harness the energy, creativity, and inventiveness that will allow us to continue to be efficient and effective in enhancing access to justice for every single Californian.

>> That concludes my report that I will take question.

>> And Justice Chin and Justice Hull.

>> Judge Rubin.

>> Justice Humes.

>> You deserve our thanks.

>> You have done a remarkable job.

>> But I want to look down the road.

>> These programs are new. They are exciting. But we have to make sure that we get the data that is necessary, spread the programs to the rest of the state, and to make sure that the people that are running these programs keep the data that we will need to show that they are new and exciting and that the results are positive in that particular jurisdiction.

>> I know that Jake will do that but we have to make sure that everyone else who gets this valuable my name uses it in a way that will permit us to get more. With more innovation.

>> Just the three examples that you give us: Placer, Contra Costa, El Dorado.

>> I agree with you.

>> I can sense your enthusiasm.

>> But we have to do it right.

>> We have to ensure that we get the process that these people go through to put it into place and make sure that we can duplicate it in the rest of the state.

>> I want to thank you on behalf of the entire Council. To thank your committee for the incredible job that you have done.

>> Justice Chin, thank you for your very gracious remarks but the real stars of the show are the cohorts that participated.

>> We could not agree with you more about eating able to duplicate these gatherings of metrics that will help us make the case for increased and better funding and the quarterly reports will go a long way in helping us stay on top of that and keeping the data coming in so we can continue to use this because you are absolutely right.

>> Justice Hull.

>> Thank you, Chief, Judge Rubin, Justice Humes. I echo Justice Chin's comments and I am sure that we all agree with those.

>> Congratulations to you, your committee, and the staff upon whom we all depend so much.

>> I know that this not only has been a huge undertaking but it has been a sensitive undertaking because, obviously, you did not have the money to satisfy all who would claim it.

>> When you start parceling money like that, that is always a difficult task.

>> It is also sensitive because we come through your committee, ever wanted to show the legislature that we can take this innovative grant money and use it responsibly, and use it effectively, and I think that going down the various grants that we have, that we had a very good opportunity to do that, and I want to thank all of the people who were involved for that.

>> I have one question and that has to do with the contingency fund. On the outside chance, the outside unfortunate chance that they are our cost overruns to these programs that may exhaust that contingency fund, is there any thought as to how the projects go forward if there are overruns for which there is no money in the contingency fund?

>> Well, I think I have covered the responses.

>> One is, given our review of the actual numbers involved, we think that we have put away adequate amount.

>> If there isn't, obviously, that becomes an issue -- that does not come up -- we will be doing that in the beginning because we will have quarterly reports and if that becomes an issue of if the program is succeeding, and obviously the program may have to be terminated.

>> I understand that I am confident that the committee has done its homework sufficiently to confirm the realistic expectations of these various programs that -- if that happens at all, it will not happen by much and I think that we all appreciate that.

>> Thank you for all of the work.

>> Thank you, Justice Hull, for your remarks.

>> I want to say one thing before we take a vote and that is that I concur in all of the comments made but I want to add, stepping back from it, how exciting it is that when the branch gets a new task how fairly and comprehensively we approach it, how we bring to bear, I think, deliberation and fairness to the process.

>> I understand that there is probably a wonderful back story to the discussion about Kim and Audrey bringing a different camera lens and I think that contributes to the rich discussion that we can have in our efforts for fairness, and I also want to thank all of the courts that applied to show us their innovation and their excitement and their commitment to providing greater access to justice and the way that you have described how this process went about, I could not -- I think that it is amazing work of how the branch approached this concept and how to distribute \$25 million and you did it, frankly, in a very short amount of time but you did it thoroughly.

>> Thank you, Chief.

>> We really appreciate those remarks.

>> Yes.

>> We are hopeful that this success will be seen by the Legislature and if we did it again and hopefully we will do this again with more money -- remember that we will not have to recreate the application process. Already one of the big improvements will be that we will have three extra months so more money, more time, and the ability to give out more grants.

>> Thank you.

>> Continued success.

>> Thank you and thank you for your hard work.

>> Judge So.

>> I move approval for the recommendation.

>> Seconded.

