

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

Please stand by for real-time captions.

>> The meeting will begin shortly.

>> Good morning, this is the business meeting of the Judicial Council of California for Friday, March 2, 2018. The meeting is in session and we plan to adjourn later at 12:30 PM. I believe Justice Doug Miller is in Riverside and Mr. Jake Chatters is in Placer joining us by phone. Good morning.

>> Good morning.

>> Thank you.

>> If you hear a ding, please feel free to jump in on the phone and we will be able to move forward. We have with us some new judicial officers from the judicial officer program. Governor Brown released his data yesterday. During 2017 he made 95 appointments to the bench, more than half of them were women. Nice to announce that at the beginning of Women's History Month. They chronicled diverse appointments to the bench. He began 2018 with more judicial appointments and just this week he appointed three Court of Appeal justices in Los Angeles and San Jose and 25 superior court judges in 212 jurisdictions throughout the state. Some of his past appointments and those in the courts join us this morning. They represent the future of the judicial branch. They are the judges and commissioners that will support the rule of law, protect civil rights, and perhaps create policy in years to come. First I would like to welcome the faculty and the participants. I was pleased to have the faculty and new judges and commissioners join me in my chambers this week. They are here and will attend part of the business meeting.

>> I will introduce the four faculty members, Judge Cindy Davis, Superior Court of San Diego County, Judge Catherine Lyons, Superior Court of San Francisco County, Judge Michael Vincent Tia, former member of the Judicial Council, and Judge Theodore Weather, Superior Court of San Diego County and the chair of the center for research and advisory committee. Thank you for your volunteer work and helping to teach our new judges. We also have the 12 new or newer, depending on month of appointment, that are participating in the Judicial Council program, from the Superior Court of Alameda County, Judge Barbara Dickinson, from Kern County, Commissioner Jason Webster, from the Superior Court of Los Angeles County, Judge Sarah Heidel, Commissioner Kiel Jo Hansen and Judge Carrie White. From the Superior Court

of Marin County, Judge Beth Jordan, from Superior Court of Orange County, Judge Andre de la Cruz. From the Superior Court of Riverside County, Judge OG mag no and Judge Randall Stayman. From the Superior Court of San Luis Obispo County, Judge Jesse Marino and from San Mateo County, Judge Nancy Feynman, and from the Superior Court of Stanislaus County, Judge Stacy's bill year. Welcome and thank you for being here.

>> [Applause]

>> At this point I turn the business meeting over to Judge Anderson for the regular agenda item public comment.

>> Thank you chief and good morning. This is the time and agenda for members of the public to provide general comments on general aspects of judicial administration and we welcome public comment. The process enables members of the public to express their ideas and stay concerns on policy matters. There are two opportunities for public comment. The first is general comments on general matters of judicial administration. These comments are about matters not specifically on today's agenda but are of general policy concerns. The second involves comments on a particular item on today's agenda which will be heard at the time we get to those specific parts of the agenda. Before we begin with public comment, I would like to make a few comments with respect to making public comments. The council is the policymaking body for the judicial branch of California and the council addresses judicial issues of statewide importance. You will see the on the agenda. The council is not an adjudicatory body and unlike the court does not make decisions in individual cases and does not become involved with, nor does it ever intervene in these cases. That is outside the scope of the council's authority and responsibilities. Therefore, in the public comment process, the Judicial Council does not receive comments and suggestions about individual cases or is not authorized to distribute materials related. Please keep this in mind if you are presenting comments today. The time allotted for each speaker is 3 minutes, when you hear your name just go ahead and stand at the podium and we will call a second name for the person in the ready position. There is a timer there and you will be given 3 minutes. You will see the green light, yellow light as you're closer to the end of time, and the red light in time is up. We ask you to respect the allotted time.

>> The first person that we have for public comment is Ms. Roberta Fitzpatrick. If you are present you can step forward and the person behind would be Mr. Ty Winters, if you can be in the ready position. Good morning Ms. Fitzpatrick, you have 3 minutes. Thank you so much.

>> Thank you.

>> Chief Justice and members of the council I am Roberta Fitzpatrick from San Jose, thank you once again for allowing me to speak about my concerns about your policies and custody decisions in Family Court. When we realize something does not work as intended we try to fix it or replace it. Leaders throughout the nation and state are trying to figure out how to better protect people during natural disasters and how to avoid man-made disasters such as the school mass

killings that are becoming frighteningly common. 53 children in the past few years have been murdered by a dangerous parent in the midst of a contentious custody dispute. Hundreds of children are listed as missing by the Center for Missing and Exploited Children. We really do not know how many are dead. My great-niece was missing for 2.5 years before her body was finally found wrapped in a garbage bag buried in the backyard grave.

>> These deaths are evidence of a terrible systemic failure. Ms. Estevez spoke to you at the last meeting, she is a woman of sterling character who was told by a judge that she had coached her little 5-year-old to report threatening words spoken by his father. Her little boy's murder is a blatant evidence that she and her little boy were truthful. There was ample evidence that her ex-husband was a liar and no evidence that she was a liar and since the laws in your policies do not put the safety of children as a top priority in custody decisions, another loving parent has only an urn filled with the child's ashes. There were volume of evidence that the great-niece's father was dangerous, no one bothered to look, we also have a box of ashes and her rent is damage to family members. I cannot understand why you don't see the changes need to be made. You are really hurting thousands of people.

>> Thank you.

>> The next speaker is Mr. Ty Winters and in the ready position is Ms. Connie Valentine.

>> Good morning Madame Chief Justice and councilmembers, I am Ty Winters from Monterey County. I am retired from the U.S. military. I am here to enhance the Judicial Council of California restraining order forms, especially on harassment, the request for civil harassment restraining CH-100 and response to requests for civil harassment restraining order form CH-120, two questions should be on the form, Do you want to be heard by a judicial officer or a temporary judge that is a lawyer and not a full-time judicial officer? Why? This would prevent unnecessarily extraneous court action in case commissioners forget to carry out California rules governing temporary judges. Citizens have a right to learn who they want to be heard by and the civil harassment order allows to revoke a U.S. constitutional amendment, a temporary judge should not conduct administrative hearings or court hearings, only judicial officers when the U.S. constitutional amendment, especially the second amendment, can be revoked and taken away from citizens. Revoking any U.S. constitutional amendment or right needs to be compelling, when revoking a U.S. constitutional right, the due process of the law needs to be carried out to the letter of the law. This is not the case and needs to be changed. Judicial Council of California gun violence prevention form JV-100, the petitioner has to show facts and evidence to the judge. On civil harassment restraining orders, the court only needs preponderance. This is unconstitutional and needs to change.

>> Next this must be listed on all judicial restraining order forms, in case law, the term could appear when discussing the legalities of government restrictions and whether the means of restriction is justifiable in light of the right restricted, these are my concerns that I am asking the

council to consider and make changes in the interest of Justice for California citizens. Thank you.

>> Thank you.

>> Next is Ms. Connie Valentine. Then in the ready position is Ms. Catherine Campbell.

>> Thank you again Madame Chair and Judicial Council for allowing us to speak to this body.

>> Our organization has done closer analysis done by Dr. Geraldine Staley and we have compared 163 cases where California battered women have asked Family Court to protect their children. We have compared them with 236 cases from other states in which the same scenario existed. We found that the most significant differences in these two groups involved mediators and evaluators. They frequently were reported to ignore evidence of abuse and recommend change in custody to the accused or convicted batterer or molesters at a much greater rate than California then in other states. Judges and commissioners in Family Court read this reports prior to hearing witnesses, that is biasing the fact just as a jury would be biased by being given the answer to the quiz before hearing the witnesses. California protective mother's loss custody 85% of the time that they went to asked the court to help their children to be safe. Other states, 75% of the mother's loss custody. Why would any protective parent whose custody when they go to Family Court to try and protect their children? We would like to help in any way to review these processes because this is a significant finding in that research. Thank you very much.

>> Thank you.

>> Our next speaker is Ms. Catherine Campbell with Ms. Kathleen Russell in the ready position.

>> Good morning Chief Justice, councilmembers and new judges. Thank you for hearing us today, I continue to come because as Ms. Valentine mentioned, 85% of mothers, this is our history, 85% of mothers are losing custody to named abusers, some children are dying as Ms. Fitzpatrick noted to you, 53 in California, across the nation 137 children have died in school shootings, you have nearly 500 children that have died since that same timeframe from a parent when there is issues with the family. We do not have to wait until the child turns 18 to protect the child. That is what we are having happened here in our state. This is not a golden moment. We are rearing children to be dismissed, to become emotionally imbalanced, and unheard.

