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>> Please stay tuned for the Judicial Council's live audio broadcast beginning shortly.

>> This is the business meeting for that Judicial Council of California for December 11, 2015. The meeting is in session. Welcome to our viewers as we begin our first live webcasting of our Judicial Council meetings. Thank you to Justice Miller and our Judicial Council staff for making this presentation possible. This is how we will proceed in the future. I also acknowledge that Judge Emily Elias is or will be joining us shortly by phone for today's meeting. Are you there, Judge Elias?

>> Yes.

>> You can see we have included a calendar, it will a year's worth of policy and decisionmaking which sets out our advocacy and legislation for the coming year. All of you know 2015 has been a busy and challenging year, but we have made progress on many fronts with our business with the government for the benefits of the court and public we serve. We have worked diligently this year to continue to bring a greater degree of stability to branch funding, to enhance the solid foundation of judicial branch governance, and address the concerns of stakeholders and the public. We have learned from the past through recent review, addressed present issues and concerns for practical deliberative actions, and are considering the future of the branch and access to justice through open and thoughtful dialogue and discussion. We have had Martin's actions on our behalf on operational issues, and classification and compensation issues and facilities. We have had action taken by the council on issues of importance to the public. And we have action with the Futures Commission on good government ideas that may be used by any or all of our state branches of government, judicial, legislative, or executive. And part of that future is here today. It is represented this morning with the faculty from and participants in the Judicial Council's new judicial officer orientation program. These are the judges and commissioners that will support the rule of law, protect civil rights and perhaps create policy for the branch in years to come. I am pleased to have the faculty, and new judges, and commissioners join us, the Judicial Council. They also joined me earlier in chambers this week where we had an opportunity to chat about the branch and our respective and related duties. So here today, we are joined by four of the program's faculty. I will ask you to stand, please, because of the great work you do on a volunteer basis by teaching all of us. Here they are: Judge William Dato, Superior Court of San Diego County; Judge René Fenton Korn, Superior Court of Los Angeles County; Judge Laura Priver, Superior Court of Los Angeles County; and Judge Stanford Reichert, Superior Court of San Bernardino County. Thank you for your volunteerism and on behalf of the students that you teach today.

>> [Applause]

>> I would like to introduce to all of you the 12 new or newer judges and commissioners that are participating in this Judicial Council program. From the Superior Court of Alameda County, we have Judge Delia Trevino. From the Superior Court of Los Angeles County, we have Commissioner LaTonya Prioleau; also Commissioner Scott Nord; Judge Julian Recana; Commissioner Michelle Short; Commissioner Christopher Smith; and Commissioner Lisa Strassner. From the Superior Court of Orange County, Judge Julia Palafox and Judge Melissa McCormick. From the Superior Court of Riverside County, Judge Chad Firetag. And from the Superior Court of San Diego County, Commissioner Peter Singer. And from the Superior Court of Tulare County, Judge Hugo Loza, not present today. Thank you, welcome and we hope you enjoy the presentation.

>> [Applause]

>> Our first item of business is the approval of the minutes from our October meeting in Sacramento. The minutes have been sent to you, and I would be happy to entertain any discussion or motion to adopt.

>> I moved to adopt.

>> McCabe, second.

>> Any discussion? No hands raised. All in favor of moving the minutes, please say aye. Any no? Abstentions? Hear none. Next is my regular report of Chief Justice to the council summarizing my engagements and outreach activity from the last meeting on October 27. The Supreme Court held oral argument twice, once in Sacramento and one in Los Angeles and while in Sacramento we held a reception for the women lawyers of Sacramento in the Stanley Mosk Courthouse. Later that month, I attended a women lawyers luncheon in Sacramento and joined its president, Rebecca Deetson in conversation and question-and-answer. After that I flew to Los Angeles to meet with Beth Setich, their board, and staff to hear about the work they are doing. Next I joined Orange County Presiding Judge Maria Hernandez at a juvenile justice system conference, well attended in the hundreds with law enforcement from all over the county. The theme of the summit was inspiring hope, and Judge Fernandez is the perfect person to lead a summit with that theme. Her work with juvenile justice issues such as keeping kids in school and out of court is well known around the country. When the court met for oral argument in Los Angeles a few weeks later, Justice Chin, myself, as well as Supreme Court Clerk Frank Maguire and I attended the Los Angeles Chancery Club auction that was under the Supreme Court and Second District Court of Appeal. Many of you might be interested to know that our former Judicial Council member Edith is president of the club and did a wonderful job later that night, justice JCC's, myself, and Frank Maguire had the opportunity to attend the Italian-American Association dinner, an annual event in Los Angeles. Quite entertaining. While in Los Angeles I was able to stop in at the Judicial Council's Beyond the Bench program which is funded by many, many different grants, and also the participants pay their way. Beyond the Bench is a unique, multidisciplinary statewide conference. It is devoted to children, youth, and families in the California court system. It happens every other year and it is absolutely hugely attended. It is

always directed at those who are most vulnerable and most in need. I also saw members of the Judicial Council, Judge Stout and Judge Back, who participate in panel work. I met with 100 enthusiastic and eager youth participants, this was the first time they had a youth track and they joined in the conference as a welcome reception. It was refreshing to interact with students who have had some exposure to civics and also the judiciary to be involved and to lead their panels and to really be the future of our state. This year was the 23rd conference, and it is a major undertaking for the Judicial Council staff. There are over 1,300 attendees from 51 of California's 58 counties, including 147 judicial officers, many of whom also participated as panelists. I mentioned Judge Back. There was also Judge Richard Loftis who will present later today on the final report of our mental health issues implementation task force, share best practices from juvenile collaborative courts. There were roughly 75 breakout sessions at Beyond the Bench for court staff and justice system partners including to dependency mediators, attorneys, therapists, probation officers, social workers, court interpreters, and psychologists. It was also an opportunity for me to hear about the progress on initiatives of keen interest to me, that is keeping kids in school and out of court and also the California commercially exploited children program. Judicial programs like Beyond the Bench could never happen to serve all it does in California without the Judicial Council staff. I want to take the opportunity to highlight one among many. So many of our Judicial Council staff members are dedicated and add passion to the work they do but I want to recognize Bonnie Hough. Bonnie was recently recognized by *The Recorder*, the legal periodical, with its Innovators Award. She was recognized for improving outcomes and expanding access to justice while being creative and blazing new paths. Bonnie is a national name when it comes to services for children and families and legal access and self-represented litigants. She is a great public service role model who brings dedication and innovation to every project or program she works on, from self-help and the Family Law Facilitator Program, to the Equal Access Fund, and the Sargent Shriver Civil Counsel Act Implementation Committee. Ideas are only as good as the people who implement them, and she has made many good ideas even better. These same public service traits were on display again from our staff with Judicial Council at the Judicial Council's Appellate Justice Institute. This is an institute where the appellate justices from around the state come for education, also to satisfy our education requirements at the appellate level. Along with the dynamic, Distinguished Service Award winning faculty duo of Justice Corrigan, Justice assignments, and other expert faculty. It was an effective collaboration between faculty and staff to deliver a quality education program. I also had the pleasure of having a conversation at the institute with Administrative Presiding Justice Judith McConnell on a topic of interest to both to us and the Legislature, and that was civics and the importance for the court in supporting public trust and confidence. There is great knowledge and expertise within the California judiciary. Many courts are involved in programs of their own and also partnering with school districts to ensure that students have an opportunity to see the court in action. It is appropriate to end my report to the council on that positive and optimistic report, that concludes my statement here, and next, we'll hear from Martin Hoshino, administrative director of the courts.

>> Thank you. As is tradition inserted in your materials is a written report. I will not dwell or read the whole thing in its entirety to you, but I do want to, as always, call out some items and also make you aware of some items as part of my report. First, I want to chime in on the Chief's comments, about commending Bonnie for being an exemplary innovator. I do this for two reasons. One, not only does she deserve it, but the second reason is, she is a very humble person

and probably is not happy about being singled out in this fashion both publicly on a repeated basis. I invite each and every one of you to continue to do this.

>> [Laughter]

>> It's amazing the work that she does. She really does exemplify the kind of innovations that are going out there in California to help as many people get access to our court system. And I want to commend her, again, publicly, and make sure that we continue to encourage and support those kinds of efforts and it's with great pride that she was recognized for the work that she does. The other thing I wanted to chime in on was also the Beyond the Bench conference. For me, that was a first-time event, and it was just nothing short of amazing. I actually did not know what it was about. I had read some reports, been seeing things in writing and I got to go down there firsthand. If you have not participated, I encourage you to get involved. It had over 1,400 judges, and probation officers, and social workers and in many other areas, and the 150 youth participating for the first time that the Chief described was incredible and represents how you can cross critical bridges in an integrated fashion for really what is a good cause and the things that we do which actually affect the outcomes of people in our communities and lives. The best part about it probably was the brilliant theme that they picked this year, which was hope, humanity, and healthy families. And, it wasn't just the thing itself, but it was the timing of the themes that was both around also a theme about the user's experience. And, it is my professional opinion over the time that I have spent there in traveling around the state, this is becoming a really, really big deal. As we are spending many efforts to create more access within the limited resources that we have, returning to other means and methods, but at the end of the day, there are lines that are at the end of these things. And so, they kept it really focused on what is it to be a user of the system, given the state that it is and could not have come, in my opinion, more timely. I want to then also advise on some executive leadership transitions. I want to identify our new chief operating officer, her name is Millicent Tidwell. I described her characteristics and professional qualifications previously in our meeting. She is here with us today for the first time publicly.

>> [Applause]

>> I think, is it three weeks?

>> 3 1/2 weeks.

>> 3 1/2 weeks, and I thank her every day for coming to work. We are glad to have her. As is the experience coming here, she has attended a number of sessions on the trial court leaders with Judicial Council services and without Beyond the Bench, not just as an observer, was participating already in some of the panels that were there, and she attended the civic engagement hearing out the newly established state assembly select committee. And so, we are glad to have her here and another she's really going to work hard to advance the issues of the branch and also bring forward some new and innovative ideas. On a similar note, our chief administrative officer for many, many years, Curt Soderlund, announced his retirement. He will retire December 31 of this year. Regrettably, he could not be here with us today because he had a prior family commitment, but we have been conducting the appropriate farewell ceremonies as is

observed for him. We recently convened all of the council management staff around him, presented the resolution from you all to him; the Chief Justice did that herself. And as you know, he has been honored previously by the council for a Distinguished Service Award. So I know collectively, we all wish him well. The next executive transition announcement is because Kurt is departing, December 31, and as he has during his time here, usually turned to an acting or an interim CAO while he goes on vacations for periods of time, and this time being a rather extended vacation, we're going to ask our IT director, Mark Dusman, to be interim so I want to thank them for stepping up and adding to is already full plate of responsibility and duties. I told him it could take 30 days, it could take 60 days, I may have understated that. We will just see how it goes. But him being the trooper that he is, he has agreed to do that. So, thank you, Mark, and we will be putting out a paper announcement for folks to let people know about his interim status very shortly here. I want to also call out a few awards for some of the new courthouses that have been out there, that folks may have missed. Our courthouses continue to be recognized for their focus on the way that they are physically designed to improve access. And we have to Judicial Council court construction projects that were recently recognized by the American Institute of architects in their awards. One was the San Bernardino justice center, which I have had the privilege to tour and is an amazing building and structure. And the South County Justice Center in Porterville and Tulare County. San Bernardino's Christina Wilkers was able to attend the presentation as well as two of our architecture programs. If you have not seen some of these buildings and things that they can do, you ought to. Because it is just really about getting people more access to our courts, and actually in a pretty efficient way. This is an awareness item: the Futures Commission had its first public comment sessions recently. The commission chair, Justice Carol Kirkland, is underscoring that the commission is not council or policymaking body but it intends to bring forward recommendations to the Chief that we can anticipate coming to the council over the next 24 months. The public session was here in San Francisco, the focus was on concepts related to judicial resources, fines and fees, and traffic infractions, very contemporary issues for us. They expect to have further public comment on sessions, on other concepts, in the coming years. Please watch for those with interest and/or participation. And then, for awareness and coming up is what we anticipate in terms of the Governor's fiscal year 2016–2017 proposed budget, we expected to be released January 10, we are continuing our discussions and negotiations, as it were, with the administration. Some of that was temporarily put on hold, as you know, the Governor had left the state for a period of time to attend the UN conference on climate change in Paris. He has since returned to the state, I believe yesterday, and so, we expect the discussions of budget to begin again in earnest on the path toward January 10. Similarly, related to that node, in terms of the efficiencies and innovations, I have been traveling the state and working with courts, trying to identify and develop an inventory or catalog of many of the practices that have occurred or in response to the fiscal crisis as courts grapple with how to maintain service levels within, again, not just limited resources, but declining resources. And there is a fair amount that is out there, and I want to commend the courts out there, because as I continue to ask what are those things, they are actually answering this question and answering it in a practical and realistic manner. And in fact, you're going to hear about one of them later in terms of her presentation on one-day divorce, on how folks have found a way in a very innovative, efficient way, to get more access, or service for a population in need, especially to address self-represented litigants. You also hear a little bit about technology updates, uses and applications that are there, and I hope that there is really going to be more to follow on this

particular subject that we will be talking about in the coming year in 2016. With that, Chief, that concludes my report for the members of the council.

>> Thank you. Next we will hear from the Judicial Council committee presentations. First, we'll hear from Justice Douglas Miller from Executive and Planning Committee.

>> Thank you. My written report will be posted online later and I will speak in a moment as part of the supplement to the administrative director's report on facilities issues. Myself and Mr. Hoshino will be assisted by Judge Wachob. This is the first time our meeting will be webcast. This move to live video is all about, as we have talked for many years, about transparency and accessibility. And it is also about remote access, as in the Chief's Access 3D, making access physical, remote, and equal. In fact, it reflects the legacy of transparency and accessibility the Chief Justice has always brought to the Judicial Council in her role as chair. And, I felt it was important to stress some historical aspects, since this is our first webcast, and there may be and hopefully are additional people who are watching and listening. But, just a little history over the last five years. The council used to have closed sessions called education sessions, in which it occurred from judicial branch leaders and other government leaders are experts on issues impacting the court. The Chief Justice offered her valuable information during these sessions and others should hear it as well, so, one of the first things the Chief Justice did when she became Chief in 2011 was to open up these meetings to the public. At the same time, and that will be webcast today. At the same time, the Chief Justice initiated public comment on both general administration issues and on the specific agenda items. The Council also created an open meetings rule that applies to our internal and advisory committees. Just a little historical perspective. Although the open meetings rule caused some consternation among some of the branch, the rule, I believe, based on reports we have given and provided here has been proven to be quite successful. And now, we are webcasting our first Judicial Council meeting, just as the Legislature and other government entities webcast its committee meetings. Besides the live video, the online presentation of this meeting makes it easier to follow items on the agenda, or to view PowerPoint slides and video presentations. In other words, they won't just listen. I'd like to personally thank the staff and the Judicial Council Support, education division, and technology division who have made this webcast possible. It brings us to the present. Thank you, Chief, that concludes my report.

