

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

>> [ Please stand by for real-time captions]

>> Good morning. Our first order of business will be to address our minutes. I trust everyone has had the opportunity to review those. We're looking at the minutes of December 11, 2015. After you've had a chance to refresh your recollection of those I'll entertain a move to adopt.

>> Move approve.

>> Thank you.

>> McCabe second.

>> Thank you Judge McCabe. Any discussion? All in favor of moving the minutes? Any opposed? Any extensions? Minutes are approved.

>> I think next what we'll do is start the committee chair meetings. The meetings and the hearings report. So we'll start with Executive and Planning Committee Justice Douglas Miller, chair.

>> Thank you, Chief. My written report will be post posted online later as usual. I would like to mention one thing, however, and that's related to the good news we heard yesterday from the Chief about two of our council members, both superior court judges and voting members on the Judicial Council who became appellate court justices just four days ago, Justice Marshall Slough. Congratulations and thank you. As an aside, a number of us on the council attended their very moving confirmation hearings in Los Angeles. I felt particularly proud that two of our council colleagues were recognized and named by Governor Brown and selected to serve on the appellate court. Of course just because you leave the Judicial Council, leave as a voting member and become an appellate justice, doesn't mean you escape our clutches. Again, as the Chief noted yesterday, she wouldn't allow Justice Slough to go too far and she's now been reappointed as an advisory member. Thank you, Chief and congratulations Justice Slough. Unfortunately, because of these vacancies and vacancies that will occur in the course of time, the Executive And Planning Committee is now soliciting nominations for judicial county vacancies—all of them superior court members and voting members. We need to fill Slough and Marty Tangeman's position. The state constitution directing the Chief Justice to make appointments to the Judicial Council. One of the roles of Executive and Planning is to oversee the nomination process for the

council and its advisory committees and to pass on recommendations to the Chief Justice. As we vet the nominations we are guided by what the Chief Justice is looking for in council members, a statewide perspective, diversity, an open mind and commitment to civility. We are seeking as I indicated as of February 23 nominations for two, which we hope to fill before the April meeting and then two others that we will fill for the term that begins September 15. On March 7 we will also be sending out nominations for advisory committee members. I encourage you to look online for where those openings where and encourage those who are listening and those who are here to apply and encourage others to apply. The nomination forms for all of you are online. The deadline is March 25.

>> Chief, that concludes my report. Thank you.

>> Thank you Justice Miller.

>> Before we continue with our internal committee presentations I'd like to say a few things. Yesterday it was mentioned during our implicit bias education and training presentation that we're very fortunate in California to have a number of educational programs not only for our staff but for our judicial officers. This is in particular in the area of judicial ethics and orienting new judges. I had the privilege of meeting with them in my chambers and Frank McGuire. They are in the audience this morning for the opening section of our business meeting. Hopefully we will impress them enough to have them one day put in for the advisory committees that Justice Miller described and the Judicial Council membership itself. I'd like to acknowledge our new judge orientation faculty who share their knowledge, wisdom, expertise, time and practical experiences with the participants. I invite them to stand and be recognized. I'll name everyone and then hold your applause. You know these people well. They serve on advisory committees and have been involved for a long time. We recognize Judge Anthony Moore, Patricia Lucas, Santa Clara commission, Katherine Lyons of San Francisco County. I know she's here. Perfect. Judge Theodore, Judge Weathers, dean of the Witkin college from the superior court. Thank you for your time and your continued leadership.

>> [ Applause ]

>> Now the participants and hopefully hopefully council members and advisory committee members please reserve your applause until everyone has stood. Remain standing so we all may be become with you. We James Baxter, Superior Court of San Bernardino County, Jane Beasley, Commissioner Nakel Blackwell, Dorine Boxer, Jeffery Brand, Sonya Cortez, court of Yolo County, Timothy Dillon, Superior Court of Los Angeles County, Judge Ronald Frank of Los Angeles County, Commissioner Winston Cay of San Bernardino County, Talesha Martin of San Diego County, Kathleen Roberts of Orange County, Laura Segal and Natalie Stone. On behalf of the judicial branch and Judicial Council, welcome and thank you.

>> [ Applause ]

>> I know ask Judge So, chair of the policy coordination and liaison committee to please report.

>> The policy committee has met three times and has taken action by e-mail once. The committee has also adopted a recommendation for judicial sponsorship. On January 7 our committee acted to oppose AB 1473 that relates to judicial review of certain cases filed under the California environmental quality act. We've taken that position. AB 1272 with cases involved crimes against persons with developmental disabilities. At its February 11 meeting our committee acted to approve sponsorship of a legislative proposal from the facilities, policies working group for the disposition of the Chico courthouse that's on today's consent agenda. The deadline to introduce bills was Friday, February 19. Our office has been reviewing all of our bills no identify those of interest to and those that impact our branch. In future reports we will keep you informed including council-sponsored bills. We have nine Judicial Council-sponsored proposals that were introduced, some that may be of interest to you include one on interpreters, one on sanctions of jurors, one on court records and of course a judgeship bill. Chief, that concludes my report.

>> Thank you, Judge So.

>> Next Justin Harry Hull.

>> Good morning, Chief, ladies and gentlemen, thank you. My report will be short this morning. The rules and projects committee has met on two occasions since our last meeting in December. On the second of February we met by telephone to consider who proposals and to amend the agenda. We recommend approval of the two proposals which are 008 and 016 on today's consent agenda. We met in person yesterday to consider recirculation of a proposal that relates to purging trial court records, paper records that is on a special cycle which was approved. I should note that the proposal promises, appears to promise rather substantial savings for the trial courts and the maintenance of their records. Following circulation and further review by the proponent advisory committee and the rules and projects committee the proposal is expected to come before the council at the June business meeting so it can go into effect as soon as possible. Chief, thank you. That's my report.

>> Thank you, Justice Hull.

>> Next on the Judicial Council Technology Committee. I invite Justice Slough to report.

>> Thank you, Chief. Good morning. We've been really busy since the last time we were all together. We met multiple times. We met on December 14 at which time we received an update from Justice Bruiniers, the advisory technology committee or ITAC. He updated us on the work of the subcommittees and the work streams. Our next official meeting was on January 11. Again, we received updates from ITAC. We also reviewed their proposed annual agenda. We had a very good robust discussion regarding the proposed agenda. It was unanimously approved by the Judicial Council Technology Committee. Also at that meeting we received updates on a survey

that was distributed to all of the courts regarding their use of Oracle within the trial courts and the V3 case management system budget change proposal that's been submitted. We also discussed the sustained justice addition courts and moving forward with work to help them come off of their present location to new options. At the February 8 meeting we reviewed updates of the V3 case management system as well as the sustained justice courts. Rick Feldstein updated us. Are there six or eight?

>> Nine.

>> Judge Buckley, myself and Feldstein. We had two face-to-face meeting with the nine sustained justice courts. When I say sustained justice, those are their case management systems they are on or where—and they're hosted locally here with the Judicial Council. We actually had one of our face-to-face meetings on the week of Christmas. Everybody showed up.

>> [ Laughter ]

>> I think that speaks volumes, Chief, to the commitment that each of the courts has to moving forward to assist these courts in advancements as it relates to their technology issues. Jake chatters from Placer has been a key part of this and is working diligently with many of the courts as an option to move forward and off of the present hosting situation. Related do this the JCTC voted to approve a request for proposal for making a leveraged purchase agreement to replace the interim case management system.