>> Seconded by Justice Chin.

>> As you know, so many of us on the council sit on the courts that are affected by the up and down vote of the grant recommendations.

>> Martin will conduct a roll call vote on the three bullet points found on page 2 of the item in for your recommendation so of course I ask you to keep your abstention is required or as applicable and Martin may call the roll.

>> Justice Chin.

>> Approved.

>> Justice Anderson.

>> Excuse me.

>> Judge Anderson.

>> I did not mean to.

>> Thank you for the elevation and emotion.

>> [Laughter]

>> Things happen so rapidly.

>> I will continue on in my demoted role.

>> [Laughter]

>> I abstain from project 21, 22, 43, and 45 and approve the remainder.

>> Thank you, Judge Anderson.

>> Judge back.

>> I abstain on projects 36 and 37 and with those exceptions I approve the motion.

>> Thank you.

>> Judge Boulware Eurie.

>> Thank you with exceptions of project 9 and 50 from which I abstain, I approve.

>> Thank you.

>> Judge Brodie.

>> I abstain from projects numbers 28, 29, and 51, and otherwise I vote to approve the recommendation.

>> Thank you.

>> Judge Feng.

>> I abstain from project 11 and approve the remaining recommendations.

>> Thank you.

>> Judge Gordon.

>> I abstain from project 21, 42, and 43 and otherwise approve.

>> Justice Hull.

>> I approve.

>> Justice Humes.

>> I abstain from project 11 and otherwise approve the remaining.

>> I abstain from project third -- 43 and otherwise approve the remaining.

>> Mr. Kelly.

>> I approve.

>> Judge Lyons.

>> I abstain upon projects 21, 42, and 43 and otherwise approve the rest.

- >> I approve.
- >> Justice Miller.
- >> I abstain from item 17 and otherwise approve.
- >> By telephone, Judge Nadler.
- >> I abstain from project 15, 34, and 43 and otherwise approve.
- >> Judge Rubin.
- >> I abstain from projects 10, 30, and 43, identified in that task a of the report and I approve the bounds.
- >> Judge?
- >> I abstain with respect to projects 6 and 18 identified in attachment a of the Judicial Council report.
- >> On the grant award recommendations and otherwise I vote to approve the remainder.
- >> Thank you, members.
- >> The motion carries.
- >> Thank you.
- >> The motion is approved.
- >> Thank you all.
- >> We're going to stand in recess for 10 minutes and reconvene at 11:40 AM to pick up the action required by the tactical plan as well as the information items on immigration resources workgroup.
- >> 10 minutes and we reconvene at 11:40 AM, please.
- >> The meeting is on a 10-minute recess and will reconvene at 11:40 a.m. Pacific Standard Time.
- >> This is Judge Back.

>> I have to go into court but I will be back in the meeting in a few minutes.

>> I invite everyone to take your seat.

>> Yes.

>> I should have known.

>> I invite everyone to take your seat so we can now attack the remainder of the agenda.

>> We have the judicial branch administration tactical plan for 2000 2017 and 2018, and action item.

>> We welcome Judge Sheila Hanson, the chair of the Judicial Council technology advisor and just as Terry but is, Information Technology Advisory Committee executive sponsor of the plan update, work stream and also Mr. Robert Oyung, the Judicial Council chief information officer.

>> Thank you.

>> Thank you.

>> I am here on behalf of ITAC to present the proposal for each of you to recommend with the approval of JCTC, the tactical plan update for the years 2017 through 2018, as each of you now.

>> The tactical plan for technology guides the branches technology decisions as well as advances the technology goals that the Judicial Council has approved and the branch of strategic plan for technology, that is currently approved by this counsel for the years 2014 through 2018.

>> The updates that we are proposing that you recommend today's the first update of the technical plan. Since you did approve the strategic plan in 2014.

>> The recommendations today were developed through the work of a work stream that was led by Justice Bernier's. Mr. Ouyang participated as well as members from at least different nine trial and appellate courts consisting of judges, technologists, and CEOs from a diverse group of trial courts based in size and geography and at this point in time I will turn the floor over to present the proposal.

>> Thank you.

>> Good morning.

>> Members of the council.

