

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 a formatted and unedited transcript of the last meeting. The official record of each meeting, the meeting minutes, are usually approved by the council at the next business meeting. Much more information about this meeting, the work of the Judicial Council, and the role of the state court system is available on the California Courts website at www.courts.ca.gov.

>> Please stand by for real-time captions.

>> Well, good afternoon. This is the public business meeting of Judicial Council California for Thursday, May 18, 2017. The meeting is now in session. As you know, this is the first of a two-day meeting. We'll adjourn later today at approximately 3:20, and then reconvene tomorrow at 9:00 a.m. And I believe Miss Debra Pole is joining us by phone today.

>> That is correct.

>> Welcome.

>> Thank you. Almost a month ago the Commission on the Future of California's Court System submitted to me a substantive report exploring transformative ideas for the judicial branch that were both practical and achievable. I've carefully reviewed the commission's 13 recommendations before making any decisions. Today I'd like to announce my decisions, addressing the commission's recommendation. I'm also submitting a letter to the Judicial Council's internal chairs and administrative director that outlines these decisions and more. But first, I want to thank, once again, the 63 members who diligently served so comprehensively on the Commission, many of you here in the room, and acknowledge the commission's co-chairs, my colleague, Supreme Court Justice Carol Corrigan, and Administrative Presiding Justice William McGinnis, Court of Appeal for First Appellate District and also lead staff member of the commission. And Judicial Council Chief of Staff Jody Patel. She had the able assistance of many Judicial Council staff members, especially Maureen Dumas. The Commission's work, as you know, is captured in this 290-page report. It's been published online, and its recommendations deal specifically with civil and small claims, criminal and traffic law, family and juvenile law, fiscal and administrative operations and technology. The Commission approached their work methodically and deliberatively, beginning with an initial survey that generated more than 2,000 responses from lawyers, judges, judicial branch professionals and others. I think, at least in my term, that is the greatest number of responses to a survey that the branch has undertaken that I am aware of. The Commission acted in roles as conveners and connectors by conducting five public comment sessions, 430 conference calls, and 22 in-person meetings of the various working groups. The Commission's recommendations are worthy of consideration and evaluation, and if you haven't had an opportunity to look, read at least the 13 recommendations. In selecting the few to go forward now, I'm cognizant of what Justice Corrigan and I discussed when we first talked about forming the Commission three years ago, along with Jody Patel, and that was that the Commission's recommendations be visionary and be practical, and that's a tall order for sure. But that's exactly the kind of recommendations I received. When making my decisions about what to move forward first, like all things that we do, I looked back.

>> For the last several years we, like the rest of the nation, we've been concerned about how fines and fees have been unfairly penalizing the poor. It's a national problem, and as I've said before, it requires a three-branch solution, and I've said that in various state of the judiciary addresses, with much agreement from our colleagues in both branches.

>> As I have appointed our director, Martin Hoshino, to a national task force looking at this issue, it became very clear this is a national concern for all three branches in all 50 states. Last year the Judicial Council changed a courtroom on an expedited basis that created more justice, and then changed a court rule so that litigants can better challenge infractions. Last fall, California was one of four states to receive a grant to develop an ability-to-pay calculator, which our staff is working on now. I think that will be very significant in order to assure accountability without being overly punitive.

>> I think this work represents real progress, but we also still have to address the structural issues underlying our problem with our fines and fees. So when the Futures Commission recommended a fundamental transformative change on how we should treat minor traffic violations, I saw an opportunity for us to rethink how we've been addressing traffic violations. And mind you, I started my career as a DA in night traffic court. So then I was promoted to daytime traffic court, and my first position as a judge was in traffic court. So I am very familiar with the felt cards and the sandwich boards and the emotion that happens in traffic court. So I am saying let's see how we can take minor traffic claims out of the criminal arena and have them decided in a civil court. So the penalties, the consequences, maybe the emotions, won't run so high, they'll be reasonable, fair, and we can look to making sure it's not unduly burdensome or understandable on the floor. And if we can do this, then all three branches can work together on a national solution, on a state solution, that I think will make us the first in the nation to approach minor traffic adjudications in the civil arena.

>> Therefore, I'm directing that the civil adjudication of minor traffic infractions recommendation be immediately assigned to the council's Traffic Advisory Committee in collaboration with the Civil and Small Claims and Criminal Law Advisory Committee. And for these committees not to debate again this proposal but to bring forward a strategy for council consideration on how this could be achieved. I'm thinking Siri is saying I'm talking too loud.

>> Their proposal should include recommendations for statutory change and rule changes, as well as appropriate processes that free up court resources and free up enforcement resources and simplify the procedures. This will come back to the council as a proposal for us to vet and consider how we proceed, if we proceed from here. I'm directing the committees to explore, evaluate, and recommend options for providing online processing for all phases of traffic infractions if a litigant wishes to pursue that avenue. Thank you, Justice Chin for this.

>> In my letter to the council's internal chairs, I'm also directing that the following recommendations be assigned to our various council committees, their expertise, for immediate consideration and evaluation. They are streamlining civil litigation procedures; improving access and expanding assistance for our growing population of self-represented litigants; and always expanding the use of new technology in the courts for choice, especially as it relates to services that we provide for court users. And relative to these recommendations and the recommendation

on civil adjudication of traffic violations, I'm asking each lead committee to submit a status report to the Judicial Council internal oversight committee members and chairs at the end of the third quarter of 2017. There are, then, a balance of recommendations from the Futures Commission remaining, and I'm directing executive and planning to make assignments to the appropriate advisory committee with the expertise to look at those recommendations and, in a timely fashion, consider proposals related to them.

>> The consideration of these other recommendations should occur within the established annual agenda of the established advisory committees, taking into account the current priorities of those advisory committees. The Commission's report represents, in my view, an important investment in the judicial branch and in its future, and I suggest now we have the opportunity and the expertise to begin to make that future a reality for our court users. I thank the Commission members. I thank many of you here who were Commission members who gave of you time and your expertise in order that we can move California forward. Thank you.

>> Now it's time, I believe, for the liaison report. I'll turn that over to you, Justice Miller.