>> These children will find a way to be heard. I am very concerned about what is happening because we are at a precipice of our culture changing and not accepting abuse any longer. It seems as if what we are doing in California is just letting people retire, the Commission on Judicial Performance is not doing their job correctly. We have people that are standing up, mothers in Solano County in the past five years have filed five recalls, there is now a recall in Santa Clara. We expect people to stand up and do what is right, that is not happening. I do not think it is fair that a judge can retire when there is criminal activity and they are placing children

with their sexual abusers or physical abusers. We are hurting our children and letting these people retire because our culture does not know what to do with them yet. I am asking you to stand up and create a culture that allows a Judge, because I have seen judges, actually just do what is right to keep their job. If we live in a culture where you have to allow a child muster to have custody to keep your job, I do not know how people can come to work and live like that. I do not think they should get their retirement when they are criminal. Thank you.

>> Thank you, our next speaker is Ms. Kathleen Russell and if Sarah Mu has arrived she can get in position, if not then the final speaker is Kathleen Russell.

>> Chief members, my name is Kathleen Russell, the executive director of the Center for Judicial Excellence, I am glad the justices are here today because we have been talking to for the past three years and some of them have not heard what we have to say. All of us are here concerned about the child safety crisis and the Family Court system, I know at least one of the Judicial officers has been trained as many probably have by the AFCC, the Association of Family and Conciliation Courts which I have had the dubious duty of listening to the audio tapes from the recent training that took place in San Francisco on February 2, 3 and 4. That body which some of you might be participants in, is peddling junk science. This is no different from the USA gymnastics, brushing child abuse under the rug for decades. We have the opportunity to go on record for child safety, we have a bill that assembly member, Mark Stone has addressed about making child safety the number one priority in the family courts in California, we hope you will come in support of this legislation and get rid of this junk science that is infecting particularly new justices who are brand-new to the family law branch and do not know the first thing about it. Some of the quotes were from the training that children that do not want to go on a weekend visit from a parent who is raping them, that has basically been compared to a child not wanting to brush his teeth. There were comments that life is not always comfortable so we need to teach children that sometimes life is uncomfortable and you have to go with the parent that is beating, raping or molesting you, they are not saying that is what the parent is doing, but that is clear. The CGP continues to obstruct the legislature and its lawsuit to keep transparency aware from the CGP, the battle is not over and if this body has any wisdom it will start to recognize that transparency is the future and this obstruction of legislative oversight will not sit well with the legislature or California public. Thank you.

>> Thank you and chief that concludes public comment.

>> Thank you Judge Anderson.

>> The next item on the agenda is the approval of our minutes from the January 12 meeting, after you have had a chance to once again review, I will entertain any motion for adoption or second?

>> So moved.

>> Seconded.

>> Seconded by Mr. Kelly. All in favor of approving the minutes, please say aye?

>> Aye.

>> Any opposed?

>> Next is my summary of engagements and ongoing outreach on behalf of the branch since the January meeting. Justice Chin and I had the honor of attending Governor Brown's address and in his latest iteration of his address, we came into the office on the same day and I had the pleasure of swearing him in. In his most recent state of the state address he outlined a lot has changed since 2011, he has guided the state through the Great Recession to a more stable fiscal climate and has tackled contentious issues such as criminal justice reform, climate change, infrastructure needs, and homelessness issues. He has endeavored to improve the lives of every Californian, in leading the state he has shown common sense, imagination, and a willingness to enter into dialogue with all branches of the state government.

>> His proposed budget for the judicial branch this year illustrates the vision he has brought to California. I had the pleasure of engaging in conversation with Jeanette Sanchez, the president of the Ventura County Women's Political Council on the topic that there is power in diversity. They are all volunteer counsel and they train and educate women interested in running for public office. I joined Fox Network Group's general counsel, Rita, at a fireside chat in Los Angeles to discuss the Access 3D and diversity. The audience there were leaders of the calling network and resource groups that included Fox noir, Women In Technology, inclusion in the Asian-Pacific entertainment connection. Also in Los Angeles, Martin and I had the pleasure of sitting down with the editorial board of the Los Angeles Times and we had a wide range of conversation including bail reform, fines and fees, and diversion of juveniles, mental health patients, criminal courts, the budget, judicial elections, and issues around the state bar, as part of the ongoing liaison meeting program with stakeholders, Judge So, Martin, judicial staff and I met with the California defense counsel to discuss issues of mutual interest and common concern. Naturally, justice system entities are well served. On Lincoln's Birthday I attended the National Association for Court Management conference in Garden Grove to share my perspective of the roles played by court executives and the challenges that we face together in California. They bridge the gap of strategic collaboration. Many of our California judges and justices, including Justice Marsha Slough and staff served as faculty, leading the way nationally with the California experience. In San Francisco I participated in a Q&A session with former councilmember Mark Levinson at the national meeting where the right to jury trial was the one main topic.

>> Local bench and bar groups have had an important part of our outreach and civic activities. The Santa Barbara Bench and Bar Association hosted a conversation with me moderated by presiding Judge Patricia Kelly. The conversation covered the court system, gender, and diversity to the Futures Commission, the budget, I.C.E. enforcement activities, and also the role of the

Chief Justice in California. I joined members of the San Francisco Superior Court and staff at the Queen's Bench, the bench-bar induction ceremony. I had the pleasure of attending the Consumer Attorneys Association of Los Angeles Annual Installation and Awards Dinner with many of you here, including Judge Rice, president of CJA, and I was honored to receive the Appellate Justice of the Year Award. Two of my later engagements related to the importance of judicial independence, it reminded me of the important work that Justice Chin shared when he showed the commission for impartial work a few years ago, a gift that keeps on giving. The rationale for the creation of that commission in 2006 was threats against the independence of state judiciaries, attacks from partisan and special interest groups seeking to influence judicial decision-making. And these were becoming more like election for political office. In 2018, some of the same issues are reemerging nationally and here in California. In that vein, in Sacramento, at the McGeorge School of Law I participated in a forum on the independent judiciary moderated by San Joaquin Superior Court Judge Barbara Krohn Lent. It explored the forum of independent and impartial judiciary, the impact of external pressure on judges, balanced trust, and confidence in the courts. My regular civic education partner, federal Judge Morrison England, my former boss, retired Justice Art Scott Lane, and a McGeorge professor, were the other panelists. I addressed unfair criticism, why the public should care about fair and impartial courts, and why they are critical for the balance of power in the democratic system. At the 2018 Conference of Chief Justices midyear meeting I moderated a panel called different roles and rules and this included Kansas Supreme Court Justice Carol Beier, the Iowa Supreme Court Justice, Mark Katie, and another Supreme Court Justice from Florida. All had been involved in high-level elections and attacks on the judiciary. We discussed judicial selection, retention, public education, ethical rules and a response to ethical attacks. Each faced tough elections, unfair criticism, and political attacks in their recent bid to keep their seats; all kept their seats. All believe strongly in the importance of fair and impartial courts, civic education, and outreach. They shared important cautionary tales and advice. It should be important to us all, and not just judicial officers that made selective unpopular decisions on the ballot, but all Californians, justice and the rule of law depend on fair and impartial courts and adhering to the law. That concludes my report. I turn it over to Martin Hoshino for his administrative director report.

>> Thank you Chief. In the written materials is my report of the activities and operations in support of the goals of the council. It is the activities occurring since the last meeting in January. It really encompasses about two months of activity. Some of the things to know are the advisory groups that are advancing your goals and objectives. There were approximately 18 different committees and workgroups that convened to advance your direction. The other thing I want to highlight that is in the report is a lot of the education and training activities that occur, we have about 29 different education sessions and programs that were offered either in person or online during this period. Another thing to highlight, one related to interpreters, we actually conducted for the first time a mock criminal trial run for sign language interpreters which is aimed at increasing service support for court use and court users. This was hosted by our partner court, the Yolo Superior Court. There were a number of trainings that occurred related to implicit bias for judges, judicial officers, and the like as requested by particular courts in the system. One thing that I want to spend more time describing is that we recently had all council staff members

participate in some training sessions on inclusion and overcoming bias. It was a mandatory training and the title of the training is actually more of a workshop format. It was entitled Breaking the Prejudice Habit. It comes and spawns out of the notion that we do a lot of training in these subjects and these areas and not just here, but everywhere in the state and country. There is a growing sense among some of us that we have been discussing, that maybe some of this training has gone stale. And I mean no disrespect to the training, but we now have gotten into this rote habit of yes, I take my discrimination training and sexual-harassment training, sometimes online. Frankly, some of us have memorized the answers to the tests that come at the end of the session. We spent time memorizing the legal standard and that things need to be severe and persuasive, we go through and cyclically and episodically have some of these moments, not just in the workplace everywhere, but in this particular country. We went out and sought a change or reboot or reset, and what we could find? In our travels and efforts, our staff was able to uncover a group out of the University of Wisconsin and the professor that we got, Patricia Devine, coined the term "implicit bias." This is from 20 or 30 years ago and we went to the original source of all of this only to find out that she does not call this implicit bias anymore, she calls it "unconscious bias" and she is now taking an effort with her team to look for the empirical results of some of the training, because there is a lot of training that goes on, and the other question that we start to ask people is, how do you know that your training makes a difference? It is remarkably stunning, I should not say without a doubt, but without a doubt, the answers are actually not very good. A lot of people are providing a lot of training and not knowing whether or not this makes a difference. There were two aspects, one, we went to the source that sorted a lot of this effort only to learn what she was doing, and she was able to answer this question and show demonstrations as they followed groups that they trained to see what kind of impact is actually happening. We were encouraged by this.