>> Thank you, Justice Miller. Next, we'll hear from Judge Kenneth So on Policy Coordination and Liaison Committee.

>> The Policy Coordination and Liaison Committee met once since the last council meeting to review two proposals, which for council sponsorship, those are on today's agenda. Other items for council-sponsored legislation were approved at a prior PCLC meeting, along with the 2016 legislative priorities also on the agenda. The Legislature will reconvene on January 4, and that is the time when PCLC will begin to analyze all of the bills, and I would like to thank in advance the PCLC for their attention and diligence and time on this for reviewing these bills. That concludes my report.

>> Thank you. Next we will hear from Justice Harry Hull, Jr., from the Rules and Projects Committee.

>> Thank you. The Rules and Projects Committee has met twice by telephone conference call; once in person since our meeting on October 27. Since the council meeting on October 27, the Rules and Projects Committee met by telephone on November 18 to review five proposals, four of which were submitted for comment, and one of which makes minor revisions to civil jury instructions. I should note as to the latter, this is a proposal for which the council has delegated authority to the Rules and Projects Committee to approve. I would note that one of those concerning gun violence restraining orders forms was postponed from the October council meetings so the Rules and Projects Committee could consider further the advisory committee's responses, or for the responses to comments, originally submitted by the National Rifle Association. The Rules and Projects Committee recommends approval of all proposals, which are items 15-431, 15-414, 15-396, and 15-421 on today's consent agenda. On November 24, the Rules and Projects Committee met by telephone to consider for proposals, into areas, construction related disability access, litigation and probate conservatorships. Because of legislative changes in these areas, effective respectively, on an accident in October and on January 1, the Rules and Projects Committee recommends approval prior to circulation of these two proposals to comply with the legislation's effective dates. These are items 15-420, and 15-438 on the consent agenda. At the November 24 meeting, the Rules and Projects Committee also approved to circulation for comment on these proposals, after the first of that year. After circulation and further review by the advisory committees and the Rules and Projects Committee, after the first of the year, the proposals will again be presented to the council at its April business meeting for the council to consider any comments we have received during the comment period. The Rules and Projects Committee met in person on December 10, yesterday, to consider 14 additional rules and forms proposals to circulate for public comment during the cycle. The Rules and Projects Committee approved the proposals to circulate, 13 of these 14 proposals are required to respond to legislative changes in the law. One proposal is required to comply with the U.S. Supreme Court fully relating to the dissolution of the same-sex marriage. As the council is aware since approximately September 2011, the advisory committees and Rules and Projects Committee and the council have a limit rule and form change proposals to those required by legislation or judicial decision. We have been, in my estimation, successful in that effort and have departed from it only where the rule or form change was necessary to respond to an urgently needed measure within the branch, or the branch could achieve significant cost savings. These proposals continue and conform to that effort. After circulation and further review by the advisory committees on the Rules and Projects Committee, the proposals are expected to come before the council at the April business meeting. At the same meeting yesterday, the Rules and Projects Committee considered and approved the 2015 annual agendas of the eight advisory committees that oversee us. I want to say that the preparation and approval is labor intensive, on the part of the advisory committee chairs, advisory committee staff members, and the Rules and Projects Committee staff members, and I want to express my appreciation to them on behalf of the council and on behalf of the Rules and Projects Committee, for their efforts. Chief, ladies and gentlemen, that concludes the Rules and Projects Committee report on its activities and I'd be more than happy to answer any questions the council may have. Thank you.

>> Thank you. I see no hands raised. We will call on Presiding Judge Marsha Slough on the chair of the Technology Committee.

>> Thank you. I will be reporting this morning on the activities of the Judicial Council Technology Committee since our last meeting on November 9. The Technology Committee had a phone conference. At that meeting, we received information on the proposal to update the trial court records manual with standards and guidelines, which will now govern electronic signatures by judges and courts. For those of you who may not know, I know some intimately know about the trial court records manual, but it is a tool used by court records managers that discusses relevant legal authority on court records, such as the statute and rules governing exhibit management, confidential court records, and the retention and destruction of court records. In addition, that manual also contains standards for maintaining court records in paper and electronic form. Effective January 1, 2016, that manual will now also contains standards governing the use of electronic signatures by judges and the courts. Also, our November 9 meeting, the Technology Committee received an update on the activities of the Information Technology Advisory Committee (ITAC), subcommittees, and work streams, that is chaired by Justice Breneirs, and he and Robert Odun also helped which came out of the technology governance structure. You will hear more about that in the presentations. I won't go about that in any great detail other than to say the Technology Committee did approve the deliverables on network stream. Finally, Rick Feldstein, at that meeting, also provided an update and report on the work related to the civil case management system, the V3 replacement. As you know, there are still four counties on the V3: those are Orange, Sacramento, San Diego, and Ventura. Judicial Council technology staff has worked well with those counties to work toward presenting a budget change proposal, which we are hopeful will be presented to Department of Finance in early January, early 2016. We also will be working and have been discussing with the courts that remain on the sustained justice system as well and in fact, a subcommittee of our group will be meeting with those courts to begin a dialogue as it relates to how to migrate them off of the sustained system as well. Chief, that concludes my report at this time, thank you.

>> Thank you. At this time, then ends our reports and it brings us to the public comment period of our agenda. And I turn this over to Justice Miller.

>> Thank you, Chief. For those who are making public comment today, please remember that your comments are limited to general court and branch administration. We are not an adjudicatory body, we can't make decisions on your individual cases, and we ask that you refrain from speaking about the facts of those particular cases and limit your comments, again, to issues relating to judicial administration. Our first public commentator is Ralph Kanz. And if you can come forward and remember that you have three minutes. I'll give you a warning at one minute. Thank you and welcome.

>> Good morning, Chief Justice, and members of the commission. There is a crisis in the state, in the court system, and it revolves around justice. And I'm homeowner who basically, fraud was committed upon me in the purchase of my home. You go to your local district attorney and go, "Oh, why don't you do something about this?" The district attorney says, after you root around there for quite some time you find out the district attorney has a policy not to prosecute predatory lending in the state and you find out basically every law enforcement agency in the state has the same policy. You go to court. What happens in court? Well, you suffer because basically there aren't any attorneys handling these matters, very few. And the ones that do handle it generally aren't the most reputable attorneys in the county. You go to court, and the court throws you out

and won't pay attention to your papers, won't read your papers, but clearly reads deponents papers which come from a big law firm in San Francisco. How do you know that? Well, when you get to oral arguments, to argue your demurrer, the judge looks down the whole time, he is no longer smiling like he did with the attorneys prior to you getting there, as a self-represented party, and the judge is staring down, looking at his papers, and clearly, not paying much attention to what you're saying and clearly not knowing what you're talking about because the judge has never read your papers. Some clerk in all of the work and the judges rubberstamped it. And, because the judge does not know anything about it, what does he do? He affirms the ruling. Because he doesn't know anything about it, even though he's supposed to.

>> One minute.

>> And then you find out later on that that particular judge was actually disqualified from even hearing your matter. Because he was taking out a loan with one of the defendants one month after he got your case and he never disclosed it. So, you go to the appellate court and say, hey, this judge was disqualified. And the appellate court says, "Well, you're just a self-represented party, what do you really understand about the law?" We are going to affirm the decision to disqualify Judge

>> 30 seconds.

>> That's a problem. That's getting to the heart of justice. And that is why so many people in this state will tell you we no longer have a system of justice in the state. We have a legal system, and it's a legal system that is tilted in favor of the corporations and the people with the most money and the people with the most high-powered lawyers. It has nothing to do with your legal argument or the facts in your case. And until you clean that up, the court will have no respect from a lot of people in the state.

>> Time.

>> That's what you need to do, thank you.

>> Next we will hear from Connie Valentine. Good morning, and welcome. You have three minutes, please.

>> Thank you very much. I'm Connie Valentine from California Protected Parents Association. Thank you, Madam Chair, Judicial Council. In regards to hope, humanity and healthy families, there was a question that arose, which is, what is it like to be a user and end-user of the court system? I'd like to bring you that perspective and from a citizen. I am sickened after attending a current county case this week in which Commissioner Compton allowed a registered sex offender on Megan's List to keep custody of his 8-year-old daughter, after he had been in prison for years, for offending against his other daughter, who is the same age. If that were just one case, it would be considered some sort of average deviation from the norm. But just this month in my county, the presiding judge placed a young teenage girl with a registered sex offender who had offended against children of her exact age. This judge also placed to toddlers with an adjudicated batterer. In a nearby county, three children were taken from their safe mother and

placed with their identified molesters. He works in my county. Some years ago, Judge Salcedo was highly skeptical of abuse allegations in court that people were just trying to get a leg up. That is incorrect and the research shows that. That caused her to place a child with a sexual abuser who six years later was arrested because he was using his daughter as a lever to bring children into his home where he molested them. A terrified young boy fled his father's custody because the presiding judge in San Diego said she did not care if he was being molested or not.

>> Final minute.

>> You wanted him to live with his father. We used to call these men chicken hawks. They are now about in parks, schools, common citizens, and law enforcement and they are dangerous. How can this pattern of practice be occurring? There was a summit in Washington called creating the trauma informed nation. However, the judiciary's placing children at risk. There is a reason that Kathleen Russell, last time, called judicial practice.

>> 30 seconds. To talk about child safety, it is a reckless disregard for child safety to place these children at risk, thank you.

>> Next we'll hear from Kathleen Russell. Good morning. And welcome. Three minutes, thank you.

>> Thank you, good morning, Chief Justice, members of the council. I am back again. It has been a little over a year that we have been coming here and taking advantage of this public comment session to make sure that you all are kept abreast of what is happening on the ground in the court system. Since you last met, the Center for Public Integrity came out with a national report, and in that report, they assess states in their adherence to transparency and accountability measures. In case you missed it, California received an "F" for judicial accountability. Part of the reason you are received an "F" is that we don't have set in our state law certain protections for the public. In other states, there are service-level judges required to give reasons for their decisions, as we know in California, a majority of them are denied without any explanation. A majority of family law appeals are denied due to the broad discretion that the appellate courts are giving to trial court judges in these very complicated cases. Imagine being a parent whose child, as Connie described, is being raped or been in a visit, or living with their other parent, and not being able to appeal, because you know that the chances are 99-1 that your appeal is going to go nowhere. In other states, there's a process to evaluate the performance of judges, judicial performance evaluations. You all have been briefed about that from folks in D.C. And it's a good idea. We have talked to legislators about it in the past. And the judges association has thought that, uploading judicial performance evaluations. That would be an effective thing for the branch to be able to defend itself.

>> One minute.

>> Since we last met we had the horrible shooting in San Bernardino. I don't know how many of you saw the article. This shooter grew up in Riverside County and had a horrific divorce where his mother had to go multiple times into the court to try to get protection from a violent and suicidal father of that shooter. There is so much research that shows that family violence begins

in home and when children see it, they are going to continue to go out and be susceptible to doing what happened in San Bernardino. There's a Family Court connection to that tragedy. And finally, because it is early December, I would ask you all to please, when you're sitting under the Christmas tree, and opening presents with your own children, think about the literally thousands of children in the state who are being denied access to their loving, nurturing parent because of problems of oversight and accountability and parental alienation being used in the state's court system. It's unconscionable. And it's horrifying for parents in this time of year to not be able to see their children as they are Christmas shopping. Thank you.

>> Eva Sutton? All right, that concludes the report.

>> At this time we will stand in recess for 10 minutes in keeping with our education session.

>> [The Judicial Council meeting is in a 10-minute recess.]

>> Welcome back to our agenda. This meeting is now in session. And, before we start the information education session, I would like to say that we, as a branch, have, for many years, prided ourselves on a working on efficiencies and trying them out and then reforming them as needed. And that these innovations are almost always incubated in the courts, and the smart courts, and folks in a way that uses the best way to leverage their resources. And so, for over 20 years, many of us are familiar with the Ralph N. Claps awards that celebrated innovative techniques and projects and facilities in the courts. And, there was a time when we had greater funding, when we would celebrate this by putting it on OpenView and inviting the awardees, and we had a video to share, so that people could emulate the project if they wish, but also, that the program had to be eliminated as a result of our fiscal crisis, but the spirit of innovation remains, now more than ever, as was alluded to in the reports here today, about the work that is being done in the courts. And so, we are here in our information education session, to showcase some of that work. So, our next two agenda items for part of our information session or what is to be called the information session, and it demonstrates what the branch does best, what local courts are doing to be more efficient and innovative, with governance and technology, and also to encourage other courts to use this model and fitted to the practice and culture, and to share their program statewide. So, first, we will have a judicial branch technology update, statewide, and court technology advancements. There are no materials in your binders. This is an education session, meaning no information or action is required. And our presenters are Presiding Judge Marsha Slough who as you know is chair of the Judicial Council Technology Committee. I also note that we have Mr. Robert Oyung by phone. Are you there?

>> Yes, I am, and the chief technology officer of the Superior Court of Santa Clara County. We also have Mark Dusman. We also have Ms. Jeannette Vannoy, chief information officer Superior Court of Napa Valley and they don't have on our agenda our fourth person as a presenter. Thank you, Jessica. Are you doing the technology part? Thank you. I always ask for the names because I see multiple people there and it helps us. Thank you, please proceed.