>> Thank you, Chief. Chief, before Doug gets into that, Jody asked me to mention one item that you know I'm interested in, the online traffic tickets. I gave the Chief the thumbs-up for that because I've been doing that for about 10 years now, and I think that it is time for the Judicial Branch to get on board. We've already had pilot programs for this in Orange County. Before Alan Carlson retired, he said that they were over 90% digital in their traffic citations. When the CHP came on board, got the equipment, the local police departments demanded that they get it as well. So let's spread this throughout the rest of the state. Jake Chatters is doing it in Placer County. There's no pressure, Jake. But Jake got an innovations grant to execute the process that I started in a video, and it's online handling of traffic tickets.

>> By the way, if you look at that video, it will qualify under each of your action items, because it goes from the police officer digital, it goes to the court, and it goes to the DMV. Nothing is ever written a second time. If we continue that through even the civil process, where witnesses could testify online about their traffic accident and the civil ramifications of it, it will help self-represented litigants. It will help simplify the civil process in our superior Court, so I fully support the Chief's instructions that all of these items be given for immediate attention to our advisory committee.

>> Thank you, Justice Chin. Thank you.

>> Thank you, Chief.

>> We have two reports today. Well, actually, three different counties. First will be Judge Feng, and he'll report on Colusa and then Napa.

>> Thank you. Thank you. Justice Miller, Chief, and members of council. Before I get into this, I am going to be in traffic court Friday afternoon, so I'll keep your wise suggestions in mind.

>> Do it online.

>> I wish I can. I'll keep that in mind too. All right. So on December 5 and 8 of last year I had the privilege of visiting Napa and Colusa Counties in the same week. So what I'm going to do, since I've got such limited time, five minutes, according to Justice Miller, I'm just going to go over the report real quick and then I'm going to show the pictures. Let me start with Napa, since that's chronologically the right thing to do. I met the PJ, Mark Boesenecker, and their presiding judge -- I think I'm going to pronounce it wrong -- so is it Elia, Elia Ortiz?

>> Elia Ortiz.

>> And their judges' and our own council member --

>> I'm afraid I can't answer that.

>> Okay.

>> Technological malfunction here. I'm trying to turn everything off. I didn't know Siri knew my name. That worries me, but, okay. I apologize for the interruption.

>> No, that's fine, since I have no Siri. I just have a Samsung phone, so that's good. So our own council member, Rick Feldstein, the court CEO. So Napa, as everyone knows, is located two hours north of San Francisco. The county seat is the city of Napa. It is home to some of the world's most renowned wineries and restaurants. Napa has a population of approximately 137,000 people. Total square miles is 789, of which 40 is water. Napa County has six superior judges, two commissioners, and all the judges, they do specific assignments and they hear all case types in addition to that.

>> There are three courthouses, the historic courthouse located at 825 Brown Street; the Criminal Courthouse at 111 Third Street; and the Juvenile Courthouse, 2350 Old Sonoma Road. All three courthouses are managed by the council's Real Estate and Facilities Office, although the criminal court, at this time, has been transferred to state ownership, and the county has retained ownership of the historic and juvenile courthouses.

>> The historic courthouse: The historic courthouse was built at the cost of \$51,000 in 1878 and 1879. That's equivalent to \$1.2 -- I'm sorry, \$12 million in today's value. And before I get into that, I'm going to talk about -- I would remiss if I don't talk about the earthquake that occurred on August 24th, 2014, at 3:20 a.m. And the reason I'm saying 3:21 a.m., is that if it happened later that morning, there would have been fatalities, and the damage, as is, was tremendous to not only the courthouse, the historic courthouse, but also buildings in the city of Napa.

>> The most notable of the damage to the courthouse, the historic courthouse, there's a large hole to the left, and I'm going to show that later, as soon as I'm done with this report. And that's visible. Right now the building is wrapped in plastic, but everyone is working on getting it repaired. Putting the courthouse back together has to be done with extreme care. That's because it is on the Register of Historic Places, and Rick was kind enough to show me the damage, and I

it was horrific. It really was. He was kind enough to open the door, and I saw the damage, and I will have pictures to show everyone.

>> The tremendous effort for Napa is that when that earthquake hit it was 3:21 in the morning. Rick and the PJ and all the judges and the bench officers, the staff all got together and they opened the door for the public as if nothing happened. All the clerks and staff, I was told, went into the criminal courthouse and everybody worked in unison, the esprit de corps of that staff, the judges, is amazing. It's amazing. And I told Rick, I said, "I'm grateful that it didn't occur at 8:00 in the morning or 9:00 in the morning." But the fact that it occurred and the fact that everybody pulled together, that was tremendous, and I just want to give kudos to everybody, including everybody.

>> The criminal courthouse was built in 2000. It's got six courtrooms and a clerk's office. There's a new courtroom that's going to be open, and that's sometime in June of -- it's already open; am I right? June 2017? Okay. Right. This June. Oh, before I forget. All the repairs are going to be paid by the insurance proceeds from the county of Napa for historic courthouse, so we don't have to pay for it. Am I right? Yeah. Okay.

As to staffing, the budget doesn't help the staffing. But because the entire court is so technologically savvy, because of Rick and everybody else that the reduction has been somewhat [indiscernible]. Today, even though there's a budget, they still negotiated a 37.5 hour workweek three years ago, and the clerk closes every Friday at 2:30, and the staff is still furloughed at 2.5 hours each week, unfortunately.

>> Napa, the CMS is collaborating with the courts in Monterey and Santa Clara, in converting the present CMS to Tyler, for all case types including civil, family law, probate, conservatorship, juvenile delinquency, and they were successful in implementing in February. Criminal and traffic will go online this year: Napa is fully digital at this time, and they have a great relationship with county. They're mutually supportive to ensure everyone's public access to justice.

>> If I can go into Napa's pictures real quick, this is one of the wineries, Domaine Carneros. This is the --

>> [Inaudible].

>> No, I'm not going to get into the same difficulty that Judge Ruben did. This is the aftermath in one of the buildings in downtown. This is the hole in the historic courthouse. And as we speak now, it's all wrapped in plastic. We went through the inside, and Rick was kind enough to show me the damage that the court sustained.

>> And this is the criminal courthouse. The criminal courthouse is quite interesting, because the same design and architect is also from San Francisco, so going to visit there seems like I'm visiting my own court. This is Judge Boesenecker and Judge -- is it Elia, Elia Ortiz. So now going to Colusa. On the 8th of December I drove to Colusa, very hard to find, but I did finally get there. I met with their PJ, Jeffrey Thompson, APJ Elizabeth Olivera, and their CEO Jason Galkin.