>> We have gone through this exercise again at our staff level for everyone that works here. We are talking about what the next steps ought to be. And whether or not we can expand this and have it be a feature in the program, or whether we can do this branchwide, etc., we wanted to describe this and the new approach has been about taking a look at this as we have unconscious bias and prejudice from the format that it is a habit, habits can be broken. We came away with a set of tools and advice about how you might go about breaking this particular habit once you recognize this. I am sorry to spend so much time on this, but we were a little excited because we were on a search for something that was a little deeper and more meaningful and arguably, we might have found it. More to follow on this if it develops.

>> The next thing I want to spend time on is the California Digital Conduct Handbook that has been updated and revised. It is either with you or on its way to you courtesy of the California Judges Association. This is something that they do on a regular basis. The handbook is something that I know is I talk to new judges and judges in the system, they all attest to the value and consider it to be a great publication in support of the work the officers do. Our cancel to the work of people -- legal services office and in particular, Mark Jacobson, plays a significant collaborative role and I want to recognize him and the California Judges Foundation and the California Judges Association for what they do.

>> The next comprehensive update came from 2007 so the new one contains 10 years on opinions, elections, and more, and it will not surprise anyone to learn that there is a section in there on social media as a new topic between 2007 and today. The central tenets of all the honesty and integrity provide a foundation for us in our current qualifying training program that the council coordinates for all judges.

>> Next, a note on video remote interpreting projects and language access. You will be pleased to learn that we are off the ground and in the live in-court testing phase for this particular project. It will be contacted over the next six months in superior courts in Sacramento and Ventura. They will be testing variations of the solutions that are designed to provide more interpretive services for limited English proficiency.

>> We will collect the data and input from public defenders, the district attorneys, the court staff, so that we can determine if this is actually a viable solution for the judicial branch. The pilot will run into August and we will be back to talk about this in some form or capacity at this time.

>> Lastly, no council meeting could be complete without a comment about the state budget. This time I will talk mainly about where we are in terms of process. There is not a lot of talk about content or process, we spent lots of time on this at the last minute because it came just after the budget was released. Where we are is the Legislative Analyst's Office has put up their report on running above what estimates are, certainly there is volatility in the stock market which generally has some effects, but we will see how it plays out during the course of the budget season. So far, so good, and it certainly bodes well for the state legislature as it deliberates on the appropriation decisions that will be making this year.

>> At the state level, with the Chief's help and direction, we continue to have positive discussion with legislative members and administration.

>> The LAO report itself is generally supportive, which is another good sign for us. It does not quibble with the proposal in terms of the amounts that are in there. It does make some suggestions to the legislature that are more technical in how the appropriation ought to be made or not made and whether or not think should be permanent or limited in scope. This is a common process that we will work through, we are pleased to see that there is not any recommendations from the analyst office about reducing these amounts. We are pleased to be in this position. The hearings have been scheduled for us for our budget to be heard by both houses of the legislature and we have April 9 as the date from the Assembly and April 19 as the date from the Senate. In terms of advocacy and support, the local level is going well, there is a lot of great collaboration occurring, not just with us and the trial court. But this is with us and the trial courts and all stakeholders and partners, including the bench bar coalition. There are meetings occurring locally with local courts and local members of the legislature to get a better feel and understanding of what the issues and challenges are, and how the funding will resolve issues for users and constituencies alike. There is a lot of back and forth between us and the trial courts on

this. I am pleased to report that they are going quite well and the feedback is positive and people are talking, and talking often and at length. We are in the midst of scheduling non-duplicated meetings, there is such a thing as overdoing it and we do not want to do this either, we want the legislature to have time and space to be able to do its work and we are trying to make sure that we are not duplicative in some of the things that we are doing as we coordinate with ourselves in the local courts and the bench-bar coalition as they ramp up for their day in Sacramento which coincides with the Chief's State of the Judiciary address.

>> Short version, things are positive, we are in process and now in the legislature and that is where we are, that concludes my report for today.

>> Thank you Martin.

>> Next we will hear from Judge Marla Anderson.

>> On behalf of Justice Miller I am providing the chair update on the committee update on E&P.

>> Since the January council meeting, E&P met on February 8 in an open meeting and March 1 with an open meeting and closed session. During the February meeting the committee set the agenda for today's Council business meeting and reviewed and approved request from the Superior Court of Orange County and the Superior Court of San Mateo County to delay for an additional year, conversion of three Orange and two San Mateo vacant court positions to judgeships. On March 1 the committee reviewed and approved a request from the Los Angeles court to convert one superior court position to a judgeship. At the March 1 meeting E&P reviewed and approved the 2018 annual agendas for the 11 Judicial Council advisory bodies overseen by E&P. An open public meeting was held where the chairs and lead staff at the advisory bodies presented their annual agendas. Advisories keep the committee aware and provide solutions, responses, and recommendations. Before the open review meeting, advisory bodies submit their draft agendas for review and connect with an assigned E&P member who discusses with the body chair and staff's priorities for the coming year.

>> The process enhances attentive conversation during the meeting and provides the practice of good governance. On behalf of the E&P Committee, Justice Miller advises and thanks the countless hours of work that is put in as well as in planning and presenting the annual agenda for review. Chief, that concludes the report on behalf of Judge Miller.

>> Thank you, we will hear from Judge Nadler.

>> I am presenting a report on behalf of trend nine. The Policy Coordination and Liaison Committee met once and at the February 1 meeting the committee took positions on two separate pieces of legislation, AB 65 related to veteran sentencing and AB 1531 that deals with electronic filing. In addition, the committee authorized the submission to the Department of State Hospitals

and the legislative deadline to introduce bills was Friday, February 16 and Governmental Affairs staff has been reviewing all bills to identify those of interest to the judicial branch.

>> In future reports, Judge Kenneth So will keep you up-to-date on bills and sponsored reports. That concludes the report of PCLC.

>> We we'll hear from Rules and Projects, Justice Hull.

>> Thank you very much, this committee met by telephone on one occasion and met by email on one occasion. The January 30 the group met by phone to consider a proposal for minor revisions to civil jury instructions for which the council has long ago given final authority or final approval authority. They also considered proposals for new and revised criminal jury instructions and technical changes to reflect federal poverty guidelines. We recommend approval of the latter two proposals, items 18-054 and 18-043 on the consent agenda. We acted by email on February 13 to consider a proposal for technical changes and we approved this item 18-062 on the consent agenda and finally I should note that we continue to enjoy the support of our excellent staff to the committee for which we are all grateful. That concludes my report. Thank you.

>> Next we we'll hear from Justice Marsha Slough on the Technology Committee.

>> Thank you Chief. I have to start out today acknowledging that Justice Harry Hull referenced his report from his laptop and I think that speaks volumes to how you are migrating and progressing. [Laughter]

>> Making progress, thank you very much.