>> Thank you very much, Chief. Good morning, everybody, again. Thank you for introducing the panel, I won't go through that process again and Jessica really is the heartbeat for me in this job and I appreciate it very much, Jessica, thank you. As some of you may know, and some of

you are newer members to the Judicial Council, I apologize. To some delight, and may lose my voice here so I apologize for being a little weak. The Chief Justice appointed the Technology Planning Task Force back in December 2012 that was led by Judge Jim Herman and was tasked with developing a governance structure for technology, a funding model, and also a strategic and tactical plan for technology. This was not only important for us, as a branch, but the need to have a solid governance and approved structure was also important to our sister branches of government. And so, the work was undertaken. Jake was on that committee as well as Rick and Rob who is on the phone with us and many, many others. The actual report was presented to Judicial Council in 2014. Adopted originally in August 2014, and then an updated plan which then included the language access plan in our technology report was approved by this body in October 2014. The purpose of today's presentation is to demonstrate that that wasn't a production document that, shall we say, got produced and put on a shelf to gather dust, but actually a working, productive governance structure, and we are here today to demonstrate some of the work that has come out of that great effort. So in addition, as I mentioned earlier this morning, part of the governance structure was to develop work streams which are inclusive methods of addressing immediate technology issues throughout the branch that includes CIOs from many of our courts, it includes the great staff of the Judicial Council, and others in taking an issue, determining what a potential solution is, and then working toward that solution again in an inclusive fashion. So, we want to bring to you the very first work stream presented to us as Judicial Council Technology Committee. The second part of what we will do, and Jeannette Vannoy is with us, is to spend a moment today to demonstrate some examples of the innovations and collaborations between the council, court, and great projects that are underway as we speak. So with that, Mr. Dusman?

>> Thank you, Chief, council members. Just a little bit of background on this particular work stream and what the security framework is. The framework of information system controls that we are going to talk about today came about as a follow-up to recommendations from the California State auditor at the end of 2013. Frameworks such as this are important in that they provide a general or an umbrella vision and structure that organizations agree to abide by. In addition, they help define the controls that are put in place to help keep our technology infrastructure secure. To get to the point where we are today, we need to pick a standard on which to base the framework document. Both the National Institute of Standards of Technology, NIST, and International Standard for Organization, ISO, have industry standards that we can use. But in order to maintain consistency with the executive branch, we selected to use the NIST standards. So, drawing from those standards, the Judicial Council IT staff worked to develop our own internal security framework, which the Judicial Council formally adopted in June 2014. As adopted, the framework covers a comprehensive range of subjects ranging from access controls to configuration management, contingency planning, disaster recovery, information technology, security, risk assessments, and many more items related to access controls. Following this, the framework was published for the trial court and made available to the Information Technology Advisory Committee's work stream on the IT security framework, which Robert Oyung will discuss a moment. In parallel, experts have continued within the Judicial Council itself to fully implement the framework for the council staff agency, the council's committees, and for the appellate courts. This effort includes the development of a consolidated set of information technology policies and procedures that define specifically how the controls specified in the framework are to be carried out. As with the security framework, the Judicial Council's policies

and procedures document will also be released to the trial courts for them to use as a resource for their own implementations. These efforts are intended to augment the court's IT security structure, not replace it. If the court already has something in place that is sufficient, they are able to keep working with that. In areas where there are gaps, however, these documents could provide important resources for the courts to help address those gaps. With that, I will turn this over to Robert Oyung who led the effort as Judge Marsha Slough said in moving the first work stream from the Information Technology Advisory Committee to completion. Robert?

>> Thank you. I'm very excited to have the opportunity to present to you the results of the first Information Technology Advisory Committee work stream to be completed under the new judicial branch strategic plan and governance for technology. The goal of this particular work stream was really to identify specific sections of the information systems control framework document that were most relevant to the trial courts. Seven trial courts participated in this work stream, and what we did was review the information systems control framework document which is about 138 pages, with 187 sections. What the work stream did was identify 84 sections out of the main document that were most relevant to the trial courts. As a result, the work stream created a how-to guide and self-assessment checklist for those trial courts. The participating courts in the work stream actually piloted the self-assessment checklist and found that on average, 75% of the items that were on the checklist referring back to the information system controls framework had actually already been fully or partially implemented at the local court. And that the court's estimated that it would take an average amount of effort to implement the remaining items on a scale of low, average, or high effort. So, this activity and the results of the work stream are actually a very good supplement to work that is already in progress at the trial courts. There is quite a bit of work, as Mark had mentioned, already done, at the local trial court level, and we believe that the output of this work stream will actually help to supplement that. As a result of the work stream, it was actually approved by the Technology Committee on November 9, 2015. Let me provide you with a quick overview of what the IT security framework is. It is really just a model that the courts can choose to adopt; it is not really a mandated set of policies. It's intended to help a local trial court and provide some context for it, to create their own local IT security policies. So, it provides an underlying foundation for which local court can create a very, very strong robust security framework. This framework also demonstrates that local policies that a trial court comes up with are in alignment with an agreed-upon framework of both a standard framework that Mark had mentioned, as well as the framework that we have identified as part of the work stream, that are most relevant to the trial courts. The framework is intended to be modular, and individual sections can be ignored if they don't apply to a local court business environment. So, it is intended to be very flexible, with the recognition that individual courts have their own local business constraints and business drivers. There is no funding that is required to implement framework, first of all, because there is no funding available to implement the framework. However, we created the framework in such a way to provide guidance and not require that any specific technology solution or specific technologies be implemented as a result of the framework. The local policies, however, that the court decides to implement, may require some local funding, but that is really up to the discretion of the local court.

>> So on the next slide, I'd like to give you an example of how the framework should be used. So, I will give you a non-IT example, and in the next slide, we'll talk about an IT example. For example, in a non-IT example, the domain or area of interest may be physical security. And, the

example of what the framework would recommend would be to say that court facilities need to be secure. And it would leave it at that high level. The framework does not go into any specific policies or requirements in terms of how a local court must make the local facility secure, it is really up to the local court to come up with a local court policy. So, everything on the remainder of the slide really is up to the local court to decide and under the control of the local court. So, for example, a local court may say, okay, the framework says that court facilities need to be secure, so we will issue a policy that says nonpublic accessible areas only be entered through a locked entrance. Following from that is the local court decision and analysis around how that policy should be implemented. So, a court could come up with maybe two or three options, maybe one would be to install a physical box with keys, install a keypad lock, or maybe install a lock with card key readers. All of those options have a specific resource requirement and a specific cost to it, that a local court can then determine what would be most appropriate for its own implementation. So again, the framework only states that a court facility needs to be secure, it is really up to the local court to come up with a policy and in the implementation. So, going on to the next slide with a specific IT example, following that same model, the domain or the area of focus could be access control from mobile devices. In the framework, we actually have a recommendation which is basically that a trial court should establish usage restrictions and a configuration and connection requirement for branch entity controlled mobile devices. And that is what a framework requirement is. It is then up to the local court to come up with a specific policy for that court. So for example, at Santa Clara, the policy that we came up with to address that framework recommendation is that our mobile devices must enforce a lock screen with a pin, we are only going to provide e-mail and calendar synchronization on the mobile device. We are not providing any court network or court application available through that mobile device. We then took a look at how we could implement this policy; there were several options, which range from different costs. We could configure the device ourselves. We could purchase some software and have it downloaded. Or, we could have a formal mobile device management software. And so, all of those were different options that were available to us, and we selected, basically, option number two, which was to provide configuration that the end-user could download and then could have a system configure. So as you see, this is how the framework would flow, is that this very, very high-level recommendation in terms of the areas of focus at the court, that the court should provide policies or solutions, and then it's really up to the local court to then decide how they would like to implement that solution.

>> So, to summarize on the slide eight, the security framework really is a model that the courts can leverage. It provides a context for a local court IT policy. It's modular, so that the courts can pick and choose which areas are relevant to them. And then, the framework also provides additional documentation to justify the local policy decisions that are made by a court. It is really not a set of mandated policies, and as you have seen, it is not a specific look at technologies that need to be implemented as well, and it is not a set of requirements that a local court needs to follow in order to be in compliance with IT security. Again, it is really intended to be a framework that can be leveraged, to provide some context for the courts to provide that IT security. And so as a mentioned as well, along with the how-to-use guide, we do have a self-assessment checklist and we would expect that most courts have probably implemented many of the items that we have highlighted in the framework. And so, we think that it is another useful guide that they could use to enhance the security policies that they do have locally. So, that concludes the presentation on the security framework. Are there any questions about that?

>> Yes. Rick Feldstein?

>> So, Rob, you mentioned that most of the expenditures related to implementing it are not necessarily hardware or software, but related to policies themselves. Are you speaking of mainly the time, staff time and effort it takes to actually develop the procedures and actually do the documentation? Which is really the key, should you get audited.

>> Yes, exactly. Most of the effort is really in a local court time, spending time, taking a look at its existing policies, and as Mark had mentioned, looking at where some of the gaps may be and spending some effort to fill in those gaps.

>> Thank you, Robert. That was enjoyable. And I liked seeing how it worked and the choices and flexibility that courts have, and the things they may or may not have already thought about to suggest how they can best implement what security they believe they need. Thank you.

>> Thank you, Chief, and just to conclude, and Rob, I know you have an additional presentation to give, the reason that we believe this is so important is not so much that those of us who sit in courtrooms making decisions would necessarily understand it or those of us appearing in court would necessarily understand the underlying issues that Rob just went through, but to showcase, first, this was an issue raised by an audit, a technology issue raised by an audit, that was put within our governance structure, adopted as one of the work streams, and a good group of really smart people got together to work towards a solution. So, thank you. Rob, I think you have another presentation for us this morning.

>> Yes, I do. Thank you very much, Judge Slough. I want to acknowledge the point that he made about that work stream being effective in the new governance model in that it really did pull expertise from Judicial Council staff, court staff, and working together really as an IT community to come up with, we think, a very robust solution. So, thank you very much for that opportunity. The next topic that I just wanted to talk about very quickly is the technology innovation example. And, this is really technology innovation when you have no money to spend. And then, Jeannette Vannoy from Napa will talk a little bit about technology collaboration. So, on the next slide, I wanted to present to you a business challenge that we faced here in the Santa Clara. And so again, this is technology innovation, when you have no money. So, this is not necessarily going to be a Google self-driving car, but it is going to be a solution using technology that meets a very important business need. So, the challenge that we had in Santa Clara was that members of the public must come into the courthouse and show their ID to be of certain confidential case files. And so, a person would come in, they would leave their ID, their identity would be validated and they would then be given the relevant case files. The question and issue that came to us is that we have just gone live with our new Tyler Odyssey case management system just this Monday and we are moving to electronic case files. And so the question came up around, how do we provide this service when the case files are in electronic format? We still need to validate a person's ID, but how do we provide them with secure access to these files when all of the source documents are now electronic? So on the next slide, what we did is we took a look and talked to other courts to see how they solved this same problem. So, one of the courts actually print the file for viewing. And so what happens is when they show the ID is validated, a clerk will then pull up the electronic file and print all of the relevant documents

and hand them to a member of the public for viewing. The benefit of this is that it is easy to implement, however it is time-consuming to print and really is a high use of resources of paper, ink, and the printer. We talked to other courts who had to solve this problem. Another court actually built a custom application for this process, and so they enter in their information, it's validated, and they are given a one-time security password. They can go into a kiosk, log in, and use a one-time password only for those files. The benefits of that are that it is fully automated, very secure in a very nice use of technology. However, this particular solution takes a long time to implement and requires that you have ongoing maintenance to be able to maintain it. And so, what we did is we tried to find a solution that was a little bit more in between. And so on the next slide what you see is what we came up with. So, we go through the same process where the clerk validates the person's ID, and then holds onto it. The clerk then selects the electronic files that the person needs to be a period and then transfers them. They download them and electronically transfer them to a computer kiosk. The member of the public then goes to that specific kiosk, views the documents electronically, and then when they are done, they go back to the clerk to retrieve their ID, and that is the signal for the clerk to then delete those files from the kiosk. This solution is very simple, it is secure, and at the same time, it provides a member of the public with almost the same functionality as the fully electronic custom application in that they get the electronic documents on a kiosk, right, search the files electronically and when they are done files are deleted immediately from that kiosk. And so we found that this solution provides maybe 75% to 80% of the customized application without all of the additional cost and overhead. So on the next slide, we did a business comparison of the different business solutions, on the left-hand side, you see a measure of the user experience, whether they are having a high user experience with a lot of ease-of-use and a lot of rationality, and then on the bottom is the difficulty of implementation from a court perspective from low to high. And so, you can see solution one which is printing the document and giving a paper document a very low difficulty of implementation, but it really does not give as good a user experience. They have a piece of paper and can look at it but they cannot do searches, things like that. Solution number two is really providing a very high user experience, it is very easy for them to use, they get a one-time password, they can view the document online, but at the same time, it is a very high level of difficulty in terms of implementation. So, the solution that we have lies a little bit in the middle. It is a pretty high user experience where they get the electronic document. But, the level of implementation, difficulty of implementation, was actually not much more significant than actually going and printing the document. So, I wanted to share this model with you as well in that it may be a way for courts to use this as a measure of different solutions or different options that they are looking at, and balancing, really, the customer and user experience versus the difficulty of implementation. So, the last slide I want to present with you is the take away of this solution. So, we really had no money to spend to invest in a solution but we did come up with what I thought it was a rather smart, clever, novel way of using existing resources. And so, if you have no money, technology innovation is really focused on exactly that. It is smart, clever use of existing resources. However, with true technology innovation, it really does require some funding and not necessarily significant funding, but it does require funding and time allocated to really achieve better results. And so, we can use that matrix that I have shown previously to really take a look and see how much more of a better solution can be had, and more innovation can be had when funding really is available. So, that's what I had to present. Any questions about that particular solution? Or any of the takeaways?

>> Any questions on that? Rob, I don't see any, and a notice a crazy busy time for you at your home court. Thank you very much for presenting both on the work stream as well as what you folks there in Santa Clara have been able to leverage to solve a problem. It is important to provide access to the public we serve. Next, we have Jeannette Vannoy from Napa.

>> Good morning. I want to thank the council, Technology Committee, in particular, Judges Slough and Buckley for allowing me to come and share a small court perspective in the branch. To give you a brief history, last year I celebrated my 15-year anniversary with the Napa court as CIO. You can imagine I have seen quite a bit of change in court technology over the years. As at many courts, there has been a spirit of innovation at my court and, of course, at many throughout the state. So, we have Outlook support of technology solutions to enhance court efficiencies by doing things like having streamlined case processing, implementing electronic case files, and numerous business solutions to make our operations run better. We have also worked hard to strengthen our external justice system partnerships. So including state and local agencies, the DOJ, DMV, state reporting, you know, with our sheriff's office is to create warrant interfaces, and, as you know, our county council departments, GCSS, we have worked over the years. We have tried to provide increased access to attorneys in the public with solutions like postponing jury service or selecting an appearance state, being able to pay traffic citations, and provide court calendar information or course information online. There has been a lot of effort to create solutions for serving the people of California. And so, many courts have had independent success throughout this time. Although I have to say, there has been a very minimal connection to shared technology goals and objectives. That has pretty much been, for the most part, at the local level.