>> Colusa County's historic courthouse was erected in 1861, and it's the second working oldest courthouse in California. So before everybody starts Googling which one is the first, or to the first one and look at the hallway looking at the dates of all the courthouses, I will just save you the trouble by telling you that Mariposa Superior Court is the oldest working courthouse, erected in 1854.

>> Colusa is located northwest of Sacramento, and has a population of 21,419 approximate people, 1,556 square miles. 5.6 miles is water. The county seat is Colusa. The court has two judges, a family law facilitator, self-help attorney, and also a part-time court mediator. The court has an AB 1058 commissioner, and this commissioner does also work at nearby counties, in addition to Colusa.

>> There are two courthouses in Colusa and a hearing office, an annex that they affectionately call the "bunker." The bunker is a bungalow, and it houses is family law mediator's office. And going back to the historic courthouse, it's only one courtroom, Department 1, and this is an old building that houses other county offices. It has a security, a movable security that you walk in. And they only use it if they have trials, and it's antiquated. And so I walk up the stairs. I didn't know where it was. It was so small, but it's quite delightful, but it's very old and it is the second oldest working courthouse, and I'll show you pictures of that.

>> The bunker, the concern that the court has is that the security system is very lax. There is one buzzer that goes to the Sheriff's Department. But by the time the buzzer is activated and the sheriffs come, I think it might be too late, because there's only one door to the annex.

>> And the last courthouse is the criminal courthouse, and the criminal court house is only one floor. The first floor, it houses one courtroom and the Probation Department. What the court is trying to do right now is get additional space. The second floor of that courthouse is empty. It's entirely empty. It's got nothing but closed files. The court has been trying to either purchase that space or either they can move into it. But apparently because of the past administration, they were having some difficulty. Hopefully with the new administration, they can get some leeway and try to get that space. And the other alternative is to have the court take over the entire first floor and the county take the second floor. But right now, as we speak, the entire second floor is empty.

>> As to labor relations, I was told by the court that it's excellent. And I was also told that the court is entirely Wi-Fi accessible, and I was also told, as to the CMS, when everyone goes live, they will probably be the only one that is using -- what system is this -- the Cyber Case Management System. I think they're the only ones left. I was told that they're trying to get Tyler and other systems, but that includes getting funding.

>> So here is the second oldest, and this is the historical house. This is the front door with the movable security. And it's only when they have trials they would use it. These are the stairs that go to the courtroom in Department 1, and that's Department 1. They couldn't open it for me for some reason, so that's on your way to Department 1. That's the backside of that courthouse. This

is the bunker. This is the criminal courthouse with one courtroom. When you go in there, security is normal here. There's one courtroom, the Probation Department, Clerk's office.

>> And this is the second floor that is not being used except for storing files, and that is a tragedy, because that courthouse can use that space to add a hearing room so that they can function better than they are now, and they are working with council -- I'm sorry -- with the county. And that's the presiding judge, PJ, Mr. Galkin, and myself. That concludes my reports for both. I think I made it.

>> Good job. Thank you, Judge. Next we'll hear from Justice Slough, reporting on Placer County.

>> Thank you. I will dance while I wait for the clicker to arrive. You could have just tossed it over. I'm a pretty good catch.

>> I'm not that good of a thrower.

>> Thank you. So I had the pleasure, on April 18 and 19 of this year, to spend time up with Jake Chatters up at the Placer County Court and really enjoyed my time with him and his colleagues and the staff. The Superior Court of Placer County kind of motto of just finding ways to get things accomplished. They do it with a sense of creativity, within a sense of collaboration a collegiality. They always focus on service to the public. They recognize that is their number one charter, but also doing it with the confines of the rule of law, and with an aspect of justice for all. As stated, they focus on collaboration to try to meet their needs that go unmet. Sometimes they do it with bubble gum and tape. In other words, it's messy. It's not always perfect, but is a court that simply finds ways to meet the needs of the community that they serve.

>> Placer County has three regions. They have the Valley region, the Gold Country, and the High Country. It is a court of 10 judges, 4 commissioners, at the present time, 116 staff, a budget for fiscal year for 2016-2017 of \$21.6 million. Their presiding judge, Judge Alan Pineschi, has been serving as the presiding judge for nine years. Those of us that serve know that that's a heroic task. But there's also value to years of service in that regard, because it gives stability, particularly through the difficult times of the recession and then growing out of the recession, I think it speaks volumes of their collegiality as a group of judges and commissioners to work so well together under that leadership.

>> Their assistant presiding judge is our old friend, old in the sense of not his age but old in the sense of we have known him for a long time, and that is Judge Wachob. And Chief, he sends his personal regards to you, and to council as well. And, of course, their CEO is our own Jake Chatters.

>> So if you look at their one area, their Gibson courthouse is in the city of Roseville. That is primarily a suburban area, suburban to Sacramento, which kind of surprised me. I didn't realize that Sacramento had kind of grown out that direction, and so many folks have moved to that community. In fact, it serves about 78 to 80% of the county's population is in the Roseville area. The Gibson courthouse was built in 2009. It is a more modern facility, with good digital access,

meeting the needs of that community who has expectations of good technology, helping them to solve their needs within the court.

>> From the Gibson courthouse in Roseville we go to their historic court, which is in the City of Auburn. Whoops, am I one behind. Apologize. Thank you. That is the Roseville courthouse. And then we go to the historic courthouse in Auburn, not quite as old as the one that Judge Feng just spoke about, but it was built in the late 1800s. Sometimes when you enter into these courthouses you forget that the legal issues of our community are actually ongoing, living in the walls during the days, and it just makes you think about all of the interesting history that has walked in and out of a courthouse of that nature. This courthouse has limited technology services, and it has a more small town feel to it, and, indeed, the folks that work at that courthouse respond to that community small town neighborly culture.

>> The third courthouse is all the way in the Tahoe City Courthouse. That courthouse was actually built back when the Olympics were up in Tahoe. It was going to be used as a security facility for the Olympics back in -- I don't remember the year, Jake. Do you remember? It was the '60s, yeah. And it has turned into their courthouse up there and has been in operation since -- a long time, a long time up there, serving the very rural needs of the community. They have very, very limited -- I don't even think they have [inaudible] access. They have very limited cell phone service there. If you need Jake Chatters, you can't get him, it's because he's in the dark zone, hiding out up there where no one can access him.