>> You are very welcome. Chief, since the last council meeting, Judicial Council Technology Committee has had two open meetings by teleconference. At the February 5 meeting, the committee received its standard report on case management system replacement efforts as well as the work of the extremely productive Information Technology Advisory Committee known as ITAC. Regarding their workstream, ITAC makes great progress on sponsoring projects to the workstream model and maintaining its core charge of modernizing our rules to address changes in technology. To that end, we also reviewed and approved ITAC's two rules and one form proposal to circulate for public comment. The proposals addressed new requirements in Code of Civil Procedure section 1010.6 as well as a rule amendment designed to facilitate remote access to trial court records by government entities, parties and others. Each of these proposals were approved by the committee to circulate out for public comment. JCTC also met on February 21 to discuss budget change proposals and BCPs that were submitted to the Department of Finance in the 2018-19 budget. We know that Governor Brown included in the proposed budget the money for BCP to expand deployment of the California protective order court registry. In addition, we continue to monitor the five other BCP proposals including case management, system replacements for nine courts, the Phoenix system required updates, a self-represented litigants statewide e-services portal, a digitizing paper and filmed case file pilot program, and a

single sign-on solution. As those BCPs continue to move through the process of this cycle, we are also discussing BCP in the out year, 2019-20. On the February 21 telephone conference we reviewed and discussed preliminary concepts for consideration into the out year. As I mentioned the committee is tracking the work of the case management system replacements. Several courts on legacy systems have been working together on a request for proposal, an RFP, to upgrade to modern case management systems. On February 5, an intent to award was issued and published on the website seeking to enter into a master agreement with four case management system vendors. Once these contracts are in place, any of the courts within the state will be able to leverage these master agreements without having to go out on a request for proposal on their own, which we all know is expensive and time-consuming. Again, I am grateful for the extensive and collaborative effort and I look forward to the conclusion of the negotiation in the contract finalization.

>> In addition to the two JCTC meetings, the workstream met twice, in person for an all-day working session on January 24 and again this past Tuesday by teleconference. The workstream is focused on updating our Strategic Plan for Technology which was originally approved by the body in 2014. I am excited about the progress that workstream is making and we are reviewing emerging technology areas and business drivers for the courts. We also had a really interesting and informative presentation of the state chief information officer and director of the California Department of Technology, Ms. Amy Tong. She described how the executive branch developed its recently published strategic plan. The discussion helped to inform us and helped us to decide that we wish to align our strategic plan with the state technology strategic plan. The goal is to have this new plan to you for your approval by the end of this year. If and when approved, it would be in effect until 2022.

>> As I have mentioned before and reiterate now, it is extremely important, not only to me, but to the entire committee that we foster an inclusive and collaborative process in all technology efforts and all of the work that we do to learn from, reflect with, and address the true technology needs of individual trial courts and also the courts of review. To achieve this, we are making a concerted effort to consistently involve and engage the courts, including the bench and executive leadership. With that in mind, in January I had the pleasure of co-presenting with Rob Oyung and Jamel Jones at the executive presiding meeting with the goal of keeping you and your people informed on what we are attempting to accomplish, also hearing from you on your needs and where you wish us to focus.

>> A plan is that you continue to invite us back so we continue to participate with this important body and these meetings.

>> Rob and I had the honor of co-presenting on the topic of this judicial branch and we presented at the National Association for Court Management earlier this month. The presentation was intended to inform others as to what is going on in the state of California, but also again to reach out and develop relationships and learn from what other states are doing.

>> Last in my report today, I want to draw attention to the first two discussion items that we will be hearing from the ITAC workstream. The first is on recovery of IT services after disaster, the second will be on the topic of transitioning to a more modern way of posting court technology. These took many months of research, hard work and review by many people on the workstream and also by ITAC and Judicial Council Technology Committee. I will say that the Judicial Council Technology Committee fully endorses their work and I think you'll find it impressive when you hear today as well. I just want to thank all of the members of the work stream and ITAC for bringing this home to us today. The reports from these work streams, I think Chief, are further examples of the effectiveness of our growing culture of collaboration. We really do work smarter when we work together. I think this is bearing true with our work stream model that works through ITAC and we have the opportunity to see this firsthand. Chief, we think it also serves to better the public and hold your vision true which is for full and meaningful access to justice to all Californians, physically, remotely and equally. Thank you for your energizing efforts and input and direction. To my fellow JCTC members, thank you for your involvement and participation and to ITAC and all of the work streams and mostly, to all of staff who keep us upright at all times. Lastly, I do want to say we have a new JCIT member and that is Jessica Craven, she had a baby, a little boy, and I will be recommending his appointment to the committee soon.

>> Congratulations Jessica.

>> Thank you very much for the time to present.

>> Thank you Justice Marsha Slough.

>> Justice Harry Hull?

>> I just have one comment on her very important matters and that is that I am absolutely mystified that the chair of our Technology Committee did not use her laptop during the course of her report. [Laughter]

>> We will talk about that later.

>> So, Judge Rubin, we will hear from Max for the Judicial Branch Budget Committee that is new that we affectionately call JBBC.

>> Thank you for the opportunity to report on the Judicial Branch Budget Committee. This has been since our January council meeting. As the chief has pointed out, we are the newest of the committees, let me take a moment to point out that the charge is to administer the \$10 million branch emergency fund, to coordinate the judicial branch budget change proposal request the goes to the state Department of Finance. To administer the \$25 million innovation grant program, more on that later on, and any other budget tasks assigned to the committee. The committee takes a branchwide approach so we promote the fiscally prudent and fair allocation of

resources over all statewide resources. Since January, the Judicial Branch Budget Committee has met in person one time, during the meeting the committee heard from the state budgeting process as part of the educational meeting, we heard how money flows into the state fund and the different processes that the state uses to move the funds and appropriated to the budgeting entities. As always, the presentation was outstanding and the presenter was very engaging, in turn, the committee engaged him in terms of asking many questions. I want to say he did a great job.

>> Moving on, the committee would like to direct the attention to all of you to the informational item on the agenda. You have had a chance to read this report and it summarizes the activities of the judicial court grant program during the second quarter of fiscal year 2017-18. 51 projects are moving forward with the approved projects, the total amount awarded was \$22.3 million, the balance was held back in a contingency fund in categories. Today, almost \$11 million has been distributed to 47 projects, additional funds will be distributed in the beginning of fiscal years 2018-19 and 2019-20 or as approved by the Judicial Branch Budget Committee.

>> We have an attachment on the report detailing the expenses, in the interest of transparency you can take a look at how the money is being spent. Since the last quarter, the judicial branch committee has approved project adjustments and this is also highlighted in the report. As a reminder, we have maintained the contingency fund and we are sitting at \$2.1 million and we will continue to monitor and report back to the council the help of the fund.

>> Council staff in the court is reporting to us that the grant process is progressing just as indicated in their initial application. There are some minor exceptions in terms of funding where we have been shifting money as the council approved for unforeseen vendor personnel and regulatory challenges. These have all been surmounted. We have provided some program highlights for you to give you an idea on how the programs have been. These are just examples of this. The project involving the partnership and the self-help staff, with all of the entities and courts to implement self-help workshops has been exciting and successful so far.

>> The use of videoconferencing in the San Bernardino child court to conduct child custody recommending council sessions have been exciting. These are examples of what has gone on in the branch.

>> I want to shift gears one more time and talk about the budget change proposal process and remind everyone that the budget change proposal initial phase and funding request is almost expired. This is for budget year 2019-20. If you have something, get it in. The first round of reviews will occur later in March and then we will sift through the initial funding request and forward on those that we think should be developed into budget change proposals.

>> In terms of prioritizing or changing the story that the branch faces each fiscal year, we will do this again in 2019-20 and we will come back to the council in July.

>> Finally, I want to thank Judge Lucas for inviting me to be part of a panel at the joint PJ-CEO meeting. I sat on a panel that is part of the outreach to the different parts of the branch to talk about the budgeting process and answer questions to demystify and educate. Thank you to the staff members that support us, we could not do it without their work, Lucy, Marine, Laura, everyone, and thank you to my hard-working committee members that do an outstanding job, I get the privilege of speaking on behalf of the committee but they do the hard work. Chief, that concludes the report.

>> Thank you Judge Rubin. These reports put in mind that this is a working council, for the public, these internal committee reports are Judicial Council members that happen to be, by the way, full-time employees elsewhere, or full-time judicial officers with a full caseload elsewhere, or private lawyers that are doing the work on the Butte judicial branch as well as in these committees, in addition, the committees have worked informed by the over 400 volunteers of judges, lawyers and staff and subject matter experts the engineer and are the engines of change that you see for example in the consent agenda items. Justice Slough mentioned that there are numerous people that are part of this and it is collaborative. This is a branch that does our work and does it collaboratively in addition to the work we do professionally and do this volunteer work and reach out to stakeholders above and beyond what is done here in Council. And I have put to mind the judges efforts with capital leadership to speak about what the branch needs and how we can better have diverse appointments. Across the board, we are doing something out there to better the branch. I marvel at the volunteerism and the work that is being done on behalf of equal access for all Californians. We will hear more now in terms of trial court work additionally in reaching out to communities and to do this I turn it over to Judge Anderson for the liaison reports.

>> Thank you chief. This program provides an avenue to the enhancement of communication and access for the Judicial Council. It gives councilmember information on operations, challenges, and solutions to increase efficiency and effectiveness. Today we have two reports, the first presented by Judge Stacy Boulware Eurie on the Yuba Superior Court and the second report is presented by Judge Lucas from Alameda Superior Court.