>> So although there has not necessarily been the shared goals and objectives, there has been a lot of collaboration that has been happening throughout the state. About 10 years ago in the area of IT, the court IT management forum was informally formed, you know, you could say it was a grass roots effort, about 10 years ago, you know, a handful of court IT executives, or you know, CIOs, IT managers, lead IT, top-level people from the California courts, would get together to provide a forum to work through common problems, to solve common problems. And that forum has provided a place for us to look at solutions and information sharing, what is actually happening on the ground in other courts. Peer consulting, and, this is kind of an interesting view of this, because it is literally, you know, a lead IT person from the Mariposa court is able to collaborate and work with the likes of, you know, Los Angeles CIOs or Nevada. This has been very beneficial for the larger courts to see a smaller court perspective and vice versa. Statewide communication has been a forum for us to understand and maybe distill some of the statewide initiatives that are happening, and maybe the impact of the local court. Most recently, the working participation and input, so that members of the CITMF group have participated in all forums including the ones created prior to the creation of the plan. Some of the sample accomplishments that this group has participated in include the statewide case management system RFP, which as you may know, led us to have master service agreements that all courts can leverage and are in the market for case management systems. We participated in the technology plans task force, which as we mentioned, have representation on the governments, finance, and strategic plan tracks. Rob had mentioned the information security framework as the first initiative through the new governance structure with ITAC. The branch network infrastructure program, telecommunications, LAN/WAN program, you may be familiar with that. We make sure we have secure, stable, high-performing networks to meet the business needs

of the courts with applications that we won. And then of course there are numerous, I probably cannot even count, local number of solutions that have been shared interest to the business needs, just, you know, small examples would be a judicial education tracking program, or online orientation for mediation. Some of these are, as Rob mentioned, very creative, and no money and what I like to call popsicle sticks and glue, in order to provide automated solutions for the court. Some of these are very sophisticated and adapted to really transform court operations. So, taking that from this grassroots effort to where we are now in regards to the branch technology plan, the goals of the strategic plan are really applicable to all courts. And so, what I mean by that is that the strategic plan goals include having an optimized infrastructure, having optimized branch resources, meaning that we have the most valuable resources focused on the best task for that resource. The policy and rules changes required for the implementation of technology, and then, most, kind of, my favorite, is the pursuit of the digital court, which is really transforming the California court system to be able to meet the needs that are out there, you know, in the general public. Court branch. The idea that these are cascading objectives really does open the door for further collaboration. And so with the amendment, this can provide courts with more opportunities to leverage the work of others. So, for all kind of working on similar initiatives that have been prioritized and meet the needs of courts, then we can formulate more work streams and specific projects that, you know, can keep us working on things together, rather than each court working independently and on a very similar solution. So, the work streams have proven to be very inclusive, and intended to really benefit all courts. I have yet to hear of a work stream initiative that did not have an eye out for anybody that was in pursuit of that need. And then they are actively engaged in this extended talent that we have of key branch resources which include judges, CEOs, CIOs, and Judicial Council staff and others. So I wanted to give you an example of a collaboration that we are currently working on that kind of fits in this concept. Right now, the Napa court as well as the Monterey Superior Court and Santa Clara are working on implementing a new case management system. So, we are implementing the Tyler Technologies Odyssey system. And, we have a small court, large court, and medium-size court working together, and where we are on it, as Rob mentioned, he just went live: Santa Clara this week on Monday, Monterey is live on the noncriminal case types, and Napa is looking at early 2016. And we're looking to start around again and focus on the criminal and traffic case times for our phase 2. And so, the goals of this collaboration were really to leverage the technical and operational knowledge of these three courts. So, all three. Even as I mentioned, having a small court, being able to be contributors, maybe because we have experienced or gone through complete electronic case files, as were the larger courts that may be implemented in smaller pockets throughout the court. And so with the three of us working together, and by the way, it's not just exclusive or restrictive to these three courts, the same concepts are aligned with the technology plan that can open collaboration for any courts that we are interested in pursuing these same initiatives. Some examples would be exclusive use of electronic case files that increased in court case processing efficiencies, to eliminate duplicate efforts of in-court, out-of-court, with partners, electronic filing for attorneys and self-represented litigants, and then increasing access in the service for the public and people of California. So as Rob mentioned, although funding is required, the collaborative foundation and governance framework are in place, and I think we have a track record of being able to work together on common solutions to achieve successful outcomes.

>> Thank you. Any questions, comments? Rick, are you okay with the information she has presented today?

>> I'm really glad to find out about it.

>> [Laughter]

>> And in terms of the collaboration between the three courts, when we started, we were looking at it as a money-saving endeavor and attacked it as such. I can't speak to the other two courts but I know our initial quote to implement for Napa was about \$1.4 million but because of the collaboration, we were able to reduce it to just under \$1 million. We save 20% which is certainly substantial. The other thing we hoped for, and it has maybe turned out better than we expected, was the symbolic value of the collaboration where you have courts, coming together, looking at issues, and providing their unique perspective and being able to draw from each other, then it has been extremely valuable throughout this whole process, and a good product.

>> Judge Anderson?

>> Yes, just to follow up on that as well, Monterey being a participant, I think it was a fantastic collaboration. Each one of us were able to save money in order to implement case management systems, but it would also demonstrated, did not matter whether you are large, medium, or small, each of us had different areas of expertise and able to come together to get best practices, we found, quite frankly, the small court, Napa was more advanced in scanning then the medium or large courts, however, we also found that certain best practices for case type naming may have come out of the large court, then have the medium court which was the court that had a certain customization and technology that was able to then provide that to the other court told the collaboration really made it substantially better for each one of the course to implement a case management system, not just for our own but also for the public with perspective in the collaboration was a good idea, which I think there should be much more collaboration amongst others as well. The state was not just technological, and much operational. Just to find out the detailed information on how courts approach this from an operational standpoint and automate that. That is as valuable as any.

>> I have to say I greatly am impressed by the governance plan that the council approved. As everyone knows, it came about through the exact kind of collaboration that has been discussed here with all of the participating trial court CIOs coming together to show us a roadmap to going forward. And, we have just recently adopted the plan about a year, year and half ago. To see the good work that is helpful and necessarily granular, and this is necessarily granular, and involved different courts, different sizes, people working together, which builds bridges and understanding and moves the branch forward. Yet all of this work is done sort of behind the scenes, but it is so important, especially for access for our public. So, I think it is incredibly impressive, the work that you are doing, and positive. My only question is how do you make it known to the rest of the world? Is it on the website? Is it under technology somewhere, this work stream approach, product, and the fact that this is the first? The security recommendation is the first work stream is really exciting, it is an exciting blueprint, I suppose, is the way to say it. Is it somewhere that people can read about it, look at it, find it, if they care to?

>> Chief, the framework information is posted to the extranet, the site for the branch, this could be posted to the court's innovation website.

>> Yes, I think that's a good idea. And I'm thankful that Robert and Jeannette were able to explain this to us in such an understandable fashion where we could understand.

>> In conclusion, I will indicate that there are three other active works treatments, actually, going on, probably literally, as we speak. Those include the e-filing, data exchange, and also the next-generation hosting works treatments. And again, and is an inclusive endeavor from Mark's crew, as well as local courts. We are excited to see, as we all know, and as we all get a clear understanding, technology is truly a key part of our infrastructure as a branch. And as technology improves, we have to continue to improve as well. There are some other, but I'll use, a real technical term, and say there are some other, cool sexy things going on out there. And, we would also like to be able to come back and to present to you some of those other cool technology initiatives that are going on at the statewide level, and at the courts themselves. I would also like to indicate that we would like to come back at the February meeting, if the chief and others would indulge us, and give you just kind of a perspective of where we are as a branch from a technology standpoint. Where are we on the case management systems? What courts are using what? What are moving up? How are they doing that? Just to give us the basic foundational understanding, not only in the court level, one on the branch as a whole. It is clearly critical to the lawyers who appear before us. To the judges who now are reading our cases on the screen, to the people that can't get to the courthouse, but can turn on simple telephone and pay a bill, or change of date. This is critical to each and every one of us, being lawyers. Trial judges, appellate justices, or Chief Justices and other justices of our Supreme Court. As highlighted, and I think so well spoken by Rob and Jeanette, funding, we can do a lot with very little. But, there's a lot that we need to do. And, I appreciate the efforts that those courts have made on behalf of all of us to date. And, I just encourage all of us to continue in our efforts to advocate for the good, solid, secure funding platform for future initiatives. Chief, thank you very much.

>> Thank you. Thank you. Judge Feldstein?

>> I have a question, can you reach out to the CIOs of all courts so that somehow there is a convention that you guys can all go to and share ideas, so that all of the courts can participate and we can all learn from each other? Not just from three courts, but from all the other courts. I'm just wondering if there is an e-mail that was sent out by someone in the committee, to all of the CIOs, in every county, then maybe we should meet, and have some uniformity and have some discussions, so that not just three courts, but all of the courts in our great state can have that same evolution of technology, and share and learn and implement. Is there anything that you have planned so that we can communicate with everyone? Not just for three courts.

>> As I mentioned, the court IT management forum is an open invitation to all courts in California, and we make it quarterly, in person, and have an average of 22 to 25 attendees from all courts, through the 58 courts throughout the state. We could probably do another recruitment and ensure that the CEOs, you know, the IT leaders in all courts are aware, and if the resources allow, they are encouraged to attend these sessions because they had been very beneficial to those that have participated regularly. It has been quite some time since we had a branch technology summit of any sort that I'm aware of.

>> And I'm eliminated.

>> [Laughter]

>> Yeah, it was another funding issue. Are you going to mention the safety?

>> I'm going to brag on Jeannette for a second. She was a presenter in Minnesota at the statewide—remind me the acronym—I'm forgetting.

>> Court Technology Conference.

>> The Court Technology Conference. Jeannette was there and actually sat in on your session and was very impressed and it was very well attended. Sanora also spoke, as did Heather from Contra Costa. Thank you. Our IT folks are being viewed from not just within our state but across the country and we should be very proud of them.

>> Thank you for the presentation, we look forward to seeing you in February.

>> Our second informational session item is a presentation on court innovations of serving the public and greater efficiency, from my former court, the Superior Court of Sacramento County. And we are welcoming Judge Jim Mize on their one-day divorce and five-minute formal action hearing. Sounds too good to be true. No action required.

>> Thank you. First of all I appreciate the invitation to be here and to see a number of old friends getting older, but still very, very energetic, and also some new people and new faces. It is just a pleasure to be here, thank you very much, for the information, and Justice Miller, for actually called me and saying, "Hey, can you do it?" We have been talking a lot in the last hour about sort of the higher level, and I want to talk about people and the people that we serve, and we will be talking more about that in the presentation that I'm going to be making, let me see if I can do this, and then I'm supposed to do something else here. There is the slideshow. And from the beginning, I'm going to talk about two programs. The first one is truly no cost, the second is low-cost, but they both really talk about the innovations that we have been making in Sacramento on the very local level. First of all, what was the problem? 72%, as you know, of the family law litigants are self-represented, and for even a simple divorce people are having trouble getting the divorces entered. And, with respect to the study that was done on the satisfaction with the courts, the biggest problems is ahead with family law, in particular, was that it took so long, but part of the reason that it took so long is because they are self-represented, don't know what they're doing, and are taking forever to get things done, and they're blaming the system for the fact that it is taking them so long to do something. So, basically, where this originally occurred as having been in family court for a number of years, people would come into court and say, we want to have a 4:00 and somebody else would say 5:00 transfer of the kids, and I would make a brilliant decision, we are going to make it 4:30. But after that brilliant decision, then they would say, are we divorced now? And I would say, well, no, not really. You're not fully divorced. You have to fill out the form 160, forms of disclosure, a number of other different things that I list them all and by the time I get done, they were a deer in headlights walking out of the court mumbling to themselves, I don't know what they said, and I don't know what to do. But, as a result of that, and with the idea that we had no money and no resource, what could we do to actually help people get the divorces when there were no other resources available to help them

get the divorces? So, the solution is to kind of start with picking, well, I'm going to use the analogy a little later, skimming the cream off the bottom, because I don't like to use the word, you know, the other one that we always use all the time, that is, low hanging fruit. So, that is the low hanging fruit. All right, so what we did is decide to start with simple cases, basically defaults and uncontested divorces. With the defaults and uncontested divorces, these are simple cases. These are things that ought to be gone through very quickly. The first thing we have is for triage along the way in order to get people into the program and be able to get them out with the judgment. That would be end-to-end their case. So, we have lots of science, and we advertise it. Again, we chose the term one-day divorce so that it would not be so obtuse, as I think the first decision was something like, I get an expedited dissolution preparation workshop.