>> This court has very unique issues that approach, they have to deal with. That was their court a few months ago, and one of the snowstorms came through, and their staff heroically -- I think they were closed a day, but were able to find a way to open up the next day, which is a lot of work, a lot of shoving to be able to access into that building.

>> Another very unique issue came into that court, I think, last week, when during work hours a coyote chased a bear up a tree in their court parking lot. So you can see it is a very -- thank you -- diverse county with very diverse needs, very diverse communities, and a great staff that Jake leads to accommodate all of their respective issues.

>> In addition to the Gibson, the historic courthouse and the Tahoe City courthouse, they have a separate standing juvenile court, as well as a jail courtroom. One of the issues that has been a struggle for Placer County, we don't necessarily think of it being a county that has experienced a huge increase in population. We general think of the Inland region, San Bernardino and Riverside, when we think of an increase in population. But since 1990, their population has grown 117%. Since 2000 it's grown 52%. And we all know what the increase in people into our communities means. It means more work, more people coming into your facilities, and more need to make sure that your facilities are updated, current, and safe.

>> They are, like all the other courts, rebounding from the recession slowly. At the peak of our recession they had a 47% decline in their staffing. Can you imagine if we took this circle and reduced our workforce at this circle by 47%, and, yet, we still had to address all of the needs of our judicial branch. We would have come to a grinding halt a long time ago to make progress. So they really struggled with that decline in their staffing. In 2009 they had 185 employees, 2013 it

dropped to 98. They have been able to replace some of the employees. They now have 116. They closed 3 out of their 18 courtrooms, which was 16%, and, on occasion, had to close a fourth courtroom for lack of staffing and ability to assure that they could open up for the community. With the reinvestment into the branch, as well as WAFM, they have been able to grow, as I indicated, to 116 employees at this time.

>> In 2013-2014, in addition to being down 47% in their staffing, they were 51.2% in funding compared to their need. So not only did they not have the staff, they didn't have the money. So they were really stymied, and, again, they were very creative and diligent in assuring that they continued to meet the needs of their community. As of now, as of 2016-2017, based on funding increases, as well as WAFM, they have now grown. being funded at a 70.8% need, still a chronic underfunding. Still not meeting the need, both fiscally, as well from a personnel standpoint, but they have been able to shift from dismantling of their organization to rebuilding their organization, and that they are grateful and very proud of what they have been able to accomplish.

>> And one of the areas that they are focusing on as they are coming back with staff and funding is expanding their telephonic appearance tools, language access expansion. They hope to be able to expand to all case types. I found it very interesting that their number two highest need for interpreters is -- does anybody know the language except for Jake? Russian. Aren't we a diverse state. But the Russian language is their second high need.

>> They will soon be opening an in-custody courtroom. They are looking forward to that, being able to leverage some of their ability to address some of their needs. They did receive an Innovations Grant. They will be doing video appearances using commercially available technology. And what that means is, if you have one of these, you will be able to make a video appearance with a phone. Pretty cool, huh, Justice Chin? So we look forward to watching that roll out and hopefully be able to leverage that to other counties as well. And, again, no pressure on you, Jake.

>> Other ways that they have been trying to be creative and grow is to expand their self-help staffing. We've been able to increase the available appointments for folks who need self-help. One of the comments that staff made to me up in the Tahoe City was they don't have any self-help up there, and they really desperately need it, because so many of the folks that come through that courthouse are self-represented.

>> They also are very pleased with their program of providing same-day orders after family law hearings, so when someone walks out after their family law hearing, they know they have in their hand exactly what they have to do. They have reduced their civil trial continuance list to zero. They are up to date on getting civil cases out. They are also looking forward, in July of this year, to starting a tiered child custody mediation model. I think that was something that we all read about in the Futures Program, so it's great that they are moving in that direction.

>> With the leadership of their judges, as well as Jake, they focus on the digital age. They are improving their jury management system. With the jury improvement grant they'll be able to allow people to receive their jury notifications on texts, as well as receiving e-mail reminders.

That should happen later this year. They have replaced their case management system and gone to digital case files in traffic and criminal. In civil, family, and juvenile they will go to a new case management system later on this year.

>> As you folks know, we have come to you through the Judicial Council Technology Committee, asking for funding for the Placer Court Hosting Center, and that is a process where Jake, through their court, will be hosting a number of the small courts. That will go live in the fall. The courts will be merging over to that hosting system in the fall. They also have electronic case file review for the judges that are there in the process of purchasing, as well as moving to that complete e-filing system.

>> They do continue with needs. They have a lot of needs, as do most of the courts, as all of the courts up and down the state. One that continues to go unmet is the New Tahoe Courthouse had been in the plans. That has been indefinitely delayed. The judicial need study shows that they need 30% more judges than they presently have. Finally, the eroding budget, the chronic underfunding continues to inhibit their ability to robustly and thoroughly and fully address the needs of their community.

>> I'll end the way I started, indicating that the Superior Court of Placer County that just finds ways to get things accomplished. They work hard. They are collaborative with their justice partners. They were very appreciative, Chief, and Martin, Jody and others of Judicial Council staff and times that they've needed assistance with Judicial Council, who has stepped up to help them as well. It is a proud court, and I was honored to be there.

>> Jake, thank you very much for your warm reception with me and the time you spent with me.

>> All right. Thank you, Justice Slough, and that completes the liaison report. Chief.

>> Thank you. I find these liaison reports very helpful and interesting to get the inside scoop on the courts and what's happening and where they are. And while we continue to need additional funding and we still know courts are in furlough, it's something to see the creativity and the dedication that these courts, the judges, and the court executive officers and the professional staff use. So thank you for making these trips, and thank you for being diplomats for the Judicial Council and bringing there information back to us.

>> Our first discussion agenda item is under the topic of language access. It's an update on language access plan implementation and reports on wayfinding and signage strategies for language access in the California Courts, reporting recommendations. This is a discussion matter, so no action is required, and I invite our presenters to the panel. Justice Mariano-Florentino Cuéllar, chair our colleague on the California Supreme Court, and also, of course, Justice Laurie Zelon, co-chair of the Judicial Council Language Access Plan, implementation task force is translation, signage and tools report subcommittee, and many other roles regarding equal access to courts and justice. Thank you and welcome.