>> I will turn it over to Judge Stacy Boulware Eurie.

>> Thank you chief. On June 27 last year I had the pleasure of visiting the Yuba court and I was joined by our director. This was a treat for me and the court to have Martin join us. As many of you know, or may not know, Yuba County was formed in 1850 at the time of California's statehood. It was one of the original 27 counties and the original court sits in Marysville, which is the county seat. This is approximately 72,000 residents and is roughly 68% Caucasian, 25% Hispanic, 7% Asian, and 3% black, with 2% of its population being Native Americans. The charming small-town feel of the county is bolstered by its agricultural industry, abundant recreational activities and proximity to Sacramento. The presiding judge has served since 2008, Deborah Givens. Through her leadership and executive staff, the Yuba court has maintained good relationships with its stakeholders and has migrated to the Tyler case management system

and has navigated through unprecedented experiences regarding the closure of the court when the Oroville dam incident occurred several years ago.

>> The courts administrative officers like many of the state courts have based challenges by budget constraints. At the beginning of the recession in 2007, the Yuba court had 59 employees. Court management positions have been reduced by 60% since 2014. In March 2016, the court staff was at its lowest point with just 43 employees. The 27% decrease from 2007.

>> As of the visit last June, the Yuba Superior Court had a staffing level of 50 employees, a 15% decrease from 2007.

>> On the bright side, the court was able to offer its first internal promotions in over 17 years. With a hiring freeze since 2011 and no employee cost-of-living adjustments since 2008, the internal promotions this past year and the incremental raises scheduled for this year, Yuba courts employees are slowly regaining lost ground.

>> There are five judicial officers, three of which are female, in addition to the vast array of responsibilities that come with presiding Judge, Judge Givens also serves as the presiding juvenile court judge. The court also relies on the assistance of a Commissioner that shares his work week with both Yolo and Sutter counties. There is a single courthouse in Marysville built in 1962, up until September of last year the court used an annex across the street from the main courthouse. The courts annex facility provided for all of the Family Court services. Family Court services divisions maintains one of the shortest wait times for scheduling family mediation appointments in the state. The self-help center and family law facilitator have assisted more than 2000 individuals, provided more than 300 mediations and more than 250 fast-track investigations.

>> It should be noted that the Yuba court is awarded two special awards each year.

>> They award money to superior courts throughout California. The grant program is designed to remove barriers and increase opportunities for noncustodial parents and their children and Yuba's family law division has maximized their participation of the supervised visitation program.

>> As the demand for self-help and mediation continues to grow, the Yuba court children's waiting room continues to provide a literal bright spot for families and children who come to the court for assistance. In September, the Family Court services which were located in the annex were moved to the third floor of the courthouse providing a boost for staff morale and greater connectedness with the other divisions of the court. These two slides show the renovation, and I wanted to make sure that we noted with the move back into the courthouse with the other divisions, not only is there greater sense of morale among court employees, but significant projected cost savings now that they do not have to pay for the lease space across the street.

>> Here is a photo of the entrance to the courthouse and I like to give you a feel of what it looks like for court users as they come into the clerks' windows, the work of the clerk of the court has been strained not only by reduced staffing but changes to the work of the court as well. Despite efforts to increase efficiencies, the criminal division backlog is severe in Yuba. Priorities have been shifted to handling the current prison sentencing and parole violations and prop 47 cases. Per capita, the rate of parolees is extremely high and Yuba County also has one of the highest prison sentences to population ratios in the state. With clerks having to be in the court longer without the relief due to vacancies, there is a significant backlog again in the criminal division including four criminal dockets. Effective June 1, they had to reduce public phone hours to address cumulative backlogs creating different types of access issues for the community. Notwithstanding the challenges faced within the criminal division, there are bright spots on the horizon. Last year, the dependency attorneys received an increase for the first time in 15 years. We are all mindful of the expertise and longevity required for the most effective child welfare attorneys and this defense was critical to Yuba. From a technological perspective the court has benefited from increased operational efficiencies with the Odyssey system. They have seen increased public access with online traffic ticket payment and a request for traffic school functionality as well as e-filing capability for all types. Yuba continues to participate in pretrial services brands and partnership with the local probation and sheriff's department.

>> Department One is Judge Givens's courtroom with the county schools having a 16% suspension rate and a high dropout rate. Judge Givens noted that she is quite proud of the courts work with the county's education system and student attendance review board. When family need are identified, the family is able to work with them and direct them too much needed programs and support improved school attendance and greater engagement for the youth of the community.

>> Just a couple of other photos from the courtrooms that are utilized by our brethren in Yuba. The challenges of the Yuba Superior Court are different as compared to larger courts, their leadership continues to collaborate and harness the available resources of this community and for those around them. Chief, with that, it concludes my liaison report for the Superior Court in Yuba County.

>> Thank you.

>> George Lucas?

>> Thank you, good morning colleagues, it is my honor to present this report on the Alameda Superior Court. On January 10 and 23 of this year I visited the Alameda Superior Court. The presiding judge and court executives and assistant court executive did an awesome job showing me around and providing me with helpful information. Ms. Erickson is present today, her colleagues are all present at the PG CAO Institute in Southern California. Alameda County is on the east shore of San Francisco Bay covering 739 square miles. The Department of Finance estimates of the population as of January 2017 is 1,645,000. Only nine counties are smaller in

size. Alameda is California's seventh most populous county according to the most recent census. This population is served by 73 judgeships and the donations to San Bernardino, there are currently five judicial vacancies and four more expected this year although three of the government appointments this year will go to Alameda County. Because of budget constraints, only seven of the authorized commissioner positions are currently filled. To cope with the large number of judicial vacancies, the court has adjusted judicial assignments and condensed calendars. In fiscal year 2016-17, used 525 vacancy days from the assigned judges program. However, because there are not enough assigned judge is willing to preside over the relevant case types, the court is unable to rely on the program and has incurred the expense of temporary judges totaling over \$100,000 every fiscal year since 2013-14.

>> There are 10 court locations from Berkeley in the north to Fremont in the south to Dublin in the east. The budget and staffing numbers for the last few years tell a story familiar to all courts, especially to walk from donor courts, compared to 10 years ago when total revenue was \$135 million, this year's revenues are down 26%. Since salary savings is a critical tool in budget management, staffing is down 35% from authorize positions 10 years ago.

>> To manage the budget shortfalls, the court has used periodic hiring freezes. Executive staff has been trimmed with the elimination of the general counsel position and two directorships. Supervisor ratios have risen from 15-1 to 60-1 and some units with the consequent negative effect on training, work product and morale. In fiscal year 16-17, the court introduced a voluntary time off program which allowed employees to take unpaid leave during the December holidays. Although the program was well received by employees, it left court users with courthouses closed for one week except for emergency and time-critical matters.

>> In the face of multiyear budget cuts and dramatic staff reductions, the court reorganized its operation in a number of ways. All clerk offices now close at 2:30 PM instead of 4:30 PM and telephone hours in all facilities except Traffic have been reduced by the same measure. The call center which addressed traffic has been eliminated and staff disbursed to address shortages. Alameda has consolidated court functions which means that many court users must travel long distances, often via public transportation to get services. For example, the concept of universal filing, the practice of allowing court users to file documents in any case type at every courthouse, is gone. Generally, filings may now only be made in the courthouse where that case type is heard. Traffic matters formerly heard in five locations are now heard only in three locations. Small claims, domestic violence, and other civil restraining orders and unlawful detainers were heard in multiple locations around the county. They're heard now only in Hayward. The self-help center, formerly in three locations is now only in Hayward. Other budget impacts include the delay in technology refresh, will be on the industry standard of three years to five years or more which significantly limits the usefulness of computers. Facility needs which are not related to immediate safety issues are deferred. In addition, serious security issues have resulted from Sheriff's office reductions and officers assigned to the courts which could lead to an unexpected expense to the court. Probably the most drastic organization in terms of impact on the public is consolidation at the courthouse which is the first stop on my tour. 10 family law departments

representing family cases have been consolidated and whether you live in Berkeley or Fremont or Livermore, you must travel to file your documents at this window. In addition they house four civil departments, three civil direct calendars, and one vacant courtroom. The operations of the courthouse exemplify for the tension between efficiency and access to justice.

>> The Hayward courthouse handles the entire county inventory in the case types involving self-represented litigants, family, child claims, and unlawful civil restraining orders. Of the 20 courtrooms, two have been converted by the self-help center, the result is an impressively efficient self-help center that provides outstanding help to litigants, but at a location distant from many residents and not particularly accessible to public transportation. Like many other courthouses in the state, the Hayward facility has not aged gracefully and is not ADA compliant. The mezzanine which houses justice core members as well as staff breakrooms is accessible only by this hazardous stairway.