>> [Laughter]

>> Which we decided was very descriptive, but somewhat obtuse and attractive to lawyers and judges, but useless to the public. So, we went just a little bit into, we are not too commercial, but the idea that we named it one-day divorce was a huge benefit. And these days, when we have people who are doing social media and are running at 1,000 miles an hour, we need a couple of words to catch their attention, and this does. They hear one-day divorce and they say, "Hey, that sounds like something that would be helpful to me." So, we have signs up and everything. So there is a lot of self-triaging going on, because they know in our website, the things that are necessary for them to be able to qualify for this and as a result of that, some of them know that they are not going to be able to qualify, particularly for instance, if they have too much income. And, the second triage is our self-help center does little bit of a once-over to make sure that there isn't something significant going on in the case that would deliberate them from being able to be part of a one-day divorce. And then of course, the key now, not hopefully for the future when we get funding, the key now is volunteers. And, the first triage is we have temporary judges. When we have people who are actually going to make the decisions as to what cases come up to me for granting a judgment, we need temporary judges. These are the people that have been through all of the training, and are sworn in, and they act as a temporary judge and are able to actually advise the people as to what it is that is necessary to do in their case, to get me to approve it, when they come upstairs to department 123. But in addition to that, we needed somebody to actually type this stuff. We couldn't expect our temporary judges to actually type the forms. So, we thought, well, what are we going to do? How are we going to get somebody to type it? Again, we have no money. So we decided maybe students might be willing to do this. And we were stunned. They said, you mean, we can actually see a real client? And actually type a real case? And we won't be talking about Blackacre versus Whiteacre being sold to Mr. and Mrs. Smith? And they were just ecstatic about being able to do it. We had McGeorge, Lincoln, and some folks from Davis law schools volunteering to do this. And then the next thing we decided is that, well, that's good but what about during finals week? How are we going to get people during that time? So, we started talking, and they put out a request throughout the Sacramento community for what it called a 0 to 10. You can't be a pro tem unless you have been in practice for 10 years. So, we have a whole slew of potential people who are really, really smart out there, who are lawyers already but have not been in practice for 10 years and they love to be a pro tem but they can't have not been there long enough. I put out a request in Sacramento to see if there was any 0 to 10 who wanted to type. And I got 55 volunteers immediately in Sacramento. I was stunned. And I said, "Why are you doing this?" And they are doing it because one, some of them want to

be pro tem some day, so this is good experience. Really, many of our attorneys simply want to give back. They see the need and want to do something. It gives them a grand opportunity to rub shoulders with experienced attorneys and judges. So, the bottom line is, to make a long story short, we got lots of people to actually type the forms. So we had somebody to advise them as to what to do, we had somebody actually type the forms, and then, it is the fun part for me. Because by then, they had been approved, and then they come up to department 123 for approval, and all I do is have fun with them. I asked them how long it has taken them, and it's generally anywhere from a few months to years, and I ask if they would really like to go back to doing it themselves so they can have the benefit of doing it themselves without the necessity of help, and they all say, no, I like this, we want to have the benefit of getting it done today. And then I have the 0 to 10 to accompany them, and introduce them, and thank them for their service to the community. When we put this out, it was picked up immediately by about three or four local stations. And then within 12 hours, it was picked up by the Associated Press. And they sent out a notice throughout the country, and then it was shown, in Atlanta, St. Louis, it was in the New York Times, and there were a number of places that have these coverages. I looked at a number of them. I thought when that was done by Channel 40 here in Sacramento was probably one of the better ones because it didn't focus on the court but it focused on the user. And so I'd like to show this to you. I hope there are enough volumes of that so you can hear what's going on with this.

>> [Captioners transitioning]

>> [Music] Love and marriage. Love and marriage.

>> Love can be a funny thing.

>> Do you have a problem with your anger?

>> Getting a divorce can be downright nasty.

>> [Laughter]

>> Smiles and hugs? Probably not what you would expect from divorce court? But these people are happy to call it quits.

>> Five years and one day.

>> Five whole years. That is how long Tracy has been trying to finalize her divorce. Thanks to a new program in Sacramento, the divorce process is going into hyperspeed.

>> It feels good to get it done in one day. Getting a divorce used to be very time-consuming.

>> Got me in and out in about the same time it would take for me to file the paperwork.

>> Speed divorce is fast, easy, and free; no more pricey lawyers.

>> If you and your spouse hate each other --

>> I do not have to pay.

>> It makes it easy to get a divorce. All of that confusing paperwork? There are volunteer lawyers to help and they will fill out the paperwork for you. The justice reviews it all and in a matter of hours, you can walk out free and clear and single.

>> Will you be happier when you get divorced?

>> I was happier when I got married, but I am just as happy to be divorced.

>> [Laughter]

>> And the reason that I chose this particular one to show is, first of all, incredibly charming person who was our star of this one. And the image that I like to give to everybody is that middle section, when she held up five years, one day. And that is what we are dealing with, with our folks out there. They are taking many, many months, if not years, to be able to get their divorce entered, and when we talk about people who are now happier with the system, because of its speed, by saying one day, you will not get anybody any happier because it does not go any faster than that. Minimal court resources, again, the facilitator is using to pull the court files and doing an early triage. I hear all of the cases. But I have my normal court to date so if I am in trial, I will hear cases at 11:30 a.m., 1:30 p.m., and 2:30 p.m. at the break so I am not interfering with anything that I do. We do these in between. And you wonder, why would the facilitator, who has their own job to do, why would she even do this on her extra time when she has none? And if you get a program that people like, if you get something where people can see that they are serving the public, they will do it voluntarily and they will put in the extra hours and work 50 hours into their 40 hours because of their joy of being able to serve the public. We also, by the way, have DCFS on duty. If there are parties who want to work out a problem, with a child support or spousal support, they can be available to make that order and we also have family court services on duty so if people are really close to having a deal but they need something and their custody order, that can be done at the same time. It can come up to me and have a full judgment that would be entered basically right there. We are doing 10 per every other Friday, and the reason that we do 10 is because that is all of the computers that we have. We do not have any more than that and they're working at the same time. So give me 40 more computers, I can do 40 a day. But I think how to expand? We expand every Friday, Thursdays, and Fridays. And then, we would have to coordinate with more settlement conferences. The future, obviously, we should have, it is a shame that we have to rely upon volunteers to do this. It would be best if I could have a really good lawyer and a really good paralegal working every day of the week and they could put out 100 a month. But in the meantime, we are doing this with the One Day Divorce now. Basically, the One Day Divorce process is an innovation and process with the use of volunteers to deliver faster, smoother, and more satisfactory service but the five minutes follow-up project is in innovation and technology, which we deliver faster, smoother and more satisfactory service so I will talk about FOAHs. Then, we will have questions if anybody has any. First of all, again, what is the problem? Those of you who have been in family law know basically what the problem is. We issue minute orders so the hearing is over, I write out a minute order, and we give it to them. What they have to do with that is take that minute order and if they have an attorney, the attorney makes it into a formal order after hearing. And then that is sent to

the court and then we process it and it is sent back to them and the fastest that the process goes is maybe a couple of weeks. If they are self-represented, they give it to the self-help center and that minute order goes there and it sits there. It gets sent up to me, the same thing, sent back, processed and that process can take anywhere from 2 to 3 months. Remember that we are talking about orders here that may be immediate custody orders, orders for immediate support. These are significant orders in the lives of these people, and they may not have a formal order for it until a couple of months later. They can show people the minute order. If they show them my minute order, they will not be able to read it. Because I am the only person in California who has had a District Court of Appeal criticize their handwriting, and they were right.

>> [Laughter]

>> The third district, nothing personal --

>> I am looking at Harry.

>> That is true.

>> [Laughter]

>> I did not know that Justice Hume was part of that but it was an appropriate criticism. But the sadness about that is that if you are thinking that you are protected by this minute order and you show it to the cop and he says, I do not know what this means or says, then you need to have a formal order in order to get to the next steps. Is there a way that we can go from the decision I make on the bench, directly to a formal order after hearing? The solution is five-minute FOAH. What if a Justice could type directly into a FOAH? Again, knowing that all of the forms and all, it would mean that you have to sit there come with all of the forms and you have to fill them out and type it down to the right line, et cetera. So we have to create a technological solution so that a justice can have something that is simple enough for a justice to use but go into a formal order after hearing. Also, a little bit more sophisticated which we're already using, what if I could dictate directly into a FOAH, which is what I am doing right now. And basically, eliminate the minute order step entirely and we have got the five-minute FOAH project so what we have with that is that I either type or the clerk types directly into an input sheet that then is populated. It populates all of the formal order after hearing context. If you do a child support, it has to have documents. If you do custody, it has to have certain documents attached to that. You make a couple of entries in the input sheet, and that automatically populates, not just the form, but also the attachments that have to go with that. And that can be done either by the justice or the clerk. I do it myself. I have some in my court who actually have the clerk do it. And then, as they say, they check the boxes. What the program does—it knows what forms—if you check \$50 a month for the first child and child support payable on the first of the month, it knows what to populate with that entry. And also, just some cool things, if we have a Family Court services recommendation we press a button and the recommendation comes out. And if you want to change 4:00 p.m. to 4:30 p.m., you go to the line where it says 4:30 p.m. and change it to 4:00 p.m. right on the recommendation and then you press a button and it immediately attaches to the formal after-order hearing. For those of you who do this, it attaches ex-spouses or do some masters so that we calculate the support on the program and press a couple of buttons and then

that ex-spouse is attached to the formal order after hearing so all of that stuff is done automatically and they have that within, literally, five minutes of the time that it is published and they published it within a couple of minutes of the time that I give it to my clerk so that by the time they drive home, it is already available for them to get the formal order, and they download it; we do not give them a hard copy. We used to give them the minute order but we do not give them up because we're trying to go paperless. This is basically part of the steps. They are delighted they don't have to wait. Just go home and download it. Great, I will do that. So it is immediately online. The litigants, the attorneys are just ecstatic about it. You mean I do not have to go into the formal order after hearing? Yes. It is done. You have got it done. The future, obviously, with the next step, within the next month or two we're going to be able to scan documents so people come in with a document that is: here is our decision about how we want to divide up Christmas and Hanukkah this year. We can take that and scan it in and that will also be attached to the formal order after hearing so we are going to do that in a couple of days. Now, if we had money, wow, we could really do something. It would be greater but I'm going to tell you that this is not the end, so the next step is we are going to—domestic violence perpetrators and domestic violence victims—who do not want to be in the same room when they have to come to mediation. And right now, yes, we give them separate mediation, but that has a number of problems. Number one, they have to be in the same waiting room, and maybe the child is there and they're going back and forth and there are the glares and that. As a result of that, they are unhappy going there. The mediators are not happy with this because they only see one side for 20 minutes and the other side for 20 minutes and they cannot go back and forth. So the next innovation that we are doing is simultaneous, safe, separate mediation, where we are going to have the domestic violence victim at the family justice center; that is being developed in Sacramento on Skype. In the courtroom, in a separate room, they will not be seen, both the victim and perpetrator, because this is already someone who has been convicted or found to have a restraining order against them. They will be able to talk to the mediator and the mediator can go back and forth without the perpetrator or the victim hearing each other or seeing each other. It gives all kinds of security for the victim, which we have needed to do for years. In order to find out all about the program, you will have to invite me back next year. Thank you. Any questions?

>> There are lots of hands raised.

>> Justice Miller.

>> Thank you. I hope that I do not see you.

>> [Laughter]

>> Anyway, but my question is, --

>> Do not worry. I am very kind but I am Googling this, the age of technology, have you ever spoken with Justice So because they have one day. In fact, they have been wonderful. They came up to Sacramento to see how we did that. And they adopted it from us and they had their own innovations which are also excellent. They also had the advantage of a \$30,000 or \$40,000 grant which we did not have. I think that I contributed about five dollars to buy something one day for

a cup of coffee for somebody. So we had no money to do this. They have a more sophisticated program, but it is on the order of One Day Divorce, but, yes, we were the originals.

>> Have you tried to reach out to the other family court to see if that could be done in other counties?

>> Yes. That is what I'm doing right now.

>> Thank you, Chief. I just wanted to note, since my court came up, the Chief's former court, I was not on that panel.

>> [Laughter]

>> You would have said the same thing I am sure. It was Justice Morrison.

>> I think it was Justice Morrison and it turned out that there was some concern that this writing was in the record and they wanted to make sure that whatever its significance may have been to the resolution of the appeal, it turns out that it was the Justice Mize grocery list.

>> [Laughter]

>> I guess I am one of those old friends who is getting older.

>> Yes.

>> I wanted to thank you and compliment you for being willing to rush down here, and then, for all of the innovative work that you have done for your entire career, both on the bench and off of the bench. You are an amazing, wonderful person, and I am happy to be your old friend.

>> Thank you.

>> Thank you. Justice Mize. I want to make sure that the concept is in the innovative knowledge center, on the website just so we are able to keep track of these ideas and, at your leisure, I have opened it up and looked at the programs and this would be wonderful to have there. And I join in thanking you for your presentation and if you do not know, Justice Mize has a great presentation on civics and democracy with an emphasis on the judicial branch. It gets a lot of play statewide as well.

>> And when I've given our presentation to my juries, they apologize if they have to not serve that day, because they recognize how critical the jury system is for our system of justice ever since, obviously, the Declaration of Independence.

>> Thank you. Thank you Justice Mize. Thank you.

>> It is a pleasure to be here and invite me back someday.

>> Definitely.

>> Next is our regular consent agenda. We have 21 items ranging from topics about court facilities and jury instructions to reports to the Legislature and Judicial Council-sponsored legislation. And I do want to take this opportunity to thank all of the Judicial Council advisory body members and staff for their enormous amount of work that goes into their volunteer work that prepares these reports and brings them up to our consent agenda. I want to point out, Judge Nadler showed you earlier in a presentation, there are 25 of these committees and you saw an example of just today in the information session, for example, the work stream, things going on behind the scenes and what you see on the consent calendar. It is something that is representative of the work that is being done around the clock in order to improve access to justice. I say to the volunteers, the over 400 members on the 25 different Advisory Committees that their dedication of their free time and their expertise truly enables counsel to accomplish so much policy and decisionmaking on an annual basis. And as you know, under our rules, any council member may request that they can send item to be moved onto the discussion agenda. At this time, we will deal with those consent agenda items and I will ask for a discussion. Yes.

>> If it is okay, Chief, I just have, if you are at that point. I have two of the consent items that I wanted to add some clarification and make sure that it is in the record. The first is 15-410 which is court facilities and deals with a public parking rate and if you read the report and the summary on the agenda, it would lead you to believe that this was just staff driven. And the Chief had created a facilities policy working group, which was looking at facilities issues, involving parking and also the next one which is art. So is this item to go through the Facilities Policies Working Group? And it was approved by them. And it was provided the information which staff has summarized in the report. So it is not just staff driven. It has been reviewed by a Judicial Council Facilities Policies Working Group. That is the first clarification and then on 15-412 which again deals with court facilities and the new arts policy, I wanted to make sure that it was clear. I'm convinced that it is in the report but I wanted to make sure that, again, for the record that this also applies to the Judicial Council and courts of review. And again, that it is clear in what we are going to approve and recommend today on the consent, that courts cannot use court money or construction funds with regards to the purchase. So, with those two clarifications I think we are okay to keep them on the consent.

>> Thank you very much. I know you have had a chance to review the matters and so I will entertain a motion to move the consent agenda items if anyone is ready.

>> I will so move the consent agenda items.

>> Thank you.

>> A second.

>> Thank you. [Vote Being Called]

>> All consent agenda items passed. Because we have some breaks this morning and because we can finish, I believe and we have some concerns about the weather and others I'm going to move

through to the discussion agenda and skip our break. Please feel free to leave periodically if you need to so that we can finish the rest of the agenda. On the discussion agenda is Judicial Council facilities update and this is not an action item. If there are no materials and I invite Justice Doug Miller and Judge Wachob as well as Martin Hoshino to present on this issue.