>> I understand, Justice Miller, there are two people who wish to speak before the presenters begin.

>> Yes. Thank you, Chief. First, if I could have Camilla Tiara [ph] come forward. Thank you for being here. You have three minutes. And if I could have Mary Lou Aranguren, if you could come to the little doorway there and be ready to go next. Thank you very much. You have three minutes. And I'll give you a notice with one minute left.

>> Thank you very much. Good afternoon, Chief Justice and council members. California has fallen to 27th in the nation in language access and the courts, behind Georgia, Mississippi, and Kentucky. The Judicial Council is working to rectify the situation by implementing the Language Access Plan, and the Chief Justice took a commendable stand recently against allowing ICE agents in our courthouses. But court interpreters have been consistently subjected to separate and unequal treatment, even after we finally gained employment rights just 14 years ago. This institutional failure to do right by us, the lives the court stated commit to safeguard due process and equal access justice for immigrants. Regional bargaining is actively undermining a cornerstone of language access services, the employment system for court interpreters. Rather than provide competitive salary, equitable treatment, and a viable career for interpreters, Bay Area courts are routinely spending \$600 to \$800 a day on contractors, even bringing them in from Southern California, and covering travel and lodging.

>> So it's clear we know the Judicial Council does not play a direct role in bargaining and that it's the CEOs, theoretically, who direct the regions' negotiators. But the CEOs are not stepping up to fix the problem and it's unclear who is ultimately responsible for the region's positions for interpreter's compensation, positions that actively undermine the court's language access goals. The courts hired and appear to have given free rein to a lead negotiator in our region who revealed this past March that she didn't even know that the council had adopted a language access plan, although it was adopted more than three years ago. Both regions two and three have taken the, frankly, preposterous position that poor wages and working conditions are not responsible for the courts' inability to recruit and retain enough interpreter employees.

>> One minute.

>> There is no excuse for this. It's outrageous. The very reason the courts exist is to ensure accountability for wrongdoing, whether on the part of a greedy landlord or a deadbeat dad or a violent criminal, but where is the accountability for the courts. The Judicial Council controls the purse strings, sets policy, and is responsible for ensuring that the trial courts comply with the language access needs of all Californians. As such, there are things that this body can do. It's time for both the courts and the Judicial Council to stop passing the buck and take decisive action to make significant improvements to interpreter compensation statewide, now before it's really too late. Thank you.

>> Thank you. Next we'll hear from Mary Lou Aranguren. Good morning and welcome. And you have three minutes, and I'll give you a notice with one minute left.

>> Thank you. Good afternoon, Chief Justice, council members, and justices. Thanks for the opportunity to address you. You've been hearing a lot from court interpreters just now, and this past year about the impact of pay gaps on our career choices, as well as how uncompetitive

wages in the market for these professional services impact recruitment support interpreters. The facts are clearly on our side.

>> The problems with regional negotiations are recognized by all sides. The outcome for interpreters is undeniable. Disparate impacts, including less than half the wage growth of other court employees, and salaries that, unlike other court jobs, are drastically lower than comparable jobs in federal court. The outcome for the courts is also undeniable; recruitment and retention problems and a growing gap between employee salaries and market-driven wages demanded by contractors.

>> The National Center for State Courts says courts need to increase compensation of court interpreters as a key factor in meeting language access need. Nowhere is this more important than in California, yet this is not reflected in the language access plan. Legislators see the need and have consistently funded these services and are concerned about the pay disparities that are undermining the employment system in favor of contracting out at higher costs. You can make this a priority and ensure funding is sought and allocated to address this real problem. You express the council's commitment to support compensation increases and recommend to CEOs that they work with you to make interpreter wages competitive. This will take time and commitment.

>> We should be working together with the legislature to meet the goal, first articulated by this council more than a decade --

>> One minute.

>> Thank you -- of bringing court interpreter compensation for employees and contractors in line with federal pay. Interpreters in federal court have been deliberately classified at a level that matches the professional skills and expertise required in this job. Over the past dozen years, federal pay for court interpreters has increased 37%, while state court wages have risen only 10%. Institutional neglect of compensation for these services is the underpinning of the court's recruitment and retention problem. Our members are the people who show up every day, apply their expertise, and deliver language access in our courts, embracing and shouldering the important expansion of these services that's occurring. It is in your hands to fix this for the courts' own good, and because it is essential to protecting the very integrity of the court system and the fundamental rights of immigrant communities. Thank you very much.

>> Thank you very much. Chief, that completes public comment on this side.

>> Thank you. Justice Cuéllar.

>> Thank you, Madam Chief Justice, and thank you, council, for giving us a chance to speak to you today. As most of you know, the task force that I chair, have the honor of chairing, has been around for almost two years. In that time, I've had the chance to meet with you several occasions, and every time that we meet I mention a statistic, and I want to mention it again. Seven million Californians don't speak English very well at home. It's a staggering statistics, and I repeat it so many times that I almost become numb for it, but I just want to unpack it for you

for a moment. That means 4 in 10 families in California go home and they speak a language other than English at home. It means that when Justice [indiscernible] talks about Russian being spoken in Placer County, that's 1 of 210 languages that are spoken in California.

>> So I mention this up front, because as I take a few minutes to lay out where we are in the task force and where we want to go next year, I want to underscore that the complexity of our language access picture in California is absolutely second to none. And one of the reasons why one of the reports mentioned in one of the comments, trying to give sense of where the states compare to each other is a little bit of an incomplete picture, because it doesn't really grapple with that complexity. It doesn't actually study things like how many interpretations are being provided by state.

>> So, here in California for example, the details that we have, the statistics show us that even the incomplete data we have, it underscores that 1.5 million interpretations happen every single year. There is no state in the country that comes anywhere remotely near that. Not Texas, not New York, not Florida. That complexity we're dealing with, of course, is the very same reason why we can do some much on language access, because we have the resources among our extraordinary population to staff our courts with terrific interpreters, because we have a motivated public that cares about this issue and doesn't want it swept under the rug. So that's the backdrop.