>> Because of the safety issues and ADA concerns, the court cannot make full use of the available space on the mezzanine.

>> The theme of aging courthouse spaces with features that limit the functions to which they can be put is repeated in courthouses in the cities of Berkeley, Oakland, and Alameda.

>> You will not be asked to read the material on the left side of the slide, this is not an eye exam. This chart does capture the changes in filing numbers between fiscal year 14-15 and fiscal year 16-17. Alameda exemplifies the truth that we have all come to understand that not all filings are created equal. The middle column shows areas in which filings have decreased in the right column shows those in which filings have increased. While total filings were down 16%, that is the top line in the chart. On the right side you see that felony filings are up 10% and unlimited civil filings were up 8% and the largest percentage declines in the middle column were in juvenile delinquency and juvenile dependency. There were felonies and unlimited civil cases.

>> From the narrow staircases of Hayward, we went directly to the gleaming new edifice in Dublin, the new criminal courthouse called East County Hall of Justice. This building opened late last year and is located adjacent to the county jail. The building houses 9 criminal courts and one traffic courtroom, the building is co-occupied with the DA, public defender and probation and was a joint project with the county that managed the construction. Alameda County Superior Court uses three case management systems. Domain, designed internally in 1997, is used in civil, probate and family. In a 2007 modernization effort, Domain was rewritten in Java. Then in 2015, after implementing Odyssey in criminal and juvenile, the court decided based on practice pricing to use Odyssey in civil and family. However, in 2016 the court terminated the Tyler contract for deployment in civil and family and has decided to invest in further modernization of Domain. In criminal and juvenile the court went live with juvenile in 2016 and in an integrated go-live with Justice followed that year and there have been issues including the lack of DOJ reporting. In traffic, TCMS was developed internally by soft saw and went live in 2011. Law enforcement can issue citations and the court is investigating adding smartphone app functionality. On January 23, I

visited the iconic meeting in Oakland and open for business in 1934 and features beautiful Art Deco touches inside and out and was originally designed as a tower, but before construction the court realize that the tower would not give them enough space. They added the ring that you see around the lower floors. Thinking literally outside the box. Apparently, Sarah Winchester was in charge of the design change because the added space on the lower floor does not connect with the tower. This produces, for example, courtrooms with poles in the middle the prevent lines of sight. This is why there are three empty courtrooms and one dependency courtroom in an otherwise criminal courthouse that houses other judges and the presiding judge. And another example is the Berkeley courthouse, which I am told by statute cannot be sold or abandoned and does not have jury boxes to his use for probate cases and in addition to particular courtrooms. It has been innovative in a number of ways and the consolidated self-help center that serves 27,000 people per year uses a greeter to direct people to the right resource before they wait in line. A clerk is located right in the self-help center so people do not have to wait in a second line.

>> Several community-based organizations help stretch the self-help resources even further by providing voluntary mediators and experienced attorneys in eviction cases. The consolidated court unit includes drug veterans, mental health and homeless courts as well as parole entry and reinstatement.

>> The court processes warrants electronically outside business hours saving time and driving for busy law enforcement officers. The last spot on my tour with the George McDonald Hall of Justice in the island city of Alameda. This courthouse is occupied by three judges conducting civil and family settlement conferences, you could think this is an odd use for courthouse but it has serious limitation. If there were jurors in the courtroom, some of the jurors could not see the witness and the Judge cannot see everyone in the courtroom.

>> To access his courtroom, one judgments go to the public hall, down a flight of public stairs and enter the courtroom through the front door where the waiting mobs are milling.

>> On the plus side, for current usage, the courthouse has crannies to be used as caucus rooms and lots of cases are settled there.

>> The assistant PJ, the court executive, and the assistant court executive, as well as Judge Gaffey at ECHOJ were gracious hosts to me and that concludes my report on the Alameda Superior Court.

>> That concludes the reports of the liaisons.

>> Thank you and thank you as well Judge Lucas and Judge Stacy Boulware Eurie. We will take a break after the consent agenda vote. There are four items on there. Once again, as previously alluded to, the items on the consent agenda reflect hours if not weeks and years of work from an agenda approved by E&P as Judge Anderson indicated, and went out to public, and came back to

the committee and then came up to Rules and Projects with Justice Hull and determined for calendaring for us to review and vote on through E&P.

>> If it touched any aspect of any advisory committee or any other internal committee, the proposal would be considered and vetted by that committee. Once again, speaking about full-time and part-time, this work could not be done without the amazing counsel of the judicial staff, not only staff expertise but also the institutional history that it has and the dedication and production within the timeline and time frame and the responsiveness to judicial officers and other stakeholders to produce the work and consideration by the members of these committees that get to hear and they get to the executive summary and report attached and it is truly remarkable and extraordinary work that should not be overlooked in the process of what we do in the judicial branch. All of it, eventually for the purpose of users who come to court to better understand and have easier access and make it simpler and more efficient. We heard in public comment today some things about our forms and I know that our staff and attorneys and counsel are looking at those forms as named to determine the viability and continued viability. That is a long way to say, consent agenda items are as significant as our discussion items. As you know, council, any member may remove from the consent agenda, anything and place it on the discussion agenda as need be, that has not happened for these items were put them to your review and we will entertain any motion to move the consent agenda?

>> Thank you Justice Chain, thank you Justice Todd Bottke, and Justice James Humes, all in favor please say aye?

>> Aye.

>> Thank you. Any opposition? Any abstaining votes?

>> The consent agenda carries, we will stand in recess for approximately 12 minutes and reconvene on the clock at 11:30 AM. Thank you

>> [Event on a 12 minute recess.]

>> The next item on our agenda is the judicial branch operations disaster recovery framework guide. An action item. Welcome Judge Hansen.

>> Good morning Chief Justice and councilmembers, I am Honorable Sheila Hanson, chair of the Information Technology Advisory Committee better known as ITAC. As mentioned earlier our advisory body works with the apparent committee the Judicial Council Technology Committee or JCTC. An important analogy of topics. First planning for recovery after a natural, or unnatural disaster which we know is very important. Especially with our recent experience of wildfires and mudslides. And second, preparing for transitions to new hosting models for core technology such as the cloud or data centers. Before I present these reports I want to first remind you of where this effort fits into the overall branch technology strategy. The Strategic Plan for

Technology consist of four goals for the branch, to promote the digital court, optimize resources, optimize infrastructure, and modernizing rules. My reports to you today are in the direct support of optimizing our branch technology infrastructure, both in protecting our investments and preparing for infrastructure changes.

>> To that end my report will begin with IT disaster recovery. I am providing this report as chair of ITAC but I do want to take a brief moment to acknowledge our leadership for the workstream that is largely responsible for the important work that's being presented to you today. Judge Alan Perkins from the Superior Court of Sacramento was unable to be here today. He did serve as our executive cosponsor of this effort, along with Mr. Brian Cotter, assistant board executive sitting next to me. Also Mr. Michael Drer, principal manager in the technology also served as [indiscernible - static]. Together they led this workstream on behalf of our committee and the end product, the many members of the workstream as well. At ITAC we have had the opportunity to use the workstream model to accomplish much of the work that we do accomplish. Work streams if you recall our ad hoc teams consisting of volunteers from throughout our branch including judicial officers, court executives, and technologists that come together regarding a discrete topic. They address a specific problem in a short period of time. We have found these work streams to be extremely effective. As they do bring together branch resources who have a vested interest in solving a common problem. Therefore in this case we commissioned a workstream to establish a framework for courts to leverage when planning and implementing the local disaster recovery programs. Recovering from a disaster is an extremely important topic for the courts, as you all are aware. And when we talk about disasters we are thinking of disasters of all kinds. Whether from extreme weather events or earthquakes, failures of IT systems, facilities or utilities. Or intentional malicious conduct by a particular entity or person. With that in mind, ITAC disaster recovery workstream was charged with developing guidelines for the courts and branch to use in disaster recovery planning, developing resources, and adaptable templates that would assist courts in establishing their local DR plans in creating a plan to provide technology components that could be leveraged by all of our courts for disaster recovery purposes.