>> Thank you, Chief. The next item, I believe, represents the last of the major recommendations from the Chief Justice Strategic Evaluation Committee: recommendations that council adopted and turned into directives. And one of those directives was that the Judicial Council directed the administrative director to evaluate the location of the council staff main offices, based on a cost-benefit analysis and other considerations. The progress on that particular directive has been reported to the Judicial Council over various times from 2013 to a number of the recent council sessions. In January of this year the California State Auditor included a similar recommendation, that the council staff agency should conduct a thorough cost-benefit analysis of moving its operations to Sacramento. As directed by the Judicial Council, that is exactly what Administrative Director Martin Hoshino did, with one addition. To ensure that it was a fully independent cost-benefit analysis, he did not have Judicial Council staff do the analysis but solicited the help of an outside vendor with substantial experience in this area. Martin was going to mention his report today, his administrative director's report, the actions he has taken as a result of the cost-benefit analysis, which he received. But I asked that he expand his administrative director's report and share his decision and analysis with all of us in this format. I also asked the judge if he would also participate by giving the report some perspective as a result of his chairmanship of the SEC committee. So Martin will recap the analysis and decisions he has made once he received the cost-benefit evaluation, which all were consistent with his responsibilities under rule 10.80, subsection D of the California Rules of Court to allocate the financial and other resources related to that Judicial Council staff to achieve as the branch goals and policies adopted by the Judicial Council of California. So, before I get to Judge Charles Wachob, we wanted to make sure that this information was brought forth in a timely manner and that is why we are here today and that is why I asked Martin to include it in the administrative director's report but because this is a detailed and very thorough report, I felt it was important that we also give Martin an opportunity to have a more formal and detailed discussion at our February meeting where he can talk about the decisions that he has made in this regard along with a number of others that have been made and will be made in relationship to this other issue and many others. With that, Judge Charles Wachob.

>> Thank you. I do not know if I have anything tremendous to add except that Justice Miller did ask for a few sentences on historical perspective, leading to where we are now so I can do that and I will name that tune in one minute. So when the Strategic Evaluation Committee was formed, it seems like 1 million years ago but we did our work in 2011 and 2012. We were tasked with assessing the Administrative Office of the Courts to ensure greater transparency, accountability, and efficiency in its operations. One of the things that the committee concerned itself with and noticed and heard from the court around the state was the multiple locations of the various AOC operations at that time and that is when it was called the AOC and not the Judicial Council. So we felt that a periodic or intermittent review of the long-range planning and operations, including facilities with something that needed to be looked at, the Strategic Evaluation Committee made only two recommendations having to do with facilities. Not mentioned at the present time. The first one, which has already occurred, which is that the lease,

at the Burbank facilities being evaluated and potentially terminated, it has already essentially been in play in the second recommendation and I will quote because I think it is misinterpreted sometimes. It was as follows, "As part of the long-term planning, the AOC should consider relocating its main offices, based on a cost-benefit analysis of doing so." So the committee made a recommendation that the facilities be moved from San Francisco to Sacramento but recognized the importance of a detailed cost-benefit analysis. Where we are right now is that is being done. Martin Hoshino has seen to it that a comprehensive report has been accomplished and it will be for the council for further reading and consideration, I think at the February meeting. It is a very, very detailed report, over 400 pages. I personally have not gotten through it but the point that I close with is that we are on track in terms of meeting the directives of the council adopted as a result of the SEC recommendations. Thank you.

>> Thank you Judge Wachob.

>> Martin?

>> Thank you for the opportunity to expand about the past and decisions that were made. And yes, there is an independent comprehensive analysis that was conducted. I want to emphasize a little bit on the methodology of it. Report uses a 10-year model to project out all costs associated and this became imported because much of the analysis to date which is spurred the interest in this area was a really point-in-time analysis of the then markets as they exist and, are there saving opportunities? Are there better operational opportunities in terms of how it is you are distributed and located and how you operate throughout the state? Of course, when you're making decisions of this magnitude, point-in-time is not satisfactory, and you have to make some reasonable projections, not only in terms of what your long-term lease commitments are in various places, but as it is a well known by now that there is a bond debt service payment on a building in San Francisco for which the state had a theory or intent that it would build a building specifically for this particular operation as well as others around the state, at the time, in the 90s, and that the wisdom, the thinking at that time, was that once that payment was resolved, you had in fact instructed the building that this was actually the more wise fiscal decision for state operations at large and specifically for this particular operation. This particular 10-year window was not to intentionally capture that but it was a 10-year window to take a look at long-range forecasting. There are other industry-standard practices that actually go beyond 10 years, that will actually use 20-year forecasting, when looking at facilities. We settled on 10 years because just in terms of professional judgment or at least in consultation with the contractor 10 years seem to be a more reasonable window given the pace and rate at which things are changing today. And that the industry is actually moving closer to the shorter-term models. So I hover there for a moment also because there is for a discussion, as you digest the issue in the report, every number in terms of cost that people focus on our 10-year numbers so these are not annual year-over-year numbers. So as we digest the report and the decisions that we have made, we are looking at, again, a longer-term thing and that is how the report is actually put together. I would also note that the report in its comprehensive nature actually goes beyond that which the SEC and the state auditor in particular had focused on. And I do not know if that is necessarily for the SEC since it had a broad thing. I've analyzed facilities but what we captured there tended to be focused on the large regional offices out there and we identified some additional mini-field offices that existed in the area facilities. So we had captured them in the analysis and included

them to make a decision. The report also outlines a recommended criteria by which to try and reach a decision. It enumerates the criteria in detail, pretty simple in the report. But it does not wait for those decisions. Part of the criteria is derivative of the analysis or the evaluation or the commentary that is actually in the SEC report and/or in the state auditor's report. The kinds of things you might want to consider and why you would want to explore and actually conduct a comprehensive analysis like this, so it draws on those elements as a criteria. It also offers some additional ones and presented with that recommendation but makes some suggestions about where are some potential scenarios and a criteria. So it fell to me to take the scenarios that were developed with all of the elements and costs associated with it and then really push it up against that criteria to see what might lend a responsible operational decision. Some of the elements of that, of course, were cost. It was improving working relationships with sister branches. It was minimizing service disruptions. And maintaining performance. Keeping continuity of operations. Among other ones. As well as the statutory directives of that were involved. A lot of that statutory directives and the statutory schemes that were in place were actually part of the original construction of this facility in terms of its intent. So we looked at all of those things that were enumerated in the report. The report did not talk about weigh these decisions but it did fall to me to put some weight on these. And then there was an element of operational risk. Because, and the prospect of moving, the programs, throughout the state in two different locations, there are a number of lease obligations that are in play. So you have to make some assumptions on if you can actually backfill for space, and the bottom line that I want to get across here is that when you start to move things around, you do create risks or exposures where you think that you are solving one problem by moving into a space at a lower cost, but you could also be then creating a liability on the other side, because you still have an obligation to be paying off the rent in the facility that you are leaving. So all of this has to go into the mix. To lead to a summary of decisions which I am going to explain to you now. The first one was, we had decided to retain existing offices in San Francisco and Sacramento. We had decided to close the Burbank operation as council member Wachob described and to consolidate the employees in that location to either one of the locations in the north and either San Francisco or Sacramento that we had decided. To close wherever possible the small mini real estate field offices throughout the state and to try to co-locate the staff that actually provide direct support facility services to courthouse hubs throughout the state and to put them in an individual particular courthouses. That is what we actually do with some of the other real estate support staff. But there was a group of facility staff and I think the number is in the mid-20s. They are out there in these mini field offices and to the extent that we can close them and consolidate the staff and move them, we will. And to close and move the Governmental Affairs office, which is located in downtown Sacramento, to a suburb that is outside of downtown Sacramento, where we have the bulk of our operations in Sacramento, an area called Natomas. So it was those decisions that were derivative of the weighing up all of those considerations. By far, for me, the one criterion that stepped above all of the others or at least was on the same footing as just fiscal savings with making sure that the delivery of services and the performance was high on that mark and on that level. Many of the scenarios that you look at that are fiscal savings are actually predicated on what I refer to as one-time savings. So in the scenarios that have savings, they all have an amount of one-time savings. There are two scenarios, however, that have one-time savings that are completely and, in my opinion, over proportionally weighted on one-time savings associated with staff turnover, meaning that they are one-time savings and the best way to describe that, you will make a decision to move a facility. The staff will then depart. At one rate of pay. You will then rehire

potentially at a lower rate of pay and the time it takes you to rehire gives you an amount of savings. But it is only a one-time event. It is not the same as rental savings. That is the other type of savings that are present in there. So that all came together and in the in English version of all of this, I selected the scenario that I felt, A, gave us some fiscal savings and, in addition to that, though, protective service levels for the courts that we support as well as the public that we support or provide services to, either directly or indirectly through the courts. And it is because of the other scenarios that it would create I believe either unacceptable or mass disruption to the attrition rates of the staff. You would render our operations interrupted, therefore interrupting services, and one scenario is so drastic that I think it would really cripple our operations in the short term, if not for many years to come. To me, this was a business and operations decision, and I emphasized that because that is how it captures not just service and performance but also the physical aspects. I understand that people want to look at the physical parts of it but again, to me, this is an operations and a business decision and in doing so, it is the most responsible decision in my judgment to do that and the other thing that is not so much in some of the writings that we have already put out there and not in the report is that the analysis really forces us to confront another reality. We no longer have a regional service delivery model in our operation here. The Judicial Council or the AOC, as referred at one point, had been set up to have regional officers and deliver regional services throughout the state. The decision, in fact, I do not know if it predates the SEC or after the SEC but what the facts are is that the Judicial Council has been retreating from that model and, in fact, has eliminated its regional office director positions. It already began the attrition or the attenuation and retreat from regional service and it forced us to kind of confront that so this was a regrettable decision. A part of the explanation for our good employees in the regional office of Burbank that said that is not how we are structured. Not only is that either the near past or the present state of where we are. When you give consideration to the reality ahead of us, again, in the five, 10 years that we are talking about, it is probably an unlikely and reasonable assumption to make that we will not be expanding regional services. The California court system has either been reduced. It is either still going to be reduced or it is contracting but it is certainly not in a state of expansion. This is obviously seen in the filing rates and the public usage and partners' usage of our system and that is the reality of where we are. We hope that that is plateauing and we are seeing spikes and trends of different directions but I do not think it is unreasonable to say that we will not be expanding. So is the Judicial Council operation logically expanding throughout the state in a regional matter? It was my conclusion and best professional judgment that, in fact, we would not in the next 5 to 10 years be doing that and so it made yet another reason why it made sense to begin to either finish or accept the reality that we are not a regionally based operation. The truth is we are delivering vast amounts of services throughout the state and we are doing them from two primary locations which are in Sacramento and San Francisco, so the bottom line, it's a business and operations decision. The most responsible decision in my judgment, the alternatives would have been far too disruptive to the operations of the services and the public that we support. And I think that this protects service levels where we want them. It also candidly helps us hang onto experienced staff with knowledge and skill sets, and we are not unique, and that every public sector and private sector operation in the state and in the nation is dealing with the brain drain associated with generational demographic employment aspects. So we face the same exact struggle and the same exact problem, so this decision protects that as well. What you can expect next is implementation has already begun. It is, in fact, underway. We are terminating the leases. We are working with our employees as best we can. We are providing answers to their questions. We are hiring folks

to help them actually find their work. The HR team has used its existing staff to create teams, in order to analyze all of the skill sets of the employees. We have worked with Cal HR to see what vacancies are available. The facilities team that has the real estate piece of the many offices is already doing outreach. Two other courthouses where it may be able to land folks in their analyzing the leases of what can happen, where and when, and the directors and managers are meeting with staff to outline how it is that they can smooth out the transition so that we can protect performance as best we can. I want to make the members and public aware that when you do things like this, there will be issues of stability and issues of performance. Those are just the facts and the reality of implementing decisions like this and of course we will report during the course of the year and course of the implementation at the time that we complete it. Thank you.

>> Thank you, Martin.

>> That is it. This is informational. Thank you. I appreciate the information and as you indicated, there will be additional follow-up on more global changes for Judicial Council staff, in February. This will be part of that. Our next agenda item is the mental health issues of limitation task force, final report. We welcome Judge Richard Loftus, a judge who chairs the Mental Health Issues Implementation Task Force. Welcome.

>> Thank you. Well, they are passing out copies of our final reports. Let me begin by saying, unlike Judge Mize, I will not identify anyone as old.

>> [Laughter]

>> I do see a number of familiar faces.

>> [Laughter]

>> They are here. And I am also sensitive to the time of your meeting today, and your pressures to get things done, so I will take about 10 minutes of your time. Let me start with a personal note saying thank you to the Chief and to the Judicial Council for permitting me to chair this task force for the last four years. This work, along with my time on the original task force, has been the most satisfying and fulfilling of my judicial career. I sense that we have begun to really make a difference in how the mentally ill are treated in the justice system. The California courts have shown a real leadership and gained the attention of our justice partners. It is now conventional wisdom that our society has demonized and en masse incarcerated the mentally ill. Especially those with drug addiction and co-occurring disorders. Both nationally and in California, there are several efforts to reverse this reality. The President has endorsed a program called the Marshall program, the U.S. Attorney General has initiated a wholesale revision of federal sentencing guidelines. There is a national effort by the National Association of Colleges, the Council of State Governments, and the American Psychiatric Foundation called "Stepping Up." The police chiefs have also begun an initiative. But this council was way ahead of the curve, seven years ago, when it appointed a task force to address these issues and make recommendations. You adopted those recommendations in 2011 and charged our task force with the work of putting them in place. Our implementation task force worked very hard as a dedicated group of judges and court executives with a devoted staff from the Judicial Council Center for Families, Children