>> Now in this whole picture about language access in California and the country, I would underscore that one of the biggest deals was something that happened right here, and that was passage of the Language Access Plan a little over two years ago. That was a watershed, because it was the first time a state of this level of complexity committed to all the things that we are now trying to implement. The plan remains a lodestar. We are intensely focused on interpreters and civil proceedings because that's what's in the plan. We are working not only on assistance in courthouses but outside the courtroom as well. And since our goal is to help a population that includes many, many people who are immigrants of both legal and not legal status, we would be wrong not to bear in mind that some of the people we are trying to help are finding it perhaps a little more intimidating to come to court than they did a couple of months ago.

>> To help make California the best place in the country for language access, and keep it that way, we've been focused on five priorities since 2015. The first one is getting resources and otherwise supporting mostly our trial courts in expanding access to interpreters in all civil proceedings for all the people who need them. The second priority is making sure that courts have all the tools they need to deal with a population that's extraordinarily diverse in the languages that they speak. And I mean really here tools not only inside the courtroom but outside the courtroom; forms, bench cards, protocols for translation, and a web-based tool kit to share ideas. Justice Laurie Zelon, who we are very honored to have in our task force and chairs one of our subcommittees, has been a leader in this area.

>> The third priority has been using technology smartly, including the Web, like the web-based toolkit, but also video where it makes sense, where it can be used in a way that protects due process. That's why we're doing a VRI pilot project. The fourth priority is improving education

and standards, and last, but definitely not least, outreach to stakeholders and the public across the state.

>> With the support we have gotten from you, chief, from this council, from interpreters and from allies and from trial courts across the state, I'm happy to report that we're getting things done. We're very pleased that in 2016 the budget included, for the courts, \$7 million of new baseline funding, which will be ongoing for reimbursing courts in supplying interpreters. This is what goes into the former 45/45 fund. We now have nearly all 58 courts, based on a survey we have conducted, actually several surveys, indicating that they are providing some or all needed interpreters under the Civil Priorities and AB 1657. This is Evidence Code 756.

>> San Diego County is really noteworthy, really a leader, because they have announced in January something that is so simple that even my kids can understand it, which is to say that they've expanded language access services to all court users and all case types, period, full stop. We've done bench cards and new curricular materials and launched the Language Access Toolkit, held community outreach meetings, more on the way, but, frankly, more than I can even remember, and learned a lot from language access, as it works in health and in education.

>> The outreach sessions that I mention tell us a lot. They tell us that we're making a difference. But they, frankly, tell us that we have a lot more of work left to do it. So we're doing our best to prepare an FY 2018-2019 BCP that is practical and recognizes that many needs that the branch has deserve funding, but we also need additional funding to continue civil expansion and support infrastructure, including for our interpreters.

>> We're forging ahead with the VRI pilot project, which is, frankly, a lot more complex than I had imagined. We are working to gather more data with less fuss and no paper surveys so we can help the courts that need help. Our Translation Subcommittee is addressing recommendations on accessible courthouses, which you're going to hear more about, creating a compendium of terms which can easily create signs for their users, and we're looking ahead to a day where the three-to-five-year charge of this task force is all done and this work gets fully worked into the council in its own work so we can make sure courts stay open to people of every language in every generation. So that's where we are. I'm happy to answer any questions and then I'll turn it over to Justice Zelon, who will tell you about accessibility.

>> Thank you, Justice Cuéllar. Thank you. At this time we'll proceed.

>> Thank you very much. I want you to take away a moment from the thought we all have about interpretation in our courts, which is what happens in the courtroom, and place yourself in the position of being in a foreign country and walking into a courthouse where all of the signs are in a language you can't read and no one there is telling you where you have to be, but you know you have to be somewhere. And that's what people face when they come into our courthouses every day. And that's what the Wayfinding Project is all about. Because as important as it is, and it is vital, to have interpreters in our courtroom making sure that people understand they can participate fully in the proceedings in the courtroom, it's just as important that they can get to the courtroom and that they can manage the courthouse. And so what we have been doing is working on that piece of it.

>> We've been working with the National Center for State Courts, which has been very helpful in this process, and prepared this report, and it addresses two separate recommendations in the Language Access Plan. In doing this work, the National Center conducted site visits to four local courts, had phone interviews with staff from a variety of courts across the state. And I really want to express my thanks to the courts that did participate. It took time away from their already busy schedules, but they were very generous with their times.

>> Based on these visits and the interviews they made, the National Center made a number of recommendations in the report. I just want to highlight a few of them. You have the entire report in your materials, and I am sure you will read it cover to cover, because it's gripping. First, not surprisingly, there are a wide variety of practices across the state, with respect to both signage and wayfinding in our courthouses. Where we have newer courthouses we've been able to build in right into the design and construction from the beginning wayfinding strategies that help. Our older courthouses, though, just as we heard today that they have terrible earthquake problems, also have real concerns with respect to modern signage and wayfinding issues.

>> Where we do have multi-lingual signage in place in our courthouses, most of it is in Spanish and English only, and does not address the other languages that are found in the counties in which they serve. We don't use very many icons or symbols. Things that are easily recognizable in an international way, we don't use them. We use words instead. In many courts we do have other strategies. We have bilingual staff at help desks. We have "I Speak" cards, which allow people to identify on a card the language that they speak. We use tell telephonic interpreter services. All of that is helpful, not enough.

>> Several courts, the newer courts, are using electronic queuing system. That is something you've seen in other aspects of life. A person can take a number and be called for assistance from staff. The other beauty of this system, other than making people not stand in a line but be able to sit comfortably and wait for their turn, is that they can display in a crawl, or otherwise, various messages in various languages. So if there is information that needs to be provided, it can scroll down through various languages on these signs. This has tremendous potential, this technology, to deliver information, basic information, to our LEP court users.

>> We also looked at other settings, public buildings, and particularly medical facilities. We had a site visit to Kaiser Permanente, which was, frankly, eye opening. Kaiser throughout the state serves populations with a variety of language needs. They obviously have the same level of concern that we do; that their users understand what they need to be doing and what information is being given to them, and they have successfully integrated both Spanish and Chinese in Northern California into their facilities in a way that allows people to really navigate very well.