>> And I would like to begin with a very brief historical context for what we are doing today. In March 2012 after the decision was made to abandon the CCMS initiative we began to focus on the need to adopt a new strategic plan for the branch for technology which would in turn support request for long-term funding to meet judicial branch needs.

>> In August 2012 this council adopted a set of guiding principles that articulate the fundamental value to provide overall direction to the technology programs within the justice community. We held a Judicial Branch Technology summit in October 2012 to assemble branch stakeholders for a collaborative discussion on branch technology governance, vision, and planning and from that summit we formed a technology planning task force.

>> Many members of the Council served on that initial planning task force.

>> In January 2014 the Council approved the concept of court technology governance and strategic plan, prepared by the task force and in August 2014 the Council approved the final version of the court technology governance and strategic plan.

>> The technology governance and strategic plan provided detailed recommendations from the technology planning task force for governance, funding -- including processes and internal and external benchmarking -- and detailed analysis of the funding models.

>> So our fiscal year strategic plan for technology, that we are in the midst of now covers the years 2014 through 2018.

>> It sets forth the strategic goals, objectives, and metrics for technology initiatives over the next four years.

>> It is a cascading plan that supports the Judicial Council strategic plan for the branch.

>> We set four main goals. To promote the digital court to optimize branch resources, to optimize infrastructure, and to promote rural and legislative changes where necessary to support technology initiatives.

>> Our initial two-year tactical plan cover the years 2014 through 2016. It set forth individual initiatives that will contribute to and support the strategic plan for technology and to maximize use of technical resources for programs and initiatives to be staffed with resources from across the entire judicial branch and the branch IT community.

>> The Judicial Council of technology committee continues its oversight, policy and coordination roles for branchwide technology and strategy and branch level projects on behalf of the Council and the information technology advisory committee ITAC focuses on promoting, coordinating and providing executive sponsorship for the application of technology to the work and the branch.

>> We are carrying that forward into the 2017, 2018 tactical plan for technology which is before you today and, again, the work stream has supported that effort and it includes a number of members of the council.

>> Before we move on to the actual plan, if I can be permitted a slight editorial comment, I think that as everyone has seen, the work stream model that we have been using to carry out the work of the tactical plan to move the tactical plan initiatives forward has been, in my view, and honestly successful. And while certainly as a member of ITAC, I cannot take credit for the concept and certainly people on the Council like Jake Chatters and -- they are the primary innovators of that model -- it truly has allowed us to identify the talent and resources available across the branch, to be able to leverage those resources, to move these initiatives forward without any substantial funding and recognizing that the Judicial Council IT resources are severely constrained.

>> It is a model of cooperation, collaboration, and it is the only way that we have been able to successfully move these initiatives forward. It is the model that will allow us to continue with these initiatives.

>> The tactical plan is aligned with the goals for the branch.

>> The strategic plan is aligned with the goals set for technology and, again, these are the business goals, technology is never an end in itself. It is designed to enable the business of the court and to enhance the business of the court.

>> Again, we are identifying new initiatives that you will see and Rob will talk in a minute about the new initiatives and frankly the only reason that we were unable to provide more than a couple of new initiatives for the next strategic plan is that we have so many of the initiatives from the initial tactical plan that are in progress.

>> They are moving forward.

>> So given the constrained resources that we have, I think we have done a remarkable amount in getting the initial tactical plan carried forward and I am very optimistic on what we will be able to do with the new tactical plan and ITAC will be coming back to this council in 2018 with the updated strategic plan for technology.

>> We began the tactical plan update process with a judicial branch business drivers analysis that Rob helped us to formulate.

>> We reviewed the business drivers with the branch stakeholders and with the PJ, and the technology for him for IT professionals and we prepared a draft tactical plan which we then sent out for public comment within the branch.

>> We sent for comment within the branch of October and November of last year.

>> We updated the plan and in response to those comments we circulated for public comment in December and January and we made further revisions in response to the public comments.

>> We now have a final version which is before you and for which we are requesting approval and Rob can address some of the specifics of the plan as we are prepared to present it.