& the Courts, to implement many of the original 137 recommendations within our purview and we're proud of our work and to present it to you in our final report. Please let me summarize some of our key accomplishments. We have critiqued and supported legislation, collaborated with other advisory committees, and the Office of Government affairs, to comment and advise on new proposed legislation. There are dozens of mental health bills introduced each year. We worked with the Family and Juvenile Law Advisory Committee to fashion a juvenile mental health competency bill that you just approved on your consent agenda. We proposed to you and you adopted two new rules of court that require presiding judges and/or criminal court supervising judges to meet with our justice partners and encourage them to adopt local protocols to deal with mentally ill, and those with co-occurring disorders. We have assisted trial judges in several ways. We helped revise the curriculum and helped present several judicial programs in the California judges. We designed an ethics course, distributed it, and posted 24 new resources and tools for judges to use in court with the mentally ill; scripts and briefings that are accessible and user-friendly. We had proposed suggestions on the use of technology. In the course of our work, we learned that issues with the mentally ill cut across all case types. Sometimes the same person. We have reached out to family court services professionals to raise awareness and propose options and alternatives for the mentally ill in the family courts but we also provided a judicial education program for the mentally ill in the family court for judges and attorneys. You may have seen it in the *Daily Journal* legal newspaper recently. We served as faculty for a satellite broadcast for courtroom clerks, working with courtrooms hearing cases involving the mentally ill. We met with many of our justice partners to explore ways to have them adopt those recommendations that were within their purview, information sheets, behavior health directors, sheriffs, forensic mental health associations, who, by the way, awarded you their highest award this year for this work. I picked up the award for you and have it here today to give you. And the Department of State Hospitals. Concerning the serious problem with the numbers of the incompetent to stand trial, the California Council and mentally ill offenders at the encouragement of a judge member of our task force has adopted a recommendations as it set of goals. We attended the summit last year called by the L.A. district attorney on the mentally ill and urged them to look at a recommendations going forward. They did. And recently proposed a blue ribbon program with seven initiatives to change the way the mentally ill are dealt with in Los Angeles. I should mention that two of those initiatives are chaired by superior court judges. One advisory committee has worked with the staff consistent with the rule of court that I just mentioned. The L.A. Board of Supervisors recently provided \$100 million for this effort. The savings from Proposition 47 for the mentally ill going forward should provide funding for such efforts statewide. Realignment was the product of many factors and one of those was that these recommendations, if implemented, would work, and to the extent realignment has been successful, it is in part the result of judges and our justice partners using this work. In many ways, we are a leader and a model for the rest of the country. Our work is far from done. The problems are too complex and the stigma is too entrenched. Hence, the now very public efforts by the President, the U.S. Attorney General, police chiefs, district attorneys, and others, to weigh in and address these issues. We cannot take full credit for this reawakening. The facts are too apparent and overwhelming that we have raised awareness of; some of these efforts explicitly mention our recommendations as the basis of their ideas. I hope that this is not just the issue of the day for them, which will soon be set aside. We cannot let that happen; it is too important. These efforts require sustained attention. Our recommendations and our final report to you contemplate that. We need to continue our leadership. Providing equal justice for the mentally ill

should be no different than providing an interpreter for someone with a language problem or accommodating a physical handicap; it is only fair. One out of every four, five, or six people in our courts has a mental illness. 43 million citizens have some form of mental illness and 10 million have a serious mental illness. These are the people we lock up in criminal court. To restrict their time with their children in family court takes the children away in dependency court. Sometimes, these parents are returning veterans with PTSD or other conditions. Families are struggling with mental illness. They need special attention. Families discover that they have a juvenile who is mentally ill. We see them in unlawful detainer action, often self-represented and homeless. Some see the justice system as broken or inequitable in this regard. And sometimes it is. We can do better. We, as justice leaders, must insist our justice partners collaborate in efforts to change these systems. As Senator Steinberg said last week at the bench conference, the courts are in a unique position to change the way the mentally ill are treated in our society. This is a dynamic field with new laws every year, and evolution of evidence-based approaches happening constantly. Unquestionably, recent events will lead to new legislation concerning the mentally ill. We are getting smarter about this work. But we need to stay on task and dedicated to our goal of equal justice for the mentally ill. That is why our recommendations include tasking several advisory committees with the role of continuing this work. Each committee should annually set goals to address issues concerning the mentally ill that need reform rising in their case type in their annual agenda. Then, work to achieve those reforms. This council as overseers should insist that we have judges who have experience, that are willing to help. For several, the task force has been in negotiations with the Department of State Hospitals for several months, regarding the process of the incompetent to stand trial in our county jails. Since their case has been suspended, this is an issue that falls outside the purview of the Criminal Advisory Committee and should be part of the annual agenda of the probate and mental health committee for follow-up and resolution. We have also been discussing with the Department of State Hospitals the recent Supreme Court decision that implicitly requires hospitalized mentally ill offenders in many cases to give up their bed at the hospital to come to court to waive jury for an extension of their commitment. They are then in the county jail and have to wait sometimes months for another bed to return to the hospital for treatment. These are just two examples. Let's build on our efforts and experience and continue to be a national leader in the mental health justice reform. I ask that you accept our report and its recommendations. I would be pleased to take any questions you may have.

>> Thank you. Justice Miller.

>> I don't have a question. I just want to commend you and your committee for the excellent work that you have done over these five or six years. You should be very proud as you have implemented many of them. You have put this in a position where the work can continue, and, as you have indicated, it really is spread out over a number of the different committees that we have, based on our conversation over the past many months, that you have our commitment as a council that we will do that. So again, I want to commend you. I want to thank you. I think you should be proud of the work that you have done. I don't want to interrupt others of their questions or comments, but if you look at the five recommendations on page 2 of the report, I am going to propose a couple of additions. I can make a motion later, I can make it now, but with regards to recommendation number three, I felt it was important that somebody be designated by the Judicial Council to go through the recommendations as to what work needs to be completed

and where it should be assigned so I would like to propose a little committee of myself, Justice Hull, since either of these would go through E&P, and I would like to add Judge Anderson to that, that we would be designated with the task to make those assignments to the individual committees. With regards to number four ...

>> Before you go forward, so your question that recommendation number three is to add an amendment to indicate that the coordination implementation efforts amongst the advisory body chairs, that these efforts be directed to internal Judicial Council chairs of E&P and RUPRO and other members to oversee.

>> To make the appropriate assignments into the appropriate advisory committees with regards to the assignment of the work that needs to be done.

>> Assignment to appropriate advisory committees. Thank you.

>> Four, one of the requests there is that the trial judges appointed to the various advisory committees have mental health expertise, and that would require a rule change, and I think it is important to initiate that rule change so it is clear that these appointments that we are adding to the various committees have a mental health expertise or background. So that would need to be assigned to RUPRO to propose that rule. Those are the additions I would make in my motion, I guess. I am recommending that we adopt 1 through 5 with the additions I mentioned in 3 and 4.

>> It is page 2 of the report in the binder, not in the document that was handed out to you today but it is ...

>> Thank you.

>> In anticipation of Justice Miller's motion which I do not think has been made yet.

>> I will make that motion.

>> That motion having been made speaking on behalf of the Rules and Projects committee, we would be more than happy to undertake those tasks.

>> That will be a second.

>> [Laughter]

>> Thank you.

>> Making of the motion and the second has been accomplished. I appreciate Justice Miller's comments here to make sure and Justice Hull's commitment here as well on behalf of RUPRO to make sure that there is accountability and implementation and assignment to the appropriate advisory committees. I think that my comments have been accomplished, but I would like to join in commending and thinking Judge Loftus and members of the task force for I think incredible work and staff that I know supported them in this very, very important area. Thank you.

>> Thank you.

>> Thank you. Before we call for it the vote, I also thought that your work has been groundbreaking and truly, in 2008, because the judicial branch sees life come to us in snapshots of cases, the judiciary knew then in 2008 that to study mental health was a critical part in improving access to justice and compassion and humane treatment of all. At that time in 2008, Chief Justice George and the council approved this study. Your work has been long-standing, and your statements here, I think, quite powerful. And accurate about what we have seen unfold in the courts, and the public, and the great need to address it as well is not only in the judicial branch, but in the prisons and in so many of the organizations that are local to assist people. So thank you for your work and thank you for the work of the members who, in the report that you have just distributed, not only on the task force who are listed, but also the operations division of the folks at CFTC who have really made all of this happen. It was not an easy task, and I know that when you are ahead of the curve on an issue that you see coming, it is sometimes to get people to really listen to the topic that you are discussing until it becomes now, where it is the issue, and we have the report. I am proud that other organizations are taking advantage of our recommendations and initiatives and using them. Thank you.

>> Judge Taylor.

>> I would also like to applaud your work and your task force's work on this and the council's commitment to this issue. I mean, you would have to be blind not to see how society manages this problem, not just in the courts but outside and it really is inhumane. The way that a lot of these good people who really suffer from misfortune and having this type of illness, how they suffer in society and often are just thrown away. Putting them in prison and storing them in the courts and processing them through is not the way to handle issues like this because they often do not know what they are doing and don't know, not only the ramifications but really right from wrong in a lot of cases. So I applaud you on this work and applaud the council's commitment to it, and this really is a monumental problem that, I mean, a task force reviewing this for a number of years is important. The follow-up is important. But I would hope that there is at least some measure to make sure that, once this is passed on to the committees, that the response of this is review. So that this is not a moment in history, but this becomes more of the norm that we deal with as an ongoing basis. I have spoken with a couple of the council members about that, and I hope that the response is, in some way, a continual response. So I would like to thank you.

>> Thank you.

>> Thank you. Judge Buckley.

>> You can invite me back next year and I will give you a report again if you want. But that is maybe a good segue. I would loudly applaud the work of the task force. It is phenomenal and it will lead to great results in our state. I agree, Justice Miller, as to the addition to number three. Would that group monitor number five? Make sure that each of the advisory committees report on the results of their efforts? I do think that it would be good to have it somewhere monitoring and ensuring that each appropriate advisory committee is reporting and, if not, there be some way of following up on that.

>> I do not have any problem with that. With that group. We can add more to it or not after this meeting. I do not have a problem with reporting that. It will be able to track it through the annual agendas. And then through the annual agenda reviews and we can report that.

>> I do not have a problem doing that.

>> And on behalf of reading number five, I anticipate that E&P would ensure that number five is taken care of as to the advisory committees for which each of those internal committees had oversight.

>> That is satisfactory. On number three, are we hoping that these positions would be added this year? I know that there has got to be a rule change, but I'm wondering if we add language as soon as practical or if you believe that you would get to that as soon as a rule is approved, that would be great. The sooner the better.

>> It would be as soon as the rule occurs. The amendment to item 5 is really that the advisory committees report to the Judicial Council via RUPRO and E&P. And for people who may not understand the inter-workings of how the advisory committee interacts, the advisory committees are divided up, all 25+, by reporting to different internal Judicial Council committees with their agenda for the year. Therefore, the membership and their agenda and their accomplishments are brought to council via the jurisdiction of the internal chairs and the committees that they chair. So there is this direct line to the Judicial Council from the advisory committees. So with this discussion in mind and not meaning to cut it off in any way, all in favor of the recommendations items one through five as amended, please say aye [Vote Being Called]. The matter carries unanimously. Thank you for your work. Thank you.

>> [Applause]

>> At this time, we address Judicial Council 2016 legislative priorities. I invite Cory Jaspersen and Judge Ken So, chair of PCLC. This is an action item. But each year the council authorizes sponsorship of certain legislation to further the key council objectives. We recommend an approach for advocacy with our sister branches. And Cory is going to help outline for you what we have done. It is included in the report. To you.

>> Thank you, Judge So, and members of the council. I'm happy to be here and it is December, the Legislature is on their fall break. They will come back to the capital in January in the new year. So this is the time of year that the council approves priorities and sponsorship of various proposals to work on this year in the Legislature. They are detailed in the agenda. I will hit the main highlights. The first area is to continue our work on advocating for budget stability for the branch. This would include a couple of things, what is continued advocacy for sufficient fund balances to allow courts to manage cash flow balances. Also to work on a method for stable and reliable funding for the courts to address annual cost increases, based on operations and planning for the future. Also for additional resources sufficient to allow courts to continue to improve physical access by keeping courts open, to expand access by increasing the ability of court users to conduct branch business online, and to reinvest in critical programs and services that were reduced or in some cases eliminated in the past few years. I would also note that this also

includes seeking the extension of some sunset dates on increase filing fees that were implemented in the FY 2012–2013 budget. There is some detail in the fees. It is primarily that there are some various filing fees that fund the Sargent Shriver city council project. There was also a \$40 special probate notice fee that was approved by the Legislature in 2013 that is set to expire as well. The amount: a few million dollars that those fees bring in so that would be part of the budget negotiations. The recommendation from the policy committee is that we would seek funding for additional judgeships as we have in each of the last eight years now. I think there was one year a couple of years ago that we took a one-year break but every other year we have sponsored legislation to get funding for the 50 judges that were approved by the Legislature back in 2007 that have not yet been funded. We had the bill on the Governor’s desk this year that was carried by a senator from Riverside that would have funded 12 additional judgeships. Unfortunately, that bill was vetoed. The Governor did provide some direction in his veto message, and in addition to seeking yet again funding for the additional judgeships, we would also work with the administration and the Legislature to address the specific concerns that the Governor raised in his veto message to continue working on this year. That was also one of the topics for discussion at the Futures Commission public hearing here earlier this week. No solution yet. Ultimately, we will need to have something to address that in the legislation. This would also include seeking funding for an additional justice in the Fourth Appellate District. The legislation that we have in place this year ultimately only contained an appropriation for the judgeships, but we want to continue to remind Justice Miller to check in with me frequently to make sure that we are talking about additional justices as well. The final piece of the funding for additional judgeships would also include continued advocacy as is done each year for legislative ratification of the Judicial Council authority to convert subordinate judicial positions in eligible courts to judgeships when those positions are vacant. Another piece of the advocacy this year that has been a hot topic, certainly for the last six or seven months, is the issue of what to do about the fine penalty structure in the traffic arena. So the recommendation is to advocate for a three branch solution to ensure the fairness and efficiency of that system. So far this year, all three branches, including the emergency rule that was developed here by Judicial Council, all three branches have taken some action to address this issue but a long-term sustainable solution has not yet been determined. We also are recommending that the council continue to sponsor legislation to improve judicial branch operational efficiencies, including sponsorship of a number of cost savings and cost recovery measures that are listed on page 3 of the memorandum. As you know, in each of the last three years, we have brought forward more than two dozen individual proposals to the Legislature that would increase efficiency or cost recovery. We have had some minor success in that area, but we will continue working on those issues. They are listed in the agenda. There is also a list of the various proposals that we have not been successful in the Legislature that are listed there. You can take a look at that as well. The final piece is really more of a technical adjustment. It would be a recommendation to delegate to PCLC additional authority to take positions or provide comments on behalf of the council in addition to proposed legislation but also have that authority to comment on proposed administrative rules or regulations. Of course, after evaluating input from the appropriate advisory bodies, council staff, and PCLC. There is some discussion on that on page 6 of the memorandum. Primarily, if you take a look at the delegation of authority in the rule of court to PCLC, it references specifically legislative proposals, and this recommendation would broaden that a little bit. For example, the Law Revision Commission may be considering recommendations at their level that are not yet in legislation, but it will be useful to engage at the commission level at the rule making level, rather

than waiting until it shows up in a bill. So that recommendation would include administrative rules or regulations, in addition to actual bills and legislation. That is the conclusion of the priorities. I'm happy to answer if you have any specific questions on any of those items.