>> Back to the February 8 JCTC meeting Justice Bruiniers updated us on the language access plan. We had a very good discuss regarding how the executive summary would be brought to life. That executive summary was brought to us and asked for our review and approval. Again, the discussion was robust. We discussed the importance of assuring that the trial courts are included at the ground level, particularly by the inclusion of the CIOs and the CEOs to insure that the language access proposal and the access of video interpreting is developing from a ground level up so we can Mary sure that video reinterpreting ask a successful program. I think I speak for all of the committee that we think this is important, that the trial courts concerns and initiatives are right there at the ground floor.

>> Yesterday we had the second day of our orientation for JCTC. Staff did a great job presenting as it relates to the work that's done unrelated to the trial courts. For example, the Phoenix financial system, keeping the website up and running. We learned yesterday at the orientation that last year there were 900-0000 downloads of forms off of the website. So there's a lot of really good work that the Judicial Council technology folks do for all of us and for all of the citizens. We just don't always focus on it enough. I'm hopeful we'll be able to continue to do that and focus on that more so we have an understanding of what they're doing. Later this morning, Chief, we're going to do a presentation as it relates to some of the successes and also some of the challenges that remain for technology. That's my update, Chief. Thank you.

>> Thank you, Justice Slough.

>> Before we move onto reports I want to point out that the work that's done at council is fully informed and recommended by the over 20-plus advisory committees and 400 volunteers of primarily judges and justices and lawyers. Also fully, fully staffed by our Judicial Council staff. What the internal chairs just reported on reflects the work of many, many committees. I also would point out that technology—at least in my 5 years here as chair—has had a long, complicated grassroots history. If anyone wonders why it is that we continue to beg Justice Slough to stay on as an advisory member and chair of technology, you've just heard a sampling high-level summary of all the activity that includes all the 58 courts and the Courts of Appeal. I see Justice Bruiniers is in the audience. That forum is to get the judicial branch into the 21st century with technology. Many, many people involved, much, much support and help from the trial courts and the Judicial Council staff and judges. So thank you Justice Slough for that report.

>> I'm going to turn it over now to Justice Miller to call on our respective Judicial Council members to report on the liaison reports.

>> Thank you, Chief. First we'll hear from Judge Samuel fake on superior court of Lake County.

>> Thank you, Chief, members of council and for our guests in the audience and teleconference.

>> Lake County is in northern California, 2 1/2 to 3 hours from San Francisco. The county is 12,061 square miles and has a population close to 64,000 people. The county seat is Lakeport. I would be remiss if I did not mention the tragic fire in Middletown where 2,000 people were displaced. Two court clerks lost their homes due to the fire. This inferno has created a tremendous financial burden for the county as a significant tax base is temporarily lost. It is anticipated that some will not be rebuilding in the county and will be leaving. There's an article dated January 6 of this year from 24/7 Wall Street that named Lake County as the poorest county in California. On January 29 I visited with the court and visited with their judge and chief officer. They have four judges, one commissioner and no AB 159 positions at the time. The court has two locations. The main court is in Lakeport and the other in Clear Lake. That's a distance of approximately 26.5 miles. As for the court in Lakeport it's housed in the county's administrative building on the fourth floor. It occupies the entire floor. There's one security screening entrance for everyone who enters the building on the first floor. The court in Lakeport has four courtrooms and a clerk's office and approximately 15,000 square feet that's quite small. The highways are small and the clerk's office is extremely small. The Lakeport court handling criminal, civil, probate, mental health. The clerk hours are from 8:00 in the morning to 1:00 p.m. due to budget constraints. There's a dropbox available for filings until 5:00 p.m.

>> The other court is in Clear Lake and has one courtroom and only opened on Mondays and Tuesdays. It's presided over by one commissioner. They handle child support, all infractions, small claims and unlikely detainers. The clerks hours from 8:00 in the morning to 1:00 p.m. and likewise there's a small dropbox for filings up to 5:00 p.m.

>> I was informed by both that despite the judicial branch's budget almost returning to 2008 and 2009 level the court's budget is still down by 30% for the fiscal year 2008 and 2009 the total revenue was approximately \$5.5 million and the fiscal year '15-'16 the total revenue is estimated to be \$3.85 million. Even with the governor's proposed January budget for the fiscal year 15/16 that only equates to just over \$20,000 in new revenue for the court. As a result of shifting 40% of the over \$20,000 in new revenue for the court. As a result of shifting 40% of the base funding they lose \$68,950. They will see a net loss in the revenue of \$47,470. Over all staffing, that is reduced by 30%, which equates to 13 full time employees. The operating expenses are reduced by 40%. Even with the increase in the funds and the reductions the court is still facing a deficit of \$200,000 for the fiscal year '16-'17. They hope that the model will be fine-tuned, the bill of labor statistics is very challenging for this court. They do recognize the need for some type of limiting factor, independent that the majority of rural counties have a BLS factor of less than 1.0. They want to stress that they are not losing employees to the county agencies but to neighboring counties because all the clerks are crossed trained and it's a training ground for other courts. That's also the same for the DA's office and the sheriff's department. As the 1% fund balance the court believes there will be a significant one-time expense if and when they move into a new facility which will include moving expenses and equipment not provided in the capitol program budget. They believe that without the ability to save over multiple years for this purpose it will be difficult if not impossible for them to pay for these one-time costs. There's a statewide account where funds have been deposited however funds must be spent within a certain amount of time or they will be lost. They are worried about delays that MRAJ construction projects. As to technology the court is on the sustained justice addition CMS, the interim case management system. The system is hosted and maintained by Judicial Council staff. The court is using this system and paying the Judicial Council for the program. However, the amount that the court pays does not fully cover the cost of the program. The IMF contributes to the cost of the program. They believe in order for the court to move away from this program, saving the state money is needed.

>> They indicate that the 1% fund balance restriction in place at this time they will not be able to pay for any one-time technology project cost. As to filings, they have decreased from a high in 2007-2008 to a low in 2012-2013. For 2013-14 and 2014-15 that trend has turned around they're seeing increases. Based on the numbers in '15-'16 it appears that's misdemeanor filings will be 8 to 10% and they attribute that to Prop. 47. Family law filings will be up 5% while felony filings will be down slightly, minus 4% over the fiscal year '14-'15 numbers.

>> This court has an amazing staff. They are warm, cordial, extremely professional. They continue to work through their heavy caseloads. They are all cross trained from all the different types of cases. They are very dedicated to their work and they are extremely proud to work for the court. As a result of the reduction grant this court has been able to establish a veteran's court that does provide services to veterans that come into contact with the criminal justice system. That grant was awarded in the amount of approximately \$440,000 over 2 1/2 years and it ends on April 30, 2017. They are hopeful they can renew the grant at that time. Staff from the self-help

center attend to court calendar and insist litigant on the spot. A presenter is in one location and via video conferencing able to present the workshop to litigants in Lake County itself, Butte and Tehama County. This court has a real-time minute software FRP this is an enhancement to the CMS that allows courts and clerks to complete paperwork in minutes. The court is extremely excited about their new courthouse project and is hopeful that it will come to realization. When I went to Lake County I took some photos. I have to tell you that my phone didn't work out too well so I had to use my wife's phone these are just eight photos I took. I think it will represent the county pretty well. This is the outside of the courthouse. I thought it was large until I got inside and realized that it is only on the fourth floor. It houses the board of supervisors and all the county offices. This is the screening for everyone that goes into that building, that includes jurors. This is the other view if you're looking towards the entrance. The elevator that goes up and this is the clerk's office. As you can see it's not large. At times the clerk's office can be overwhelming, the queue up and that goes all the way to the hallways adjacent to the courtrooms. These are the hallways adjacent to the courtrooms that's quite small. This is a picture of one of the courtrooms, one of four. I just also want to mention that both Judge Blum was the most gracious of host. They are working extremely hard, open and informative. That concludes my report for Lake County and a written report is submitted.