>> So what are our recommendations? First, that there are be amendments to the Judicial Council facility standards to account for these language access considerations and to continue to incorporate wayfinding and signage considerations into courthouse design and the construction process. Second, that we identify commonly understood icons and we enhance the use of icons in our courthouses to create signage that court users can understand regardless of their first language, and regardless of their reading level, because even when people have a spoken ability

in English, they don't necessarily read well in English, and so these icons are incredibly helpful at enhancing their ability to understand the courthouse. A third recommendation is to use flexible signage that allows courts to modify the information. This would include electronic signs, but it's not limited to it. You can use hybrid signs that have both a static element but an ability to switch out information and switch out information in different languages.

>> And one last key recommendation is to explore the possibility of developing and issuing performance standards for electronic queuing systems. That will allow each of the local court to use to decide whether this electronic signage is a good option for them, and to ensure that they get the best value for their budgets in procuring the services without putting the burden on local trial courts to start from square one in designing those standards.

>> Just to switch to signage for a moment, we are working on a glossary of signage terms which will have commonly used terms and phrases that can be standardized across courts, and once standardize, standardized translations can be provided to the courts, such things as self-help center and court clerk. We're also looking to identify icons that are appropriate for signage; restrooms, exit doors, disability access services, language access services. All of those items will be edited for plain language, both to make them clear for the public and to make it easier to translate them and provide them in different languages. And our initial goal is to translate these words and phrases into eight languages other than English, once we have them in plain language, which is not always easy for us.

>> So all of that will be made available on the language access toolkit, which is the one stop online site for language access resources and tools for the courts. It will make it easy for staff to access the translated text to prepare the signs that they need in their own courthouse. We're not going to make people use one set of signs but provide them, rather, with terms that they can use to create their own.

>> Finally, Justice Cuéllar mentioned the budget change proposal. We will include in that a request for branch funding for a signage grant programs to allow courts to access funding for their own particular needs and signage.

>> So that's what we're up to with respect to wayfinding and signage. I hope that you find the report educational and informational, and I'm, as well, happy to answer any questions you may have. Thank you.

>> Thank you, Justice Zelon and Justice Cuéllar. I'm gratified to know that so many smart minds are working on making California's courts easier to understand and more welcome places for people who come in crisis, and that you're thinking of not only in the court but outside the court and you're thinking about people who may be able to speak English but maybe not read it. And we look forward to being more and more accomplished and closer to our priorities. Thank you for your efforts on our behalf. Thank you.

>> Thank you very much.

>> Our next discussion agenda topic is court facilities, Court Facilities Trust Fund: Reducing Operations and Maintenance Costs and Utility Costs in Courthouses. This is an action item requiring your vote. We welcome our presenters, presiding Judge Donald Byrd, who is chair of our Judicial Council Trial Court Facility Modification Advisory Committee. Also with him is Judicial Council Miss Laura Sainz from our Capital Program, and I'm hoping we now have Judge Bill Highberger, vice chair of Trial Court Facility Modification Advisory Committee on the phone. Are you there, Judge Highberger?

>> Yes. And I apologize that I couldn't be there in person, but my schedule just didn't allow it.

>> Thank you for being here telephonically. We look forward to your presentation.

>> Thank you, Chief, and thank you for the invitation to present today. As the Chief indicated, we're here to talk about the Court Facilities Trust Fund. For the fiscal year 2017-2018, our committee anticipates that we're going to have a shortfall of about \$10.3 million. Most of you know that this fund was originally established with the passage of SB 1732 in 2002, and the primary source of revenue comes from court facilities payments from the various counties that transferred these matters; however, there was no inflation growth upon those transfers. Once they were transferred, the payments by the counties remain stagnant. They don't change over time.

>> We presented this fact before E&P. Justice Miller and his group were kind enough to let us go off course on that day. We were supposed to be there to present an agenda item, but at the urging of Judge Highberger, I would present the dilemma that we're now facing. Since he's now not here he can't defend himself. Okay. But we're here today basically --

>> Thanks, Don.

>> We're here basically today to present you with what we deem an appropriate action plan to save that \$10.3 million, because, as you have done in the past, I think this is our fourth year that we've come before the council for a budget change proposal, and for the various reasons that we all know, it hasn't been accepted by the Legislature in the past, and so now we have to take appropriate action to maintain our courthouses so that our utility costs are paid for, our maintenance is maintained to keep the courthouses safe and provide access to our users. And at this time, I'm going to give you the brains of the outfit, Laura Sainz, to present our action plain plan to you. Thank you, Judge Byrd.

>> Judge Highberger, did you want to jump in now?

>> No. It's only that this is old news, and the unwillingness of the Legislature to give us the budget change proposals now put our back to the wall.

>> Okay. Thank you. I'm going ahead and start with our PowerPoint presentation here. So, really, as mentioned earlier, this is the related to operations and maintenance and facility costs in trial courts. So the issue is the Court Facilities Trust Fund -- oh, there we go -- the Court Facilities Trust Fund, and as was mentioned, the history of the fund -- well, today we're going to

go over the history and revenue of the funding the funding shortfall, the action plan to address the funding shortfall, and then the next steps.

>> So history and revenue of the fund, as was mentioned, it was established in 2002 by our landmark SB 1732, that legislation, actually, the purpose of it was to fund ongoing operations repair and maintenance of the trial court facilities.

>> The revenue sources for this fund are primarily made up of the county facility payments. county facility payments, or CFPs as you all probably know them, make up 82% of the revenue that goes into the Court Facilities Trust Fund. Each county remits their payment quarterly, but when the legislation was originally written there was no adjustment for inflation for these CFPs. So the original intent of the legislation was that the funding for the ongoing operations and maintenance of trial courts in excess of the county payments was going to be provided by the state.

>> As I mentioned, the CFPs make up 82% of the revenue going into CFTF. The balance of that includes 8%, which comes from rental, parking, night court, basically leasing; 7%, which comes from the general fund, and that's actually a transfer from the general fund for new judgeships; and then also 3%, which is a transfer, again, from the general fund, but goes straight into the ICMA account to pay for the new Santa Clara and Alameda courthouses.