>> Thank you, Justice Bruiniers what you see in front of you are the business drivers as we went out and we talked to the judicial officers, executive officers, IT people, and you can see some of the themes in terms of where the branch leadership saw technology going and the need for technology.

>> One thing that I did want to emphasize regarding this particular tactical plan. I wanted to make sure that it is very clear to everybody that we are not here proposing an update to the tactical plan because it is time to update the documents.

>> In fact, we are actually executing the governance process that this Council had approved in terms of the process that the branch is going to use to manage the technology portfolio so as part of that, updating the tactical plan is one of the activities that is needed and so unlike many plans where they are published potentially -- they get set on the shelf and then they are updated this tactical plan is actually a living document that is used to support the operating processes for managing technology within the branch so one of the processes is to gather the business drivers and as a result, to identify new initiatives that need to be added to the tactical plans.

>> Before we went and added additional work to the already very full and rich portfolio that we have, we actually looked through and we actually celebrated some of the accomplishments that we had over the past couple of years which were to actually complete two very major initiatives that were on the previous tactical plan.

>> One was the data exchange workstream that was sponsored by David Yamasaki.

>> That was basically to work with case management vendors as well as agency partners to ensure that we were having efficient data exchanges between all parties and so that work stream was completed and the other work stream that was completed was around developing a security framework for court information systems which resulted in a checklist, and resulted in some processes to help the individual courts assess the security of their information systems environment and so we did have some very good results in terms of completing two major initiatives out of the previous tactical plan.

>> With that, we are proposing two new initiatives.

>> Most of the initiatives are carrying over from the previous plan, but we do want to add two new initiatives based on the business drivers that the team had identified. Number one is a digital evidence work stream to basically start to take a look at what infrastructure we need to start dealing with the plethora of digital evidence that is going to be coming into the courts. And then the second initiative is around expanding our collaboration within the branch IT community to basically leverage our scarce resources.

>> So at this point, what I would like to do is to get back over to Judge Hansen to summarize, but those -- I did want to highlight those two initiatives that we did complete and then the new initiatives that we are proposing to add to the upcoming tactical plan.

>> Thank you.

>> I hope that each of you can see both the tactical plan as well as the associated strategic plan for technology represents a comprehensive and cohesive technology strategy.

>> It includes measurable outcomes and hopefully clear objectives.

>> At the branch level.

>> It addresses the diversity and challenges that the branch is facing.

>> The recommendation of ITAC with the approval of JCTC is that the Judicial Council adopt the updated tactical plan for 2017 and 2018.

>> This would supersede the existing tactical plan that was in effect from 2014 to 2016 and we are available to answer any questions that you have.

>> Thank you.

>> Justice Chin.

>> I want to also thank Justice Bruiniers for his incredible work for all too many years.

>> Justice Bruiniers I have been working on technology for more years than either of us will admit but it is always nice to see progress.

>> Terry had the same reservations I did when I heard about the workstream process.

>> And I thought, we are just going to have more meetings and talking.

>> But Terry is right because of Jake Chatters and Rick Feldstein, this process has been remarkable.

>> But Terry neglected to mention one additional person that made it work and that is the person sitting next to us. Robert Oyung was instrumental in developing this process and making it work and, fortunately, Martin brought him to work for us.

>> Yesterday Rob gave the Technology Committee an excellent presentation in which he wants to transform his daily WIC -- the IT people. It is a great plan.

>> I think that it will work.

>> And, Rob, I hope that you are able to transfer that to other entities in the judicial branch because the process that you explained wants people to continue their education. It wants to get rid of silos. It wants to get us all working on the same page.

>> So I thank all of you for your work on this plan.

>> I think it is terrific.

>> I would entertain a motion.

>> Move approval.

>> Second.

>> Thank you.

>> Mr. Pat Kelly.

>> Any discussion, questions?

>> [Vote Being Called].

>> Thank you.

>> Thank you for moving us forward.

>> We appreciate it.

>> We look forward to hearing more information.

>> The next item is the immigration resources workgroup. California courts connecting immigrants to immigration resources.

>> This is not an action item.

>> It is an information item and I welcome Judge Lyons and Judge Feng and Tara Lundstrom.

>> Go ahead.