>> Thank you.

>> Next Judge Gary Nadler on Trinity County.

>> Thank you, Justice Miller. I'm going to wait for—I've got some good pictures to show. I'll wait for those to come up.

>> Thank you.

>> I appreciate that.

>> I did have the pleasure of meeting with the judges in Trinity County. From San Francisco it was about 585 miles so it was a journey to get there. Once I got there I was certainly pleased to have spent the time and to have met the very gracious staff and gracious judges. Thank you. That's good.

>> Trinity is the fourth least populated county in the state. The county seat and the courthouse is in Weaverville. The city was named by a gentleman named John Weaver who won the honor in a so-called game of chance in 1850. A couple of weeks after giving the town his name he left and was never seen again.

>> [ Laughter ]

>> The county has no traffic lights, no freeways, no parking meters or no incorporated cities. There's one stop sign. There are two judges presiding, Judge Johnson and Michael Harper. At

the time that I visited, which was about 3 months ago, the CEO was Cindy Van Schooten and she left and Stacey Holiday is the CEO. They had 15 FTEs and only looking at one vacancy. They just had the opportunity of filling those positions. You can see from the left Judge Harper, Judge Johnson and Cindy. There's one courthouse facility in Weaverville. Once a month they travel to Hayfork to conduct traffic that's donated by the sheriff at the substation that's described as not being suitable to handle any judicial matters but they do it because of the needs of the population. They also go once a month to handle traffic in Trinity—sometimes conducting their court business at a park bench outside of the building there. The courthouse was built in 1856. It's the second oldest in the state. It was built as a result of a grand jury investigation in 1860 that found that, quote, bedbugs infiltrated the office and even attacked a judge on the bench. They purchased a saloon and that became the courthouse. It's falling apart and the county does not have the financial ability to obtain the courthouse. They took old replaced tiles from other counties to do some of these repairs. The carpet was in terrible condition and the county would not even agree to share in the cost of replacing the carpet due to its financial limitations. Due to financial limitations juvenile hall the closed but on weekends. During the week in-custody juveniles are sent to Tehama County and transported back for court—that's a 2 1/2 hour ride each direction.

>> This is just a picture of the clerk's window shows the shared view of the facility.

>> There's three pictures here. The left shows Jeff Johnson's door leading from her chambers to what appears to be a library. The library is actually the holding area for the in-custodies that she sees. Both the judge and the in-custodies walk into the courtroom together to conduct court's business. This is Judge Johnson's courtroom. You can see the jury box on the upper right, the gallery seats are old, and many of them are broken and not been fixed. The courthouse is using limited resources to scan. They're trying to scan their documents to save space but they don't have the space to do it. They don't have the resources to do it. The room where they have their files that they're attempting to scan looks like my office at home. That's not really a good thing. They're doing the best they can under the circumstances.

>> With respect to jury assembly, the jurors have to sit on the floor due to inadequate seating for the jury call. They had problems with the fire marshal because of the number of people. There's inadequate seating for the jurors there. They are in between the tightly packed walls waiting to get in.

>> There's a huge cost for interpreters. The interpreters have to travel several hours for one case. So if there's an interpreter needed for one hearing, one case, one day, it's a full day's charge for that interpreter, coming, of course, out of the court's budget. The court did not have an interpreter specifically assigned. That's a reminder of remote video interpreting and how that might help a county such as Trinity. There's a lot of cooperation with these outlying counties and they do their best to use each other's resources. It's admirable. I don't think they would survive without doing that. There's one FTE court reporter for both of the courtrooms. The reporter is used for felonies, when mandated they have to hire a pro tem court reporter when one is



available if they have two felony trials going at the same time. At the same time we go to these beautiful, wonderful places and come to learn that there's an increase in homicide and serious crimes which of course required increased resources. They have according to Judge Johnson substantial drug-related crimes that are influenced by the drug cartels having to do with large marijuana grows, a huge increase in homicides over the last decade, and one such trial uses extended resources, which they don't have and it impacts all the other cases that they do have.

>> Again, funding preventing the best use of technology. They have limited bandwidth and very limited resources to increase their bandwidth. Where respect to self-help they don't have enough bandwidth to print forms from computers. They had just sufficient funds to purchase new computers. It's one small step at a time.

>> This is fantastic. This is the public lobby. They had the high school come in and paint this picture on the wall and that was just beautiful. I include that because I've never seen anything like that and it's something to be very, very proud of.

>> The court is very proud of its peer court, which has been a very successful program. Then finally the court is proud of miles for dog. This has been an in-court support program for the last 4 years. They use him in chambers, mediation, next to the courtroom. Miles has been a true champion of justice for the court. Chief, and members of the council, that concludes my report.

>> Thank you.

>> I want to say thank you. You have assisted the Judicial Council members in understanding and seeing the plight of these courts. If the governor's proposal holds and we have innovative grant money there's good use to be made of that money for these courts and access by the sound of it.

>> I believe that concludes our liaison reports. I turn it over to you Justice Miller, for I believe it's public comment.

>> Thank you, Your Honor. Thank you, Chief.

>> Thank you.

>> Back on my role as an attorney. Objection.

>> [ Laughter ]

>> At this time we will commence public comment. We have seven speakers for general discussion of judicial administration. I will call each of you by name. You each have 3 minutes. Please remember that this is to be a discussion of general judicial administration matters. We're not a body, we please ask you to refrain from talking specifically about your own case and

particularly naming the parties and the attorneys and the judges in those particular matters. We will start first with Mary Ann Cunningham who is on the phone. Are you there?

>> Yes, sir, I'm here.

>> All right. Good morning. Welcome. Thank you for making yourself available to give public comment. I understand this is about equal access and courthouse accessibility. You have 3 minutes. I will give you a little warning when you have a minute left. Please proceed. Thank you.

>> First and foremost I would like to thank the honorable Judicial Council for this time. The purpose of my reaching out today is to advise the council about the San Francisco superior Civic Center courthouse is not ADA accessible. It does not meet the minimum 2010 ADA standards for accessible design and requirements. The administration was duly noticed of these concerns and yet give the perception they are not interested in meeting the spirit or intent of ADA. Despite the California court rules the Civic Center courthouse requires that all requests for ADA reasonable accommodations be written on a Judicial Council 410. However, they do not engage in an interactive process or have any dialogue with the individual with disabilities to help identify the need or to grant reasonable accommodations. The court will elude that all parties are to work in good faith in that process. On the advice of the Judicial Council office I reached out to the court administrator. I left multiple messages over a long period of time. He was nonresponsive. None of my messages were returned. To ensure that I wasn't over-reaching for request I had contacted other courts and ADA coordinator in Alameda, San Diego, Riverside, Fresno and found them to be proactive and respectful looking for immediate solutions to help accommodate the individual need. Sadly, I did not find that in the San Francisco Superior Court. Instead, the requests are typically denied, using the reason that it will fundamentally alter the court or in somehow change the process but with no explanation and no effort made to meet each other so that equal access can be achieved. The equal access issues happen in the discovery court, law and motion court, restrooms, the civil filing room. None of these rooms are accessible or have automatic door openers, some of which you have to go through not one but two sets of double doors and can be caught in the middle; that's unsafe. The best example I can give this court that the administration is aware of the problem—

>> 1 minute.