>> There was an exceptional level of participation from the branch to meet the workstream's objectives. 29 volunteers from 22 courts formed the team did a represented court and council IT staff, subject matter experts, along with court executive officers and bench officers, and both the trial court and appellate levels. Additionally the work of this team was connected with the work of the next generation hosting workstream. It required a close participation to ensure that the work was complementing each other and didn't conflict with each other. The process for developing its final report also included surveying all of our courts to assess the current state of preparedness, to recover IT data, and service areas of need. Also, the work streams look for guidance from existing court branch, continuity of operation plans, or what the technologist will often call [indiscernible] as well is the branch information security framework. Once the workstream developed a guide and sample tools, they circulated these documents for branch input, and the response was very positive. Not only did we receive critical feedback but we also received very positive comments regarding the need for this instrument in these tools. All of those comments informed our final product. We also heard from multiple courts indicating they

were very hopeful and wanted to use the final documents as soon as possible so this did affirm the work that the workstream was doing in terms of it being both necessary and important. The workstream itself discussed and debated a number of topics to finalize its product. The conversation included looking at contingency planning, meaning how a court back substance IT system and how it hosts IT systems across multiple locations, and how to recover data or replace IT equipment after a disaster or a malicious attack. In doing so they reviewed what technology exists today and what technology is emerging. They also thought about how to provide strategic guidance, based on a court whether small, medium or large. And how a court would plan, implement, and review its faster recovery strategies. The meeting materials today include a final report from the workstream. In total the workstream produced three documents into recommendations. The documents are first a Disaster Recovery Framework Guide, which outlines the structure for a successful disaster recovery program. Second, a how-to use guide, which is designed to assist courts with the process of implementing the framework, and third an actual DR plan adaptable template, which is designed to provide courts with a common structure with which to build their local DR plans.

>> Additionally, the recommendations that we are presenting to you today is one for ITAC to develop a budget change proposal to assist courts with establishing the infrastructure needed to properly operationalize the DR framework, and second, for judicial counsel IT to maintain the framework on an ongoing basis, including updates and review every two years. It remains relevant and useful and timely. Both ITAC and JCTC endorse this report and recommendations, which is bringing us here today. On behalf of our committees I am requesting your approval of the guide and the associated documents, and support for developing a BCP in which we request funding to assist courts with piloting and implementing the framework. This does conclude my first report as it relates to DR recovery framework, and of course chief justice if there's any questions about what I presented I will be happy to answer them. If I cannot answer them we have lots of people that can assist me.

>> Justice Hull.

>> Thank you chief. Judge Hansen, thank you for all of your work on this. We have had instances as we know where this has become extremely important work. Thank you. I am just curious, if it was in your report, I apologize. Is there any estimate on the number attached to the BCP that would be necessary to carry this work forward?

>> The report does not have a numerical value at this point in time. It is really dependent on the individual courts. What we tried to do with the framework itself is to provide all of the tools necessary for the individual courts to assess and survey their own needs, evaluate their resources, and moving forward how they planned. For the purposes of the BCP planning, we did not try to even estimate that amount. I will turn it over to Michael.

>> That is correct. If the BCP is approved in concept the next step would be to conduct studies with the courts on the subject. And develop the numbers that would be specific to the court's findings.

>> Do you anticipate it this would be a BCP that would go forward this year? Or some future year? Out of curiosity.

>> We would expect 2020.

>> It seems to me this falls into a critical needs area. I am glad to hear it would be going forward.

>> Thank you for your work.

>> Judge Rubin.

>> Good morning how are you? Always a pleasure to see you. The motion you are asking us to approve the framework as written. In the three iterations of it, the three pieces of it.

>> And support the BCP and concept.

>> So moved.

>> Thank you Judge Rubin.

>> Seconded by Miss Ibarra. Any further discussion or comment? Yes.

>> Is it possible I can vote twice on this in favor. Probably not.

>> We will underline your enthusiasm.

>> I thought I would ask.

>> I could use Pat's second vote. [laughter]

>> All in favor of the recommendations prepared by our able ITAC committee and staff. Thank you, we all look forward to never using this. Please say your ayes.

>> Any opposition, abstention, the motion carries.

>> I want to thank all of our members and the sponsors for the incredible work they did. I would not be here today without the work of all of them. Next I would like to present a report from the Next Generation Hosting Workstream. I would like to acknowledge the leadership for this

workstream, Judge Jackson Selectee from Riverside, who is unable to be here today but served as the executive co-sponsor, along with Heather Pettit, who served as the executive co-sponsor and project manager. And Miss Donna Keating who is from the Judicial Council Information Technology, who served as staff for this effort, and Brian Cotta who also served as an executive sponsor. I want to thank them. Together they led this workstream on behalf of ITAC. When we talk about next generation hosting, we are speaking of a solution services and the providers for hosting core technology such as your case management systems, your jury systems, your e-mail and your web servers when we are considering new ways of hosting these systems, such as either in the cloud, or perhaps regionally at a court-hosted data center. In that effort, beginning in January 2016, ITAC formed a workstream comprised of work officers, executive officers and technologists. The task of the workstream was three-pronged. To develop framework or guidelines for best practices for hosting core technology systems. To provide tools and resources to educate the courts and to assist them in evaluating options. And to evaluate what branchwide recommendations are appropriate. Very similar to the disaster recovery workstream, this workstream included volunteers from various sized courts and council staff including justices, judges, court executives, and technologists and also partnered with the complementary disaster recovery workstream. The team began by conducting a branchwide survey. As a result of that exercise, the workstream quickly realized it had to establish some baseline assumptions for its recommendations such as that courts are actively monitoring and improving come modernizing their case management system. That the courts do have Internet bandwidth. That data centers meet building requirements, and the focus of their work would be technology as opposed to funding and cost considerations. The workstream's hosted educational sessions, featuring key technology vendors. And ultimately drafted final deliverables that would be circulated to the branch for comment.

>> The workstream research that evaluated many topics over its many months of discussions including the advantages and disadvantages of data centers, cloud services and local hosting. It took an inventory of all of the technology asked courts must consider and it defined service levels by which systems and software should be available based on their criticality to the court. The workstream's final output or deliverables being presented today include the hosting strategy recommendations that are based on the branch's strategic and tactical plans, and the best likelihood for achieving the defined goals and objectives. The team's documents that are presented today are a guide, which contains the requirements and the recommendations for hosting options, definitions, recommendations and solutions, with the focus on technology. A toolkit that includes a summary of the best practices, the best service levels, solutions and approaches, and the benefits spreadsheet for budget and roadmap planning tool that the individual courts may use to evaluate their options. It also provides a set of branch level recommendations including to move to the cloud when it is cost effective, adopting common service level expectations and solutions, testing the guidelines with pilot courts, and establishing a master agreement with cloud hosting providers, which individual courts could use to leverage.

>> With that, on behalf of ITAC, I am requesting this committee approve the guide, recommendations, and the associated toolkit for use by the courts. This concludes my report.

Chief Justice, if there are any questions I am happy to discuss them or refer them to my experts sitting next to me.

>> Thank you Judge Hansen. Justice Chen.

>> Chief, I just wanted to underline what you said about the volunteer work that is done. This is a prime example. We could not have done this without Heather, Brian, Judge Hansen, Judge Perkins, these people have full-time jobs. And yet they volunteer in these workstreams to give us top-quality recommendations. And we want to thank you.

>> Thank you Justice Chen. Thanks really goes to those sitting next to me, as well as Judge Perkins and [indiscernible] who are not here today. They have done a tremendous amount of work and I appreciate their efforts.

>> Now that the other one has passed, can I ask you a question about the disaster recovery? Is this better than Southwest Airlines? [laughter]

>> We hope so.

>> Did I tell you my story about Southwest? The airline computers go down, all of the planes don't fly. You cannot get a boarding pass. I hope ours is better. When that happened and I was in LA I said thank goodness we don't have the system.

>> I thought you were to say thank goodness for CHP. [laughter]

>> Justice Chen, it does point out while we don't have airplanes, each court has certain critical infrastructure that if it doesn't work we cannot open our doors. We cannot ensure the public has access. It is incredibly important so this, these are the tools that will help our courts make decisions moving forward, and give them the resources and ability to plan so they can respond and prepare for that type of incident. Hopefully with much better success.

>> Judge Brodie and then Justice [indiscernible]

>> I wanted to say this particular workstream, it is great for me to finally see it. I was involved in an executive sponsor couple of iterations back. I remember at the time thinking this is a daunting task. There is a lot to be done. It also has the challenge of being a moving target. So as soon as you feel like maybe this is the way we will go to technology being what it is, the ground would shift a little. It required a lot of agility while simultaneously embracing a lot of views from a lot of stakeholders and figuring out what this workstream should look like. I couldn't be happier with what came out. It is an amazing piece of work, kudos to everyone involved and the huge amount of work that is behind this is.

>> I have been around Mr. Cotta [indiscernible-low volume] never seen them so quiet. [laughter] They embody the talent. The IT services, they are so creative and thoughtful, and there are many others like them. But these two in particular stay involved, they are great leaders and as was pointed out low -- [indiscernible - low volume]. Southwest Airlines. [laughter]

>> But thank you very much for your leadership on this project, but also for always being there for us. I also echo that to [indiscernible - low volume] not with us today.