>> Thank you, Cory. Judge Tangeman.

>> I have two questions, perhaps they are requests for clarification. On item number one with regards to seeking the extension of sunset dates on increase fees, I just want to clarify: are these the only two sets of fees that are at issue here?

>> That are at issue now. There are a number of fee increases with different sunset dates. There was about \$40 million worth of fees that were extended in the current budget year. And the Legislature ended up extending those another five years, so they are going to expire again, so the Sargent Shriver project as well as the \$40 probate special notice fee are the ones that will expire.

>> So for the 2016 legislative priorities, these are on the table for our action today.

>> Yes. Correct. But there are several batches of fees that all have different sunset dates.

>> More will come in the future. For now it is only those. The other question that I had was with regard to the additional judgeships. I know that the recommendation is in subpart to be to seek funding for 12 of the remaining 50 unfunded. But I also noticed in looking through the comments, alternatives, and so forth, that what was identified in that on page 9 as the recommended option was to request a funding for 50, 10 of the first year, 15 the second year, 25 the third year; to approach the Legislature with that three-step funding request for all 50. At some point in time, did that recommended option fall off of the table? I don't know why that language is there in the alternatives, and I wondered what the rationale was for either by-stepping or rejecting that option for the chosen option.

>> Sure. We had the three-year phase and was what we had approved in the current year. Ultimately, the Legislature stepped forward and put money in the budget originally. The \$10 million for 10 positions, and they later clarified to say it would be two positions or how many positions it would pay for. That was taken out of the budget and the budget conference committee, and then subsequent to that, they amended the Roth Bill with the \$10 million appropriation that would have funded the two positions. So the rationale was we would come back again with that since that is where the Legislature was. The other piece of it, when you are in the Appropriations Committee, if the proposal is a three-year phase-in of 50 judges, they are going to tag the fiscal fourth 50 judges where we are sort of a doing the first year of the phase in and being silent on the other two.

>> I think we are being practical.

>> I understand. And that really was my question after weighing the options. That is the reason.

>> We hit an obstacle even with this last year. That is why we are attempting to go back.

>> I understand. Thank you.

>> Thank you. I do not see any hands raised. I'm prepared to entertain a motion if that is in the interest of the council.

>> Moved. Seconded. Any further discussion? No hands raised.

>> [Vote Being Called]

>> All recommendations passed. Thank you Judge So. Thank you, Cory.

>> Thank you.

>> I believe the last item on our agenda is the Trial Court Trust Fund allocations, 2% state-level reserve. This is an action item. We welcome from the Judicial Council Trial Court Budget Advisory Committee's 2% funding request review subcommittee, cochairs Presiding Judge Brian McCabe and Court Executive Officer Rick Feldstein, and from Judicial Council Finance, Mr. Zlatko Theodorovic with the funding request.

>> As I believe everybody knows, every year 2% of the Trial Court Trust Fund is set aside and not distributed to courts. For purposes of assisting courts with unforeseen emergencies and circumstances, when courts need advances on that money or a supplement to the funding, they can make a request to what we call the 2% committee, which is a joint committee of PJs and CEOs to review those and make recommendations to the Judicial Council. In November, the Superior Court of Humboldt County submitted an application for supplemental funding of \$252,000 which is the result of what they have referred to as a 200% increase in the average number of homicide cases in that particular county for a year period. The large number of homicide charges has resulted in increased funding related to facilities, security needs, and court reporter needs for those cases. So in November of this year, the Trial Court Budget Advisory Committee reviewed that committee and we are here to provide some recommendations in that regard. Currently, the court projects a negative fund balance without use of their set-aside reserves, which are for specific purposes of about \$241,000, largely the result of that increase in homicide charges and their projected expenses for those cases. Overall, if you look, though, at the total fund balance and also include statutory restricted reserve funds, which amount to \$240,000, basically that more or less balances those out. Almost a zero balance at the end of the year. Actually a slight negative of about \$1,000. \$973 that you see on the slide. \$132,000 of the \$240,000 is statutorily restricted. It could be used to offset those additional expenditures and reduce the general fund deficit to the difference of \$109,000 that you see. That 2% committee looked at several options that we are possibly recommending. One being that no action be taken. The court use all of its reserves, but that would still leave some deficit. Some of it can be used for specific purposes. That would result in the court experiencing additional furloughs and closures, which weighted negatively impact their operations. The other option that is actually being recommended is that the court use some of its reserves to offset that cost. But the Judicial Council approved a \$110,000 loan in the form of a cash advance to assist the court in absorbing cost that it is currently experiencing because much of the cost of that it had projected for these cases are really future costs and as we all know, cases tend to settle and such, do not necessarily

go to trial. So there are a lot of unknowns we think as to what the actual needs will be at the end of the year. This is a cash advance loan and, should the court experience an inability to pay it back, next they can ask that the Judicial Council basically consider that in a cash advance and take away that requirement. That is our recommendation at this point.

>> We do have the court on the line if there are any questions for them, regarding any of these issues or these trials. I do not know if the court has any comments.

>> This is Kim Bartleson, the CEO. One of the things, since we had the opportunity to present this in November, the county has worked out with Judicial Council facilities. The county has given us the additional space that we are looking at possibly leasing, and they are finishing up the documentation on that. So we will have a place for nonjury, not security issue cases, to move and free up some courtroom. The other piece of that is that we are in the process of trying to negotiate use of the federal courthouse out by the airport. That is now back in Washington D.C. With that environment, I do not know how long that will be hung up. We are not putting any civil cases out, so while we have the homicide issue, we are developing a larger backlog in our civil setting it is kind of a domino effect, and we are prepared to do what we need. If we do not need the money, great. But we want to make sure that we have it available.

>> That is largely the thinking of a loan as opposed to supplemental funding. In addition to that, the court may be eligible to be reimbursed under the extraordinary homicide provisions, so that is another wild card out there that may influence how much money they truly need for this purpose.

>> I would offer that the way the action was taken by the committee was regarding a loan that subsequent to that there have been discussions about the ability for it to be a cash advance, which is a more normal process that happens. The outcome would be the same as if they are unable to pay the cash advance back, as the loan, in terms of the end, if they are able, they could come back and ask for the difference, so I think that may be the discussion that Mr. Feldstein offered: it was more of a cash advance than a loan. The loan was discussed and presented but we think that technically and financially, it also works for the court.

>> Did you have your hand raised?

>> I do. This is a question for the CEO. How many homicide cases are we talking about? Are they new filings this year? Or are they carry-overs from previous years and is it a matter of them pulling a time altogether? Of the first question, how many homicide cases? Is it this year? Or is it carried over from last year or a few years ago?

>> The cases are new this year.

>> Already.

>> They are all ready to go to trial? I mean, it is a no trial waiver. They are going to trial the same time?

>> No matter what is happening is the defendants, we are initially getting time waivers and they are trying to play the cards that we cannot put the cases out. So what it is doing is pushing up the need for us to be able to get these in the courtroom. We have considered looking at having to start a case in the morning for one judge and then in the afternoon, a different case. So we are not losing based on the time waiver. We have had, so far, as of November 3, we have at that time had 20 homicide filings for 2015. Since then, we have had two or three more. Some of the older cases from 2013 and 2014, we had four remaining, and two of those are ones in trials gone to verdict, and it is guilty. We just need today's sentencing. Another one is in the hands of the jury. Then, the remaining of the older caseload is being pushed out because counsel are unavailable during Christmas holidays. So that is just creating backlog into January.

>> My question is how many of those are in no-time waivers that are going to trial?

>> Right now, all of them.

>> All of ... how many is that?

>> I do not have the current number.

>> And they all convert; it is all no-time waivers.

>> Right. They are all pulling time. I have got one that is in a time waiver, but we should be able to get it out 28 December. The rest of them are all no-time waivers.

>> While you get the time waivers out first, before the no-time waivers.

>> Council is not ready to go on the other cases in that particular one. It is an older case.

>> How many number of homicide cases are we talking about?

>> Right now, we have got about 18 that are in the pipeline, yet tried; no-time waivers status. And then the others, because of new filings, have not gotten to that threshold yet.

>> What is the last date on those? Are they pretty close?

>> That, I don't have in front of me, your honor.

>> In this order, please, Judge Buckley, Jake Chatters, and Gary Nadler.

>> This presentation, I think, definitely shows a meeting of the unexpected and unanticipated emergency circumstances. I would actually not only encourage as I have in the past, I would move that option two be approved, and maybe with the amendment of cash advance rather than the word loan.

>> So option two is really reflected in the recommendation, not in my ...

>> On page 5, I see it.

>> Do you see it as option two? Do you see it as option 2X under recognition?

>> Is option two on page 5? I will second that.

>> Wait a minute. But the recommendation is under the rationale for the recommendation but we all understand cash advance of the \$110,000 and with the subdivisions A, B, as seen on page 2, there is a recommendation and then there is an option. So just to be clear, what we are voting on, are you asking for option two as reflected in the recommendation?

>> We are.

>> Thank you. Was there a second?

>> I second it.

>> Thank you Judge Tangeman.

>> I have one question. I understand that you need \$252,000. How will you be getting the \$100,000? But there was a portion that they believe was restricted but it was intended to be reimbursement so while they have those identified it as restricted, they can be used to offset current expenses. They used general-purpose dollars previously that now these resources can offset. That is how it covers the difference.

>> Any further discussion? Commissioner Gunn and Jake Chatters. I am sorry.

>> Go ahead.

>> It looks to me like the request is for \$252,000, 132+110 is \$242,000. What happened to the other \$10,000?

>> The final numbers as I get it here is that we are at the 110. They have a little bit of restricted funds left. So the rounding over the 109 was a little bit higher so that is how we get to the \$110,000.

>> Okay. But \$110,000 plus \$132,000 equals \$242,000, not \$252,000. Is the request lowered to \$242,000?

>> I am not there. I have it right in front of me.

>> Go ahead.

>> What they're saying is that the cost was \$252,000 but they did not think at the end of the year it would only be triggered \$42,000 short initially and then apply that 32. Right. It gets you down

to 110. So that's \$152,000 that was the total cost but they already knew that they could cover about \$11,000 of it. Okay.

>> You also have the floor.

>> My question is, on a cash, just a clarification. So a cash advance if I remember correctly, that is within, it does not need Judicial Council approval so a cash advance could actually be handled through the council staff and could be addressed without the council taking the action I think?

>> Right. Routine reports for cash advances.

>> The motion is to change the loan to cash advance.

>> Based on the presentation.

>> We do not need to vote but let me hear from Judge Nadler.

>> I think that it has been covered.

>> In light of the fact, I think what we need to hear probably is that the request from Humboldt be a cash advance and not a loan, then we would not need to take a vote on it. Is that correct?

>> If the request is a cash advance, that could be handled administratively.

>> They requested it as a 2% allocation and then the committee recommended it as a loan because there is an opportunity to request reimbursement from the extraordinary homicide trial funding. They need the money up front where the homicide trial program funds as a reimbursement after expenses are made. So this is an opportunity for them to get the resources.

>> So let me clarify. Does it need, do we need to act on it as a loan for that to occur?

>> Yes. As a loan. If it is a cash advance, you do not have to act.

>> I am sorry. But I do note that option two that we are seeing on the screen, it has other aspects to it. In other words, seek assistance from the county, from the homicide program, so we have to have a motion of some variety here today.

>> Okay.

>> And that was anticipated with how I tried to phrase the motion, in that option two lays out those conditions. And it would be part of the motion. And I vote to amend it to be a loan. So in fact, we will vote on it.

>> And the second goes along with that.

>> [Laughter]

>> Okay. So we are back to option two as described in the recommendation in the materials. I believe.

>> Yes.

>> Okay. But there are some questions understandably. Judge Rubin and Justice Hull.

>> To Zlatko, a question about the advantages of a loan over a cash event so I get the idea behind the loan. In the loan, if there is money out of the extraordinary homicide fund to repay it, that is the vehicle to do it with. If it turns out that they choose not to for some reason reimburse, as extraordinary fund, is there some disadvantage to Humboldt in that instance over a cash advance or no?

>> If they are unable to fulfill the full amount, be it the cash advance or the loan and there is a difference, they would come back to the council to request of the funding from the 2% to actually fulfill the gap. So they would come back in if they could not do it.

>> Okay.

>> Thank you, Chief. Judge Rubin, I anticipated my question. As a practical matter for the court, it does not matter if we call it a loan or a cash advance.

>> The distinction, as a loan it would be taken from the 2% fund and less would be distributed to the remaining courts of \$110,000 where the cash advance has no impact on the 2% funds that would be returned.

>> Administratively, I think that that is the advantage. If we do it as a cash advance, we do not worry about redistributing it if it is reimbursed to the court.

>> Which we are going to a different fiscal year and opens up a different can of worms. I understand this motion as a loan.

>> [Laughter]

>> That is the motion.

>> Which is where we started. We drifted away, but we are back and we realize that there are options under a loan and there are other options, maybe complications under a cash advance. However, I believe that what we all intend to do is get to Humboldt the money that they need and if by this action later, we decide after that the extraordinary homicide fund does not contribute, I believe that we are not barred from reconsidering how we characterize this.

>> Correct.

>> As a cash advancement.

>> It is a possibility. As stated in the recommendation and described as option two, all in favor.

>> [Vote Being Called] Any opposed? Any abstentions? The recommendation carries. And we wish you the best of luck on those 26+ homicides.

>> Thank you. And maybe we will see no weapons on the streets during the holidays.

>> Okay. Thank you.

>> Goodbye.

>> Thank you for that presentation. Several things before we conclude. We conclude today's meeting as we often do with a brief remembrance of judicial colleagues who have recently passed. Presiding Judge John Kennelly was still active on the bench of the Superior Court of Sierra County at the time of his death. The following judges were retired from the bench: Judge John Ball, Superior Court of Santa Clara County; Judge Arthur Block, Superior Court of Riverside County; Judge Ellen Deshazer, Superior Court of Los Angeles County; Judge Charles Frisco, Superior Court of Los Angeles County; Judge James Judge, Superior Court of Orange County; Judge William Moreno, Monterey County Municipal Court; Judge John Pasco, Superior Court of Santa Clara County; Judge James Reese, Superior Court of Los Angeles County. We thank them for their service to the courts and the people of California. Our next regularly scheduled business meeting of the Judicial Council will be next year, 2016 on February 25 and February 26. Our meeting is adjourned. Happy holidays to you all and two announcements off-record regarding just some logistics.