>>—during a fire drill that was required. Upon entering the courthouse the only characteristic that stopped individual residents or citizens at the door were with wheelchairs, walkers or chains. They were required to wait until the fire drill was completed and then only allowed to go up and take care of these needs. These are concerns that we feel speak to a greater problem that appears to be at the administration level. We are asking for a full audit and investigation. We know this council has put forth many rules and regulations and we're just respectfully requesting some oversight and review to ensure that all California state courts are meeting equal access and ADA equally. Excuse me for being redundant. If you would be so kind to do an audit and investigation to make sure the courts to apply the rules as written would be greatly appreciated.

>> Thank you.

>> Next from Michael Aguirre against a bill to reform the California Public Utilities Commission. If I could have Roberto Fitzpatrick will ready to approach the podium next. Welcome and good morning and you have 3 minutes.

>> Good morning. I am a loyal attorney and I feel a little bit like I walked into the wrong room because we were given access in a way that's really amazing for those of us that are out there practicing.

>> I'm here today to ask you to reconsider and in fact support superior court review of public utility commission actions, particularly as it relates to open meeting and public record law. Unfortunately our public utility commission operates in a review by writ bubble in not the kind of writ where you have an appellate right eventually but you do not. Within that bubble there is a lawlessness that's taken hold. The public utilities commission has abandoned its duty to provide for just and reasonable rates and they've now opted to be guarantors of utility profits even if they're unreasonably incurred. They also have moved their decision-making into a private forum. There's an organization that sends money to a nonprofit, their utilities, and the decision-makers public utilities, executives, the judge—or the CPC members and legislatures go off to foreign lands. We had Peavy making a decision in Poland. That just doesn't happen sometimes. That's a regular part of their decision-making. I'm just now reviewing 9,000 e-mails from the Wall Street exchange-traded companies and the hedge funds that own them that meet in secret with commissioners in New York, San Francisco, not just occasionally—

>> 1 minute.

>> —you can see that it's part of their life. It's not just about the fact that rates have go up from 8 billion to 12 billion for wholesale electricity because of these practices but it's also the fact that we had a breakdown in the safety system. We had the fires in San Diego that required a million people to be relocated and killed 14 people, billions of dollars. We had the San Bruno in 2012. You know about that. We had San Onofre in 2012. Now we have Alfso. It's not just financial. The greatest tool that we have to reestablish the rule of law at the CPUC is superior court review. I've appeared in front of the court for 40 years, not always winning, but always believing in the process. I ask you to please take another look at this issue. Thank you.

>> Thank you.

>> Next from Roberta Fitzpatrick to talk about family court issues and if we could have Tonya prepare to be next. Good morning, welcome, you may proceed.

>> Thank you. For allowing me to express my concerns about your policies and for your attention. While I was growing up I often heard my aunt tell her daughter, Ann, stand up straight.

A medical exam finally revealed that Ann couldn't stand up straight. She had scoliosis. Ann couldn't have or control that flaw in her spine but she suffered its consequences. Internal structure of the Family Code is infected with its own kind of scoliosis. Its internal structure prevents it from standing up straight and doing its job—to make decisions that are in the best interests of children. Is physical or emotional abuse in the best interest of children? Is sexual assault or murder in their best interest? Is drug abuse or domestic violence in their best interest? Excuse me. The answers to those questions may seem obvious but the law is based on your policies give judges the right to ignore all dangers and to send children to live in these dangerous environments. How do I know? First of all, the wording of the laws allows judges to make those tragic decisions with impunity. Secondly, March 25 marks the seventh year since my great niece Alicia was found wrapped in a plastic tarp in her backyard grave. A judge aided by a family court evaluator sent her to live with a danger criminal where she was already molested. Her ashes now reside in a cardboard box because her mother can't bear to put her back in the court. You are the policymakers. Please, please make the effort to change the way you present your policies and protect our kids. Now you're not. You punish innocent children, you punish caring parents and impoverish them and make them homeless. I know one right now. Please make a difference. So far after almost 5 years of begging you, you haven't done a blessed thing. Please change your policies. Thank you.

>> Thank you.

>> Next we'll hear from Tonya Nimchick to talk about family court issues. If I would have Tyler Paxton prepare to be next.

>> All right. So Tyler Paxton, I believe you're going to talk about the independent interpreter per diem rate. If I would have Connie Valentine prepare to be up next. Thank you. Welcome and you may proceed and you have 3 minutes.

>> Thank you having for me. I'm here representing IGA, the Interpreters Guild of America. It's a unit of the communication workers of America. We're a labor union that represents interpreters here in California and around the country. We're here to urge the Judicial Council to raise the independent contractor rate for court interpreters. Independent interpreters that work for the California courts should be paid at the same rate as the current federal contractor rate of \$418 for a full day and \$226 for a half day. Independent California interpreters have not seen a raise in nearly 9 years. In September of 2007 the Judicial Council raised the statewide rate for registered and certified interpreters to \$282 for a full day and \$156 for a half day This is the same rate that's currently paid today without increases for nearly 9 years. Despite the fact that the work and the skills are identical this is a staggering 48% different in the rates paid to the very same California certified and registered interpreters. As members of the judicial know the judicial shall set rates and policies not to exceed the rate paid in the federal court system. It's on this basis that we now all for the Judicial Council to raise the court's per diem rate to match that very standard, the rate paid to the federal courts system. Thank you.

>> Thank you. Next we'll hear from Connie Valentine and then if I could then have Katherine Rafa next. Connie Valentine will talk about family court issues. Welcome. Good morning. You may proceed.

>> Thank you. Thank you members of the council. I'm sure you're getting tired of hearing me but this function of California protective action is to ensure the safety of children in our courts. We failed. We completed a lengthy court watch program. There were 1127 us cases that were court watched. There were no court reporters present. We are grateful for investigating and solving that problem. 24% of the cases one person was represented by council, the other was self-represented. That's unfair and it's also against the law of family court code. When hearsay objections were raised by an appointee or employee that objection was overruled 2/3 of the time. In 26% of the cases with retraining orders a judge ordered contact between the parties. Only half of those were for child exchanges. In 15% of those requests the restrained person had the restraining order ended. In 7% of the cases that involved child abuse allegations that was 80 children, the court ordered contact with the offender for 23% cases of children. In 28% of domestic violence the contact was increased. In 20% of the child abuse cases they were child sex abuse cases and not one of those cases did the court observers note that there was any required 3118 evaluation and that's a require under the law. Judges are still placing children at risk—

>> 1 minute.

>> We're concerned that had the person task to improve efficiency and effectiveness of family court stated on the record the court has already made findings that we're going to reunify these children with their father whether the abuse happened or not. It's chilling words. It flies in the face of all of our morality and California's desire to protect children. We hope that next time, we get an A in judicial accountability. That could help a lot. Transparency would help a lot. Thank you.

>> Thank you.

>> Next we'll hear from Catherine Rafa. Gloom and welcome.

>> Good morning. Thank you.

>> My name is Catherine Campbell Rafa and I would like to build awareness of the missteps that I've been aware of that are happening now the our family courts to bring positive change for all. Family court is now issuing rulings for parents that speak up about sexual abuse when there's no facts that this should be occurring. They are willing to make false statements that sexual abuse allegations are untrue when they have never been untrue. We are dealing with a spotlight situation. Sexual abuse was easily controlled by the Catholic Church and now we are seeing a situation that's being mirrored here. Cottage industries are making millions off victims and those who are willing to pay for silence. Lies are being presented to the courts. The court is turning a blind eye to abuse even when the blindfold is just meant to assure that each person has equal say

when the evidence should still be heard without a blindfold. The courts are denying to hear cases when CPS has evidence of sexual abuse. Silencing those who are speaking up and those who need the help. Of course the victims are not coping well at all. The court is being—the court is crippling our future, our children. The California supreme courts are condoning child sexual abuse and awarding sexual abusers sole custody of their victims. The judges in court today are not holding lawyers accountable for perjury, evaluators are presenting false statements to the court—

>> 1 minute.