>> This is an organic process. I believe that is ultimately why it is so successful.

>> I agree, thank you Justice [indiscernible]

>> Unless you think it's premature I move for approval.

>> Second, [laughter]. Apparently it was not premature.

>> Justice Chen was a second, and on this side? It's a unanimous second. For the record, all in favor please say aye.

>> Any opposed? Abstentions? The matter carries. I wanted to add one thing, all of the names you mentioned, Judge Hansen including yours, are repetitive superstars that we hear about in the process. All of you presenters here, just the names always invoke confidence in the work you are producing. I'm especially grateful because Michael Drer has tutored me one on one a couple of times and I realize I was way below his pay grade. Thank you very much.

>> I again want to thank not only the presenters today who is without their work I would not be here. But all of the workstream, I want to thank Justice Lowell for her tremendous leadership. And the support, and as Justice Chen said I really believe the workstream model is a true testament to the hard work that members throughout the branch are doing. It is really an organic process, a ground-up process where individual judges, executives and technologists, get to come together and volunteer and to present these wonderful deliverables. Thank you very much.

>> Our final discussion agenda item, trial court fund balances held on behalf of the trial courts. We have Mr. Zlatko Theodorovic.

>> Thank you. Today I bring you proposed amendments to the funds held on behalf of the trial courts process. The council approves in April 2016 a process that provides greater financial flexibility to trial courts in light of the one percent reserve, in which the trial courts come through the advisory committee and ultimately the council regarding specific funds for specific [indiscernible] at the trust fund level and then back out to the trial courts to meet the trial -- project implementation cost as it spread over multiple years. Now with two years of experience there's been a review of the process and some recommended changes and updates to the process given what we have learned and how they are submitted and reviewed. First as you can see in the

report on page 2, the first recommendation is to allow the fiscal planning subcommittee to approve amended request, because many times request our amended from the original submission or referred to council for approval. The second is as a FPS to provide infomercial court on amended request that the subcommittee approves. And provide some technical changes as you can see on page 2. I wanted to give you a summary on the middle of page 2. It also describes the request, council's approved 23 of which there have been 25 amendments. 13 have been to reduce the amounts held, 8 to extend the amounts to later years with no change to fiscal amounts. And number four to add funding. Just to give you rationale why many of these occur. The courts submit these request for funds to be held on behalf of cup prior to the completion of the fiscal year often times, trying to secure in understand the final year-end close process as we come to the one percent calculation. To make an estimate of the deed. Then they get to the fiscal year end and they come back and realize that the amount they have available is greater to put towards that project. Lesser, then they make adjustments that come forward. Those are tentatively the types that come back to you for approval. Again this is based on the learning of the two years of the process. If there's any questions I would be happy. I apologize I did not say the beginning, Judge Conklin sends his regrets on not being able to be here today. He is spending time with his family.

>> Thank you. Any questions? Yes.

>> I have one. Given that the council has the sort of obligation to approve and hold this money for the trial courts, hold it on their behalf, make sure the request are consistent with state law, the relevant regulations, it seems counterintuitive to me that we would move, as I read the recommendation, the council doesn't approve this, it just gets reports on what has happened. And these decisions get delegated entirely to one subcommittee. Am I reading that, the recommendation correctly?

>> On amended request only. Not any new request. If the court comes in brand new, the council would see the policy and purpose for which the request is being made. These are sort of viewed as a technical adjustment. I lining again the expenditure over time, with the payments the vendor has revised or the deliverables has changed. Or the actual final fiscal year reconciliations, show there is a different amount that may be available, lesser, tends to be less than what's available. But it's not for new request or any issues in terms of the initial policy called by the council.

>> I guess, if I could ask a follow-up. Is there a reason that we would treat amendments differently from new request?

>> It's just the thought of the council, the committee, in terms of the process. I think it would be worthwhile to possibly revisit that question to the committee, if the council would do so. We can certainly deliberate that a little bit more if it is a concern, and come back to you at a later date with some sort of greater consideration about that.

>> Thank you. So they're all, there are alternatives that can be considered if the Council wants to be sure that this particular decision would be at the Council level.

>> We can certainly come back to the committee Justice So, and they can work through the issues about authorities and allocation adjustments and consider the thoughts of the Council.

>> Justice Holman and then Rubin.

>> I take, this underlies the questions you that so far. In my experience, delegating authority such as this, to a subcommittee of an advisory committee, is somewhat out of the ordinary. I am interested as to what the report says, the trial court budget advisory committee unanimously recommended this. What is the thinking that a subcommittee should have this authority?

>> I don't think they went to that depth. I can't speak for the specific mindset but generally speaking, these were seen as technical amendments to the counsels approved plan. And therein lies the simplicity of it. Simply, certainly hearing the feedback is worth bringing it back to them to understand and consider that.

>> It does involve spending branch money, correct, one way or the other.

>> It is an allocation, yes.

>> Judge Rubin.

>> I just wanted to share, Mr. Zlatko Theodorovic, the same question as Justice Hull and Justice So were saying. Another thing I was trying to figure out, the problem trying to solve, it sounds like there is something there. And if maybe we could get a clear statement of that, and then what some alternatives are. I think in a world in terms of spending money, that it's a particular pattern that the Council, if we would do something different it would be, we would like to know more about that it

>> Indeed.

>> Am I hearing that this matter is going to be the subject of further discussion at a Judicial Council meeting?

>> I make a motion to table this until the next council meeting. That will give everybody a chance to do a little more work.

>> Okay.

>> I would ask, the next available possible for us to do the work of the committee, we have to convene and do that, to the extent it will be completed in the next, or the next most available council meeting that we can complete it, and in view and discussion.

>> Thank you.

>> I couldn't guarantee we would be able to bring it at the next council meeting. We have a little budget work we have going on. [laughter]

>> So I'm going to leave it to Judge Conklin to determine when this needs to be back, then it will go through E&P and JBBC is necessary.

>> Kimberly [indiscernible].

>> Just for clarification since you will be reviewing it, can you come back with, correct me if I'm wrong, this already occurred in other areas, similar to what we do or have asked for with the innovations grant. This is technical, we are not bringing back or deferring those decisions to a subcommittee to change what that initial request was. That initial request already came to the council and was approved. Funds held on behalf of the trial court, it is that trial court's fund balance, left over from the year before, that we may have set aside. I can use my court as an example, we set aside for audio and visual. That project turned out to be much larger so we had to put additional funds towards it to be held. That is not changing the scope or anything, other than a technical amendment to the amount, it would be small. Again the initial request came already before this council, correct?

>> Judge Rubin.

>> I think that's a great point about the JBBC, the grant program, in that instance we had clear definitions about what vitamins could be, and fences around the size and change of the money. Actually the council still maintained a fair amount of control. So we made sure the definition, that were in fact minor did something like that could help us understand it better.

>> [indiscernible-low volume]

>> I think that's what we are all hearing, more information and a little more background and perhaps distinctions between points made as you address here. For the council to vote on this. So we table it to the next available date that Judge Conklin determines can be viably be presented to the Judicial Council for a vote. Thank you.

>> That concludes the last item today. We conclude today's meetings as we often do, with a brief remembrance of our judicial colleagues recently deceased. Judge Antonio [indiscernible], Superior Court of Los Angeles County. Judge Harold Ellis, San Mateo County. Judge Dennis Robert [indiscernible] Court of Appeals, Second Appellate District. Judge Leon Fox, Superior

Court of Santa Clara County. Judge Arthur Jones, Superior Court of San Diego County. Judge William Came, Superior Court of Los Angeles County, Judge Thomas Kelly, Superior Court of Alpine County, Judge Christian Marquis Jr., Superior Court of Los Angeles County. Judge RM Siberian, Superior Court of San Mateo County, Judge Phrasal Shelton, Superior Court of San Mateo County, Judge Vick are stole, Superior Court of San Bernardino County, Judge Kenneth Massey, Superior Court of Los Angeles County, and Judge Circuits in, Superior Court of Alameda County. We thank them for their service to justice work from the bench, all retired. This concludes our March business meeting. Yes, Judge Rice quick.

>> I did not hear [indiscernible] Klein. Exactly my age, a great judge. He died tragically without warning just a few weeks ago.

>> Los Angeles County? Thank you for bringing that to our attention. Judge Brazil, Ross Klein Los Angeles County, not retired. Thank you. That concludes the March business meeting. The next regularly scheduled Council meeting is May 24 and 25. The meeting is now adjourned. Safe travels, thank you.

>> [Event concluded]