>> Thank you, Chief, and members of council.

>> First of all, I want to thank you, Chief, for your foresight into the immigration concerns of the public. During these recent times.

>> Most of all, I would like to say thank you to the following.

>> I do not want to miss everyone.

>> I do not want to sound like the Academy Awards but basically it is.

>> I want to say thank you to the workgroup members, Judge Lyons, my cochair, Mr. Tidwell, Peter Allen, Charlie Perkins, Bob Lowney, Bonnie Hunt, Robert, Mark Gelade, if I pronounce your name wrong, I apologize and most of all, Tara, we want to thank you for your tremendous dedication.

>> I know that we have been e-mailing you every day and your response is almost instantaneous and I want to thank you for doing the legwork and making us look good but most of all I want to thank you for all of your hard work.

>> The web design by Mr. Mel Wong and the translators Diana click and Christina loft and Judicial Council staff, other members, Nicole Davis and Christine.

>> So the Chief announced the formation of the immigration resources workgroup on February one of this year to provide immigrants who must access the legal system with resources. One of the access goals is to promote equal justice, equal access to justice for all. We can help provide access to justice through access for information.

>> The workgroup strives to further achieve the goals by modifying a webpage on the self-help website that provides immigrants in California with access to basic information and links to relevant informational resources; in effect the workgroups improve the navigational capabilities of our current website.

>> The working group decided that a webpage was the best way to reach immigrants based on statistics from the Pew Research Center indicating that roughly 80% of Latino immigrants have access to the Internet largely through mobile devices.

>> The resource directory is politically neutral and it does not provide legal advice. It does not advocate for any position on immigration issues. It merely connects immigrants with attorneys and government resources for those who have questions regarding any immigration questions.

>> I will hand the rest of the presentation over to Judge Lyons.

>> Chief, and members of the council, what you have before you is the landing page for the immigration resource directory. As you can see, the resource directory is divided into three main areas.

>> Our goal was to provide a comprehensive user-friendly webpage so that it could be easily navigated. These are the three main sections under the three sections but they are subsections dealing with immigration topics that are more of interest to immigrant court users.

>> If you can see at the very bottom, there is a disclaimer that this particular resource directory does not provide legal advice and that we do not refer to any particular attorney and we are not responsible for any legal services provided by any of the individuals.

>> As Judge Feng explained, this is a compilation, if you may, a clearinghouse of resources already in existence. So we did not want to reinvent the wheel.

>> What we did is, what we currently have, so in the California Courts website, there is already an immigration page. So we saw what we have there and we surveyed to see what other resources were already available.

>> So we put a compilation in this particular resource directory of federal, state, local, governments, nonprofits, and, in particular, we also referenced to the State Bar referral service.

>> They have a certified lawyer referral service, so that they have already vetted their particular lawyer referral services that we are going to be linking to pick this is, if you may, a one-stop resource for immigrants using the legal system.

>> The first section of the directory is what we call the basic information. This particular section provides very basic and very brief information of the role of the state courts. And the role of the US federal government, including the immigration courts.

>> The key to helping immigrants navigate the legal system is for assisting them in distinguishing the difference between what California courts do and what the federal courts do. For example, the immigration courts are administered courts under the US Department of Justice.

>> They are not article 3 courts.

>> Many of the immigrants come from their country of origin, task force, a different legal system so it is very important to us that they understand the basics of what the courts can do. We understand and acknowledge that the state courts cannot, of course, have jurisdiction over the immigration matters. But under certain circumstances, decisions made in the state courts will impact the immigration status.

>> This page provides links to federal, state, and local resources.

>> This is the actual immigration basis -- I know that the print is very small but I wanted to show you what it looks like. It has, as you can see, a lot of links because we did not want to reinvent the wheel and it provides the immigrants with information that other resources or other websites have already expanded on.

>> The next page is where to get legal help and our purpose in this particular section was to assist the immigrants to look for attorneys or other resources that could assist them.

>> The interesting thing about immigration law is that they are -- unlike in state courts they are served by bonded representatives that may assist immigrants in a limited capacity, and this page gives them information about who could represent them, and it links them to find an attorney, including, of course, the certified lawyer referral service offered by the California State Bar.