>> Counselors are not reporting to CPS and courts are making judgements to rule against the truth. There is a wall of missteps that's oppressing people. It is silencing the truth and we have civil rights issues that need to be addressed. I am asking you to break down this wall. Hold people accountable for these actions of abuse of power and bring an end to this suffering. We are California. We are leaders and we cannot only do what is right, we must. I'm asking this council to open the eyes to what is really happening to children and what's happening to all those around. It doesn't just happen—

>> Time.

>> Thank you for your time.

>> Thank you.

>> [ Captioners transitioning ] My name is Regina. I am a retired teacher, mother of two kids. I was a legal guardian to a child. And I knew the family court system of the 70s, 80s, and 90s. And this is a different one. I have been living for the past eight out of 10 years with my youngest daughter and her husband. Kids came along, the divorce happened, and things got really sticky. I have lived with my daughter, exclusively and the grandchildren and I saw a parade of social workers and policemen come to the house. I mean, it got to be almost a laughing matter. As the ex-husband behavior deteriorated. A very experienced court-appointed evaluator tested everybody, and came up with the fact that my ex-son-in-law was a sociopath, the evaluator chosen by the husband's attorney. And when that came out, they said that we are going to sue you and they sued him for saying this and he backed away from the case. This has been a nightmare. I believe that my grandchildren have been physically and sexually abused and some of the social workers and therapist have voiced concerns but how to prove it because they are little? One very upset newbe social worker privately suggested that we put in a legal listening device in their bag so that when they went to see the kids, she was so upset, we did not do that. It is a legal. I have seen DCSS offices from two counties disagreed with the fathers gone collection should be removed from the home or not and I was after my grandchildren saw their father being arrested after he pushed his new wife down the stairs while she was holding their baby.

>> One minute.

>> By the way, the guns were returned to the house. The Family Court commissioner's response to the dad's arrest, well, no one was sent to the hospital, were they? The children were not in the same room when it happened. So—I want to end with my granddaughter who is five when her mother said, you have to tell people outside what happened and she goes, very cynical, why should I? Nobody believes me. I have told. Thank you for letting me share this. I hear you can fix it. Please fix the system.

>> Thank you. Kim Robinson and then, last for general public comment, Kathleen Russell.

>> Good morning. Welcome.

>> Good morning. Thank you. In January 2015, the judge in Santa Clara County removed a nine-year-old daughter from a perfectly good mother and placed her in the sole legal and physical custody of a convicted batterer, a twice-convicted batterer. This judge refuses to give a trial to the mother. To put on an evidentiary hearing. The appellate court doesn't care. Nor does the Supreme Court. And the Commission on Judicial Performance has no teeth to do anything about judges. So there is zero accountability in the states for judges. It seems that the judiciary is not interested in cleaning up its own house. And we are going to ask, we are asking the Legislature to do that. I am here today to ask the Judicial Council to support our efforts to bring accountability to the judiciary in this state. I think you have heard enough testimony and enough stories. This is a widespread problem. It is not confined to one or two counties or one or two rogue judges. The situation is out of control so please help us bring accountability to the judiciary. Thank you.

>> Thank you.

>> Next and the last of the general public comment, Kathleen Russell.

>> Good morning.

>> Good morning. Chief Justice, members of the council, in late 2014, the Center for Judicial Excellence submitted a statement of public concerns regarding failure of the branch to ensure access in fairness, integrity of branch records, and judicial accountability to you summarizing our public concerns about the branch. Included was the concern that, although Government Code section 77001.5 requires the Judicial Council to gather information and submit annual reports to the Legislature, regarding judicial administration standards, and measures of that promote the fair administration of justice, the Judicial Council is consistently and repeatedly failing to do so. This is so, although the Judicial Council's 2013 and 2014 report to the Legislature revealed that the National Center for State Courts, court tools program provides, among other things and access in fairness survey to measure court performance, as well as information gathering tools to measure reliability and integrity of case files. Instead of stepping up and including relevant access and fairness and court administration data in your 2015 report to the Legislature. As

required by this Government Code, the Judicial Council, in your 2015 report, sidestepped the discussion by removing altogether the reference to these relevant court tools that are available but unused by the Judicial Council but in this particular case, the old adage, out of sight, out of mind, does not apply. The Judicial Council has heard at each Judicial Council meeting since October 2014 that the public—

>> One minute.

>>—Wants judicial accountability. You have been told by your advisors for over a decade that the public wants a judicial accountability and those advisers, including former Senator Darrell Steinberg in his comment to the Judicial Council commission on report have repeatedly suggested to the Judicial Council at that judicial performance evaluations are an effective way to provide that. An effective and efficient Commission on Judicial Performance is also absolutely necessary. But at this time, we do not have that. One complaint in particular has been languishing at the CJP for 20 months. This is a crisis. If we have an oversight agency that is not doing its job and is holding onto or sitting on complaints against judges, where federal wrongdoing and criminal conduct is—

>> Time.

>> An issue, we have got a problem. Thank you.

>> Thank you.

>> That concludes public comment.

>> Thank you. At this time we will take a short recess. It is 9:40 AM and we will reconvene in 15 minutes at five minutes until 10:00. Thank you.

>> [ The Judicial Council of California meeting is on a recess and will resume at 9:55 a.m. The captioner is standing by. ]

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

>> Welcome back. The meeting is now in session. We begin this section of our meeting with the ceremony and presentation. Yesterday we celebrated our interbranch collaboration with the sister entity of the executive branch, state Comptroller's office and today we recognize the importance of a very successful Tribal Court–State Court Forum Mac and we do that by honoring today its former cochair, Chief Judge Richard Blake. We also have a presentation on the first five years of the forum. And before we start the presentation, I want to indicate that we are joined by colleagues from the Tribal Court and members of the Tribal Court–State Court Forum. I would like to introduce Chief Judge Abby Abinanti, cochair of the Tribal Court–State Court Forum. Welcome. Also, Presiding Justice Dennis Perluss of the forum and guest of honor, Judge Richard



Blake, former cochair, and I would also like to recognize in the audience, a member, and I believe Mrs. Ferris is here to join us as well in support of the ceremony and the presentation today. At this time, I turn it over to you.

>> Well, we are delighted to be here. The Tribal Court–State Court Forum. You will hear a little bit about the history of the forum, its founding, and accomplishments it during the past five years and very briefly looking forward at what some of these significant items on our agenda is. One of the goals of the forum has been to take the development of strong personal relationships that we have been able to forge between Tribal Court judges and state court judges and institutionalize them so that we have programs that go forward. But as—as laudable as that goal is, it is slightly difficult to imagine how successful we can be when we do not have such a fabulous personality to work with as Judge Blake. Who was the driving force that created the forum with our former Chief Justice and who has been the energy and inspiration for many of the programs that we have done. It is my understanding, Chief, that there is a certificate for Judge Blake and perhaps now would be a good time for that.