>> So expenditures, what do we use this fund to fund? The two biggest categories are, frankly, the utilities at the trial courthouses and maintenance and operation. So as you can see, utilities make up 46% of the expenditures, and maintenance and operations take up 42%. The balance of that is rent, 11%; and then insurance, 1%. So we anticipate for fiscal year 2017-2018, \$115 million in revenue, \$122 million in expenditures, and we need a reserve of \$3 million, because we know we're going to lose \$3 million in incoming lease payments next year. So that leaves us with the projected funding deficit of approximately \$10 million for fiscal year 2017-2018. When we originally put these projections together, obviously fiscal year 2018-2019 is a little farther out, we anticipated revenue deficit -- or funding deficit of \$12 to \$13 million. That's probably going to be much higher now.

>> So, again, we've got a \$7.3 million deficit, a \$3 million that we need in reserve, so a \$10.3 million funding shortfall. So how are we going to cover that? The action plan right now is basically to do a 10% across the board cut, focusing specifically on utilities and operations and maintenance. So that translates into a \$3 million to \$4 million savings that we have to find, starting July 1, for our utility costs, a \$5 million to \$6 million savings, starting July 1, for operations and maintenance, and then we have other strategies related to closed facilities, which we have identified at approximately \$1 million. So, again, a 10% across the board cut to operations and maintenance and to utility costs.

>> So let's focus a little bit on the 10% cut on maintenance and operations. There are basically three providers of operations and maintenance, our onsite service providers, which right now include Inovady [ph], ABM, and Pride, the delegated courts, Riverside, Orange, San Luis Obispo, and Imperial, and then the county-managed facilities. The strategy right now is to negotiate with our onsite service providers, which is, frankly, right in the middle of, to cut 10%

off the firm fixed price contract, effective July 1. The other 10% cut across the board, the delegated courts will receive 10% less for operations and maintenance. County-managed facilities, 10% less across the board. Again, utilities with a 10% cut.

>> There are a number of ways, obviously, to attack utilities and this is probably a good thing overall in terms of sustainability of the courthouses. The issue that we're struggling with right now is we need to start realizing these savings July 1. So we have identified some projects, in particular lighting projects, lighting retrofit projects, which are actually rather easy and quick to do. So one of the reasons why we're bringing this up today is because you're all probably going to hear us knocking on your doors very shortly and trying to get a number of lighting projects implemented within the next 30 to 90 days.

>> We also have a number of HVAC projects identified, which we hope will reduce your overall energy efficiency load. Controlling plug load, so this is a concept that we actually have to work very closely with the courts on. Plug load is everything that you plug into your outlets basically at your courthouses. So Mike Courtney, our director, did a presentation the CEAC Facility Subcommittee to discuss and identified mechanisms and how with can collaborate with the court on reducing plug load. So we hope to continue utilizing that subcommittee to possibly develop guidelines that we can share with the courts on a role they can play in helping to reduce the plug load.

>> We're also going to start tracking and reporting on utility costs and usage. This has actually been quite a challenge, because we have a number of accounts where the judicial council is the customer of record. We have a number of accounts where the county is the customer of record. So we are trying to get all of that available on an online dashboard so that everybody from the judges to the service providers to staff can have access and track what the utilities is in their particular court. And then we're going to work, again, with the CEAC Facility Subcommittee to update energy conservation guidelines.

>> So, in terms of next steps, I think one of the reasons why we're here today is to let you know we're going to be knocking on your doors. We're going to hope for a collaborative process here. But we basically have no choice in terms of these 10% cuts, and we need to, rather quickly, identify ways to reduce utilities and maintenance costs, and we hope to do that with the courts, with stuff that staff can do internally, and then we want to come back at your September meeting and report on our progress. And that's it. Thank you.

>> Thank you. Any questions? The recommendation is found on page 2 under your tab materials. I appreciate the explication of them too, as well, and look forward to the September report to see how it is and how much we can conserve.

>> Jake Chatters and Justice Humes.

>> So just a quick comment to thank the JC Facilities Group. They have been very open in coming to CEAC and talking about this issue going forward, being active with the CEAC subcommittee to discuss what may be options for us to implement, and so we also look forward

to continuing to work with Laura and Mike on that. So those meetings are continuing, and we'll get an update on the next CEAC meeting.

>> The second piece about it is just to recognize that this sounds very, okay, so we're cutting money for facilities, we're cutting money for utilities, and, yeah, that's fine. But the part to remember, as everybody goes back and we start to hear from, you know, judges and court staff, is that it's not as simple as that sounds. I mean that means elevators don't get fixed as quickly as you would want them to. It means temperature in the courtroom is not at a nice comfortable 68 degrees. It's more like 74. It means the lobbies are cold in the winter and they're hot in the summer. So there a lot of little details that impact how we actually work, that you forget is really a facility cost. So, you know, this seems like an easy thing, and this will become a very difficult thing over the next couple of months. So I just preface it with that. Otherwise, Chief, if you would like a motion, I can make one.

>> Thank you. And seconded, Justice Humes?

>> Yes, I second it.

>> Thank you.

>> I do have a question, though, and that is, to me, a lot of these things probably cost a lot of money; right? Doesn't cost a lot of money to change the light bulbs to low, more efficient light bulbs? And that seems, to me, to present you with an even bigger challenge because we need to start making savings starting July 1st, and yet, we're going to have to extend money to save money. Is that all calculated into this plan?

>> You're absolutely correct. And tomorrow we have a meeting for our committee, and we have one of the agenda items is for energy efficient projects is about \$6.9 million to pass on 34 energy efficient projects. Two of the main ones I'll give you is the mega courts in Folsom and what's the other one down there? Folsom Moss, and that it will change all these LEDs out for them, because that's where we're going to get a big bang for our buck, and they have a substantial need to have that changed down there.

>> But I think, like we have 32 other structures in the state. But that's why we have to start almost immediately. And I didn't want to let Judge Buckley that we were already considering him for the first door knock. But that's where it is Justice Humes.

>> One other comment that Justice Humes -- Judge Highberger speaking. The account that pays for the change-outs of the bulbs and the labor, et cetera, is a different account. It's what's called a facilities modification account. So there are two different buckets of money. That is the same account that pays for elevator overalls and roof replacements, but there is money left in that account at this time in this fiscal year.

>> Okay. Thank you very much.

>> Not seeing any other hands raised, all in favor of the recommendation, please say aye. Any opposed or abstentions? Matter carries. Thank you. Thank you for thinking of this idea.

>> This concludes our business meeting for today. We'll stand in recess, to begin again tomorrow at 9:00 a.m. Thank you.

>> [event concluded]