>> It lists nonprofits, law schools, and other organizations that can provide for low income individuals for a small fee.

>> This is similar, and it is nothing new to a certain extent because we do offer the same service to other groups -- court users such as veterans, disabled, children, so we already have on the court website, on the self-help section, links to provide particular court users direct them to particular groups that can assist them.

>> This is the actual page where the immigration -- the legal help is provided and, as you can see, we have the first, you can see it is small enough.

>> It is a referral to the State Bar.

>> This is a map, a Google map, that I found very useful and that actually the immigrant can put their ZIP Code and they can find all of the resources within their area that can assist them with immigration help.

>> This is not the California Courts map. This comes from the immigration law help website and this is searchable.

>> It is interactive.

>> More importantly, I should say, we do not have to update it. It is updated by the particular organization.

>> I did a search of the ZIP Code of the Judicial Council and San Francisco and it turns out that there are, for example, 16 organizations that can assist immigrants by putting in this particular ZIP Code that we also have a page on immigration scams.

>> The immigrants, it is a widespread problem in immigrant communities where they are subject to immigration scams where individuals who are not attorneys pretend to be attorneys.

>> They -- it is a common, the Spanish word -- and it means notary. And certain Latin American countries, a public notary does perform legal services. A lot of Latin American immigrants when they see the Spanish word, they think that it means attorney.

>> We have links for them to report the scams.

>> I know that the LA District Attorney's Office has a particular section on that.

>> This is the actual site for the immigration scams page.

>> Next and third section is the families and children. In this particular section, it has resources for immigrants at risk of families separation or deportation. Again, it links to existing resources and actually this particular one links to our very own website, webpage, under the self-help under guardianships.

>> We have a section there that explains that guardianship -- if we provide -- already -- actually, and the family Law section of the self-help website -- information for power of attorneys and other alternatives if they have families separation or deportation. It also provides a link to nonprofits that will assist the immigrant families.

>> Again, this is something that is also already provided for other groups such as children.

>> Again, the list is preliminary because we are finding that there are a lot of new organizations and a lot of new services that are being provided on a daily basis.

>> We have, for example, Los Angeles County is going to launch -- they were supposed to do it next week, a new webpage with additional information.

>> This is a work in progress and we will be updating it as new information comes online.

>> The beauty of the resource directory is that it can be downloaded and printed for those that do not have access to the Internet as the judge I mentioned, the study shows that in 2015 8% of Latino immigrants had access to the Internet.

- >> I suspect that is higher now and higher with other groups.
- >> However, we wanted to make sure that this would reach all individuals who had the need for the resource directory so that you can download it and print it and it will be available in self-help centers at the courts and they will be able -- who do not have access to the Internet.
- >> Now, the resource directory is located -- it is a webpage, not a separate website -- and webpage under the California Courts self-help section. And it will be available to all 58 courts through that button that you can see at the very top. It could be added to the local courts website so that they can link on the button and it will link them automatically to the website. It will also be linked to the language access toolkit.
- >> The resource directory has all of the self-help websites. It is translated in Spanish. We currently have it translated in Spanish and we hope to translate it to other languages.
- >> We also have the Google translate. We understand that the Google translate is imperfect and ideally we would like to have it translated to all of the languages.
- >> If we really are creative, we would like to have the Gina avatar, eventually, at least in some of the key pages. I think it would be very helpful but for now we have it in Spanish. Hopefully, soon, we will have it available in other languages.
- >> This is the translation in Spanish.
- >> We were very thankful to the interpreters who were able to do this because the interpreters were not able to get the pages until we finalized at this and they did it in one day notice so thank you to them.
- >> And this is the translation from Google translates to Chinese.
- >> Chief, we hope that this meets your expectations of providing access to justice to the access to the information and we will be happy to entertain any questions.
- >> I want to say that I am thoroughly impressed and the reason that this came about maybe partly location but here in San Francisco, people come into the building and they are constantly asking if we are a federal court and I understand the same is true in other cases and of course federal courts are not in every county in the same way that state courts are.
- >> There have been a number of people asking questions and there has been a number of confusion so this is an effort to point people in the right direction.
- >> You have done a remarkable job in my view.