>> Thank you. I would like to read it before you have you, and accept the plaque as well as we take pictures of this event and its of the Judicial Council of California certificate—certificate of appreciation is presented but to the Honorable Richard C. Blake for your vision and leadership that was the impetus for the Judicial Council’s Tribal Court–State Court Forum. For your commitment to establishing collaboration and cooperation across jurisdictions and for your dedication as a court leader to promoting access to justice. We are pleased to honor you for marking a difference in the lives of the people of California and tribal nations dated February, signed by myself and our administrative director, Martin Hoshino. I also want to say two things personally about your service, Chief Judge Blake, and that is that I first came to know your work and your energy and your interest and your initiative back in early 2012, maybe 2011. Regarding your interest in children’s issues, as well as our conference together to understand issues facing children and the issues facing them in the criminal justice system as well as adult later on in the adult system. Also, I want to point out your tireless work that you continue to perform on the state’s Judicial Council, trying to bridge communication issues between the state judiciary and the federal judiciary. I thank you for that and I know your work involves travel and quite in-depth the work with the tribes and with California so thank you for your continued energy, enthusiasm and commitment to access to justice and I invite you pleased to come forward to accept this award.

>> [ Applause ]

>> Diane.

>> [ Pause ]

>> [ Laughter ]

>> We invite you to say a few words.

>> Well, I will tell you, they kept this a secret because quite honestly this is not what I was expecting. I was told I was coming here to do a presentation to the council on the prior efforts of the forum yes. Who would have thought that a guy from the Hoopa Valley Indian reservation was going to draft a letter that would end up in a room of such distinguished and capable people that would help lead tribal issues forward in this state. As I speak around the nation I'm currently the president of the American Indian Court Judges Association, a motivator behind stepping down as a cochair, and one of the things that I do is I take this forum around the nation. I was in D.C. yesterday and the Chief was talking about my travel. It is extensive. I was in D.C. yesterday and had the likes of Nancy Pelosi and Karen Bass talking about the tribal state forum and the importance of that it plays in the state of California. It is because of the commitment by the tribes in the state of California, my counterparts here and the commitment of the Chief Justice, that this has been such a success. On behalf of the tribes of the state of California, I thank you all for all of this. Thank you.

>> [ Applause ]

>> We are not quite through.

>> Please.

>> [ Laughter ]

>> It gets worse. Sorry, Richard. You know, you grow up and you go out in the world and you try to do your best and are certain people you think of as your younger brother who kind of—you kind of had slapped every once in a while and then all of a sudden, he is grown up and done really great things and he is really smart and he is everything you ever wanted him to be and more. And that is what happened with Richard. He came out of this valley and he went out and he talked to all of you and he has much better manners than I do. He has a much better personality. He convinced you and you now know that the cowboys did not get us all.

>> [ Laughter ]

>> But for him, you would not have known that, and that is really important and we have a judicial system and we have justice and we always have and we admire justice just as you admire justice and we work very hard at it and Richard has worked very hard at it his entire life. That is what he is about and he continues to do that. And it is a pleasure, a distinct pleasure, for me to be here today to say thank you to him and to you and this was his vision and sometimes, like I said, I thought that I slapped him a little too hard, but he was right and I do appreciate it and I appreciate him. And we do have something that we want to give him, a couple of things that we are going to give him and in our community, one of the ways that we show honor is by honoring with honor blankets, and this one is to Richard and Christine, if you can help me.

>> [ Pause ]

>> We want to put this around him. So our Karen, and it is embroidered with his name and noting the anniversary of when this was created and we want to share this with him and with you because he is someone important to us and what he has done for us is important for us and we appreciate it and we appreciate your time. In addition, we have presented him an abalone shell and sage which is part of our ceremonies and I, of course, being who I am, brought him from home which I will add to it.

>> Thank you.

>> All right.

>> [ Applause ]

>> Thank you very much. Again, this is far above and beyond the presentation I was supposed to give to you all.

>> [ Laughter ]

>> I think that again, you went above and beyond what I expected and what I never expected. And truly, I stand back from afar and let me tell you that there is not a day that doesn't go by that I do not talk about this forum and maintaining this forum and the ability that you guys have done to make this a legend, by immortalizing this forum. It speaks volumes to the commitment of all the folks sitting here in this room. Thank you, again.

>> [ Applause ]

>> We really are going to make Richard do part of a presentation but before we do that, as I think all of you know, with whatever work that you are involved in on behalf of our branch, none of what we accomplished, no matter how fabulous we are, is possible without the really terrific and dedicated work of the staff that we have here. So we have a couple of those fabulous staff people here who also wanted to say a word or two about Richard expect we are not going to let you go without saying, first what an honor and privilege it has been to work with you over the years. You have taught me so much and I learned so much about relationships, about how to make them, how to bridge them and how fragile they are continue to be fragile. And you spark the imagination of so many people that have caused us to be here today, to establish a forum and for the state judicial branch to be committed to the forum and sustain it through a tribal state program, group of dynamic staff, and they are here with me today. And I just have to say from the bottom of my heart, thank you for all that you have done.

>> I appreciate that.

>> [ Applause ]

>> I don't want to make a speech but I just want to thank you.

>> Now we are going to put you to work.

>> Okay. Let's do it.

>> Can I get one more shot? Everyone please come in.

>> Yes.

>> [ Laughter ]

>> [ Pause ]

>> Thank you.

>> Thank you.

>> That was beautiful.

>> It was sweet.

>> They are going to do that.

>> Congratulations.

>> I heard that, Frank.

>> [ Pause ]

>> Now they are going to make me work for this stuff that they gave me. So the first slide that we have this morning basically immortalizing the first five years of the forum and it is—I want you to look at the pictures there, and the pictures are of the forum and, actually, in this Judicial Council chambers, we did a round dance. I talked to the Chief Justice about it earlier. We did go 12, the step around this whole thing, and the whole group was involved. And I had to smile as I left on the airplane going home after that thinking, wow, it really happened. We did it in the Judicial Council chambers. And one of the most fabulous offices—I mean, fabulous rooms I have ever seen in my life, I thought, this is—this deserved television time. It really did. The Chief it did a wonderful job and she—powwow bound I think. So again, in this room with this group of people, the tribal representatives and the state court representatives, we were able to

work out government to government issues. The stumbling blocks, the learning curves that we had to do. We learn from one another what we needed to do to make certain that the tribes and the state were working for the same goal. Which was for the protection of our communities and we are going to fight with nobody and the blessing about this room was nobody fought. Everybody was here to do—to work evenly with one another. And I will give you a little bit of background on the forum, as you have heard, one day I had an issue. My issue was I had issued a protection order, and it was not given full credit and I had a real problem with that. I had a problem with that because I had a person knocking on my door at midnight telling me you issued a court order and it was not honored by the Sheriff's Department. It is like what? So I took that opportunity to not only educate the people in my community, meaning the Sheriff's Department and the Highway Patrol and the people that I worked with that I knew on a personal level and telling them, this is what they look like. This is what we do in the Hoopa Valley Tribal Court. So that was not enough for me. That was not enough so what I did is I drafted a letter to Chief Justice Ron George, part of a blue ribbon commission and being appointed to the blue ribbon commission so I felt like I had the opportunity to write a letter to the Chief Justice. I think that the Chief Justice, we waited and they are very, very busy people. So I am like a pen pal, and they were not going to write back to me within a week so it took me a while to get a letter back but the letter came. It said, certainly, let's do this. Let's sit down and talk so the first convening I think that we actually only had seven Tribal Court judges that appeared at that first meeting and it went off phenomenally. It was here in this room. It was here in this room. For a guy to come from Hoopa Valley into a court, a facility like this was like, wow, this is impressive but let's get down to work. Let's get down to work for why we are really here and the asked was let's work on some issues that we have in common. The Chief Justice at that point agreed. He agreed. Let's work on this. As did the state court counterparts. We all agreed. My dear colleague and Humboldt County, Chris Wilson, I had gone to that poor man's office so many times and benches ear so many times and if anybody deserves to be standing here, being acknowledged, it would be Chris Wilson also—also because Chris Wilson is really the other half of my tribal state forum in Humboldt County. I will tell you that that poor man, we share a joke that when children misbehave in my court, I was tell him you wait until you see Judge Wilson and he claims that he is the father of this whole relationship and that the kids are more afraid of him than they are of me which goes to say without saying. As we developed over the years, it only got better. It did not get any—the Chief Justice retired and the current Chief Justice came in, opened our arms and we said here we are. It was, like I say, the first meeting that we had, the Chief Justice did the round dance in this chambers and it was—I smile because I have done some trouble with the Chief Justice, and I have found her to be—her word is golden it to me, and one of the things that people would always say, aren't you a little afraid of that government to government relationship? I have never been afraid of this forum, never been afraid because quite honestly what you see is what you guys and it has been nothing with golden here and that is on behalf of all of you that this is a relationship that is now immortalized but it has been one that this state, this administration, has been very, very supportive of and one that I have no problems speaking about nationwide, about what a phenomenal job we have done in the state of California. I cannot take credit for it. It is all of you. It is all of us that have done this. Everyone sitting in this room and the ones sitting still in the courtrooms throughout the state, whether tribal or state, that have

committed to doing, making this forum what it is today. I am going to lead Judge Ever Not is speak about the accomplishments and Justice Pros will speak about the future, but I wanted to—again, I wanted to say that they made me work and for that, I mean, I am appreciative and for those of you that do know me, I will be there. I am staying in the background. I have a lot of work that I'm doing right now, but this is something near and dear to my heart as I explained in my letter to the Chief Justice when I was resigning, that it is—I will always be there. I will always be there because, one, I wholeheartedly believe in this forum and we are very blessed that I fought for several years to get a convening families to come here and to be able to do a roundtable between state and tribes. And they gave it to us this year so we are going to get that convening here in California, and we are excited about that and I think you are going to hear about that, actually. So again, thank you, and again, I appreciate your time.

>> [ Applause ]

>> Thank you, Richard. At home, most people call me Judge Abby and that is something that I earned here, away from home, in San Francisco. I am and was the first Native American woman from California to be a member of the State Bar, and I am not 900 years old. I'm close. I will admit that. But the state has in the last century or so had a difficult time with us as communities. We are here and part of what happened legally, I think, for all of us is that the federal government said, here, we are going to give you all of these Indian communities, we are giving you no money, no help. Have a good day. And we tried to have a good day. All of us. And we are still trying, and I think part of the biggest thing that has come out of the forum is that we are trying and that we have certain issues, particularly around children and I would say around dependency matters, around the Indian Child Welfare Act, around domestic violence like Richard said with our orders were not being followed, we could go to local judges and say we need help because we shared the same wants, the same desire for justice and to protect. We are looking at being able to go into conservative ships and work with local entities around that. These types—these kinds of issues, the local partnerships that we have with our local courts, we are looking really to expand those and I think Humboldt County of Gilmer County, they are far away from here but they have worked really hard to work with us. They have allowed our advocates to go into their courts and to basically say, let me have this person who, from the time he was nine years old, has been on probation, graduated to CYA, graduated to San Quentin, graduated to Folsom, was on a second strike and I could say to the judge there, let me just try. Let me just try. And now this man, for the first time in his entire life since he was nine is not on probation, built himself a home, and his family a home, as a business. That is—Judge Hull it wanted that probably as much as I wanted it. You know? And he said, let's try to do this together and we did. You know? And that is what we are asking for, a chance to help. It is not as if we are trying to come and say, let us take this or that or whatever. We are a people who are born of responsibility. We have a tremendously strong culture that really give us the notion of what it is to be responsible. And be responsible for yourself, for family, and for the environment and for the place you come from and our accomplishments and our desire to partner with you are based on that, to take responsibility for ourselves, for the wrong that we have done and continue to do as people to ourselves and to each other and in our communities and in our shared communities.

We want to work very much. We have started talking about having the future—I'm not supposed to get too much into the future but I do want to work with the civic education component, that the Chief is interested in, and have native students and non-native students start to work on solutions for shared issues. This is very important. We are not isolated. We are not gone. We are not—we might be the land of the time and the place that people for God, in some fashion, but we are still here and we have things we can do to help. And that is what these accomplishments are about. And that is what is going into these local courts are about and we really, really want you to also—you guys are smart. You are the smartest of the smart and I want to see you reach out and across the lines and go, you know, we can do that spirit we can help, we can help independency and we can work with this and I know later on today you have to consider dependency budgets and everyone knows, I know, you know, that when things are rough, what you do is you do not take it out on the poor. They do not need to suffer more. If anyone needs to suffer more or try harder, it is us, not them, and we have to remember that and we have to go forward, and it is okay, well, we have to share resources. I guess there is a little Marine Corps in me because we were taught you do not leave anyone behind ever. And you know what? You all taught me that, too. When it came my turn to be the first person to be a judicial officer in this state who was from a tribe, the San Francisco court reached out to me and said, you are it. And they have supported me, they supported me, they taught me how to be a judge. It is a lot harder than it looks. I have to say per and I was there in that court for 17 years. And they allowed me, then, to go home and to be a judge there. They worked very hard. They did it with no recognition, with no nothing, because it was the right thing to do. And I appreciate that, and I appreciate that partnership, so I would say to all of you, look around and see who you can partner with. It will come to good. It has and it will. Thank you.

>> [ Applause ]

>> I am only going to take a couple of minutes. And our annual agenda will be coming to EMP soon and there will be a fuller explanation of what the program is for the coming years. But what I do want to highlight for you is what, for me, was one of the exceptional aspects of the forum. The state court side of the forum in terms of our membership, there are really two different categories of members. There are some of this, and this is the reason that I was initially asked to be part of it, who chaired or cochaired the council's Advisory Committees. I was the chair of civil and small claims at the time, and so we had the knowledgeable people who had worked with Rules of Court and proposed legislation across the key subject matter areas, civil and small claims, criminal, salmonella, juvenile and probate and mental health. But the other significant component of the state judiciary members on the forum were superior court judges from counties where there was a tribal court. Judges who had worked with tribal courts at the local level. And one of the significant benefits of having those people in the same room with their counterparts and with those of us who had more of a statewide perspective was that we were able to look at what was working at the local level, and I mean, it is sort of the ideal of how all of these systems of governance should work you see what is working at the local level and then you try to expand it into other local levels and where appropriate through statewide procedures or Rules of Court. And we have been successful in doing that, and there continue to be innovations in that area. One