>> I know that prior to thinking of a website, of purely resources, Tara gave us a number of ideas and context and information that we looked at and I know I short notice you with the help of staff and the people that Judge Feng listed came together to put the resource together.

>> You may have already covered this but I understand that the immigration button is transferable and it can be put in the library and legislative members offices, bar associations, local bar associations, and then the fact that it exists in the web as you had previously indicated - it will be constantly updated with current information for people who need it.

>> I'm very grateful that this information is made available for people and it helps them leave the court and go to another place it but to go to a place to seek timely information.

>> Thank you.

>> And also, there will be a press release.

>> If you can address how this resource will be made available to the public at how they will be made aware of this.

>> My understanding is that there will be not only an announcement and the general press release that goes out for the council meeting but there will be a separate press release as soon as we have both the English version and the Spanish translation.

>> That would be at the latest on Monday. We have hopes that the stars were aligned for us and everything will be ready today.

>> Thank you.

>> Thank you.

>> Eventually we are hoping that other languages will be translated into -- I spoke with the Justice Cuellar yesterday and we will be collaborating with the language access people to get this thing together.

>> I would love to have Gina to be involved in this and, like I said, it is a work in process and we will keep updating this.

>> Okay.

>> Thank you.

>> Greatly appreciated.

>> Thank you.

>> We conclude today's --

>> Chief Justice, I apologize to interrupted but if I could raise one more thing and I personally would like to make a public acknowledgment of the letter that you wrote to the Attorney General Sessions and Secretary Kelly.

>> We in the judiciary -- we sit as judges and we have a very isolating job at times. We are ethically and otherwise prohibited from making comments on many things. And many of us could not make direct or indirect comments about what is happening in the courthouses. In fact, we probably are not able to even comment about the contents of your letter and whether we agree or disagree that victims, people in general, witnesses, are staying away from the courthouses and the impact that it has on us. Given your position, you can make some comments and you clearly did. That takes courage and it takes courage in a personal way for our state, for our judiciary, and for the country. And I would say regardless of one's view of agreeing or disagreeing with your conclusions, what I saw was very, very evident is that you have a deep caring for our judges, for our courts, and for our mission and, for that, I thank you so much.

>> Thank you, Judge Buckley.

>> Thank you.

>> I had heard from a number of jurisdictions and I have been reading about it.

>> It was a statement about what courts to do and what we encourage courts to do and that is to seek justice and for it to be equal access and to continue to be concerned about the fear that is trickling through the communities with things that I fear it may not be reported or people may not cooperate in communities, feeling less safe, so I appreciate your Statement, and I will keep you apprised of when we get a response.

>> Thank you.

>> Now we conclude today's meeting as unfortunately we often do with a brief remembrance of judicial colleagues recently deceased. Justice Betty Barry-Deal, Court of Appeal, First Appellate District; Judge Michael Ballachey, Superior Court of Alameda County; Judge Herbert Curtis III, Superior Court of Ventura County; Judge Allen Fields, Superior Court of Sacramento County; Judge Erik Kaiser, Superior Court of Riverside County; Judge Timothy O'Brien, Superior Court of Mendocino County; Judge Donald Kennedy, Superior Court of Shasta County; Judge Elizabeth Riggs, Superior Court of San Diego County; Judge Charles Scarlett, Superior Court of Los Angeles County; Judge James Stevens, Jr., Superior Court of Yolo County; Judge Ross Tharp, Superior Court of San Diego County; Justice Robert Timlin, Court of Appeals, Fourth

Appellate District, Division 2, Riverside; and Judge Joseph Wapner, Superior Court of Los Angeles County of the People's Court.

>> All were retired from the bench and we honor them for their service to the courts, communities, and to the cause of justice.

>> This concludes our March business meeting.

>> Judge Feng. One more, Judge Edward Stone passed away.

>> San Francisco Superior Court?

>> Retired?

>> I believe so.

>> Thank you.

>> Our next regularly scheduled Judicial Council business meeting will be May 18 and 19.

>> This meeting is adjourned.

>> Safe travels.

>> Thank you, everybody.

>> Thank you.