that I specifically want to mention, although our accomplishments in the background and in the materials that I know are in the electronic binders or hard copy binders that you all have, is that in El Dorado County we have now a joint jurisdictional court, Chief Judge Christine Williams is here and she through the Shingle Springs Band of Miwok Indians and judge—Presiding Judge Suzanne Kingsbury from El Dorado have a joint jurisdictional court where it is not simply a question of coordinating. It is not simply a deferral to the appropriate jurisdiction when there is concurrent jurisdiction. It is actually working together in a way to solve problems, and it is our hope that we are going to be able to extend those kinds of programs. There has been tremendous cross jurisdictional educational programs and I guess sort of speaking to the value of having Richard or Judge Abby or Judge Williams is that I went into this believing that there was much that we, as a state judiciary, could do to help some of the tribal justice systems, older, many are newer—to help them and share with them the resources that we spent time and energy to develop forum and approaches to doing things but what I learned and I learned very quickly is that we as a state judiciary have a tremendous amount to learn from tribal systems, systems that are dispensing justice but do it with a slightly different perspective often than we have where tradition and custom and active intervention by the bench in the lives of the people that they are dealing with really present the opportunity to what is sometimes referred to as holistic solutions as opposed to the adversarial approach is that the Anglo system of justice typically does. The final point and this really isn't the occasion to go into it but the final point, one of the wonderful things about the forum to date is that the staffing has all been paid for by grant funding. So it is from the judiciary standpoint sort of been a freebie and as part of the effort that we are going forward basis, trying to make, to institutionalize what we are doing is grant funding is—as one of my mentors used to say—dicey. Jenny Walters, one of the masters at finding it and getting it. But we plan to speak to EMP about maybe some alternative approaches to that. But having said all of that, this is celebratory and not financial, and, again, we thank Chief Judge Blake and we thank all of you for your support, particularly I want to single out Justice Miller and EMP who have been tremendously helpful and supportive as we have been working through this past five years so thank you very much.

>> Thank you.

>> [ Applause ]

>> Justice Hull.

>> Chief, thank you. I just wanted to take him him to offer my personal congratulations to Judge Blake, Justice Perluss, Jenny Walters. I had the great fortune to serve on the Tribal Court–State Court Forum Mac for an unfortunate short time before I joined the council but I did want to say that almost right away, well, really, right away I find—clouded eye-opening, educational. I found it can do bill if that is proper under the circumstances. I found it interesting, and I found that it is important. And I want to offer my congratulations on your success and hope for continued success and, once again, thank you for having me for a short while. Thank you.



>> I want to conclude by saying that the presentation today has evidenced that we do have a rich union and it really is a union. I agree with wholeheartedly how much the state judiciary has learned for the better about the holistic teachings of the tribal courts and so we look forward to working with you together in our continued union to yield rich results for the people of California. Thank you and see you around.

>> [ Laughter ]

>> [ Applause ]

>> Next on our agenda, we have our consent agenda. As you know, we have 10 items on consent. They include two Superior Court audit reports. Four report to the Legislature on access to visitation grant program, contracts and vendor payments, fiscal status updates on the judicial branch courthouse construction program, revisions to Judicial Council form based on recent changes to the federal poverty guidelines, finding reallocation to the Child Support Commissioner and Family Law Facilitator Program, revisions to the criminal jury instructions, and the disposition of the Chico and Corning courthouses. As you know, these consent items reflect hours if not months if not years of work by are many volunteers and the advisory committees funneled up to the Judicial Council after public comment, after review by EMP, to be placed on our agenda, and as you heard earlier, many of them are true pro-consent agenda items and I know you have had a chance to review those and we thank everyone was worked on the report and recommendations and so, at this time, I will on the consent agenda entertain a motion.

>> Motion to approve.

>> Thank you, Judge So. A second.

>> I will second.

>> Thank you Judge Buckley and Judge Back. Any discussion? Any? No hands raised. All in favor of passing the consent agenda items—

>> [ Vote Being Called ]. Consent agenda items passed unanimously. SPOCs we have the first of our discussion agenda item, the trial court trust fund allocation and the 2% reserve. This is an action item. I invite the presentation, Presiding Judge Brian McCabe, cochair of the Judicial Council Trial Court Budget Advisory Committee 2% Funding Request Review Subcommittee, Richard come cochair of the same committee, Mr. Zlatko Theodorovic, Judicial Council of finance and I also want to recognize that we have representatives from the Superior Court of Tehama County in the audience, Presiding Judge Todd Bottke, welcome, thank you for being here, and court executive officer Caryn Downing. Thank you. You may proceed when you are ready.

>> All right. Thank you, Chief and council. If you could show the first slide.

>> [ Pause ]

>> Okay I noted that this is a presentation by the subcommittee to the Trial Court Budget Advisory Committee. Entitled the 2% Reserve Review Subcommittee, the to him a court submitted on January 20 an application for supplemental funding that asks or request was in the sum of \$490,000, due to extraordinary expenditures from a malicious action taken in their court that occurred July 2015. It ended of rendering the court's information technology infrastructure nonoperational. And I will note that on February 3 the 2% subcommittee met and reviewed that applications and considered it and its options which it now presents to this council. The supplemental budget request total was for \$90,000, and it projects in fiscal year 2015, 2016, a negative fund balance of \$237,000. The court indicates that the negative fund balance was caused by an extraordinary expenditure in the sum of \$498,000 because of a former employee's actions that were malicious and rendered the court's case management system, its telephones, its exchange server, jury system, shared and individual drives, and websites nonoperational. The court has spent considerable time and energy since then attempting to reconstruct everything after they had AT&T rebuild their structure. The committee presents to the council on what it believes are the two options. One is 0 and that would require them to lay off staff and reduce counter and telephone hours. The second option would be \$272,000, the math done in that would be, in essence, to cover the negative fund balance of \$237,000 plus an additional amount that would get them to the 1% reserve, which would be \$35,000 for a total of \$272,000.

>> So as Judge McCabe mentioned that the disaster and it was a disaster in every sense of the word, resulted in cost of nearly \$0.5 million to that court, you will note that we are only recommending \$272,000, less than half of the cost of the disaster and I just wanted to compliment the Tehama court because they have done a very arm job in trying to absorb those unexpected expenses to the greatest degree possible and they have held the positions vacant and perhaps to the detriment of other programs and taken other actions to mitigate the cost of this—those actions on the branch and I just wanted to recognize that effort.

>> I will also note that there was a vibrant policy discussion that occurred at the subcommittee, Tehama County took extraordinary measures to mitigate that damage in this extraordinary incident. And unfortunately, those extraordinary efforts have worked against them. So instead of making them whole, and the full ask of them \$490,000, under past president, the committee believed that what would be appropriate would be to backfill the negative of \$237,000 plus an additional—equal to 1%, which comes up with a 272. It is certainly a policy discussion that should continue. Because each one of us in our various courts can only imagine what would happen and what we would do if a similar situation were to occur to us. We are so technology laden and to have somebody that is the lead of their technology, in essence, sabotage their systems, rendering them, in essence, back to manual, is almost unthinkable. And unconscionable. So there is a strong policy discussion that was had and in the end the committee believes that

option two was appropriate, consistent with past precedent and for these purposes, and recommends option two. Zlatko.

>> And I would add that this has brought to light the issue of cyber-attacks and I think we had an issue brought to—cyber insurance, a new risk that we have to address I think that that was something important coming to light in terms of what it is that we have covered for because now we have all sorts of attacks and they can—as you heard, the impact on the court was devastating in terms of their operations. And then, in terms of understanding the policy discussions that we have, these words definitely inform us going forward when we work on the revised emergency funding process that we hope will come as part of the budget in July, and so we're taking all of these lessons learned and making sure that we can make this process responsive to the trial courts as we go forward.

>> Thank you.

>> Before I—Council ask questions or comments or take the vote, Presiding Judge Bottke, did you care to make any comment?

>> [ Pause ]

>> Have a seat.

>> Thank you, Chief Justice. You know, this has been very difficult for our court. Let me back up. In July, when this happened, I can just tell you, because it is real life how this happened, I remember waiting to get an email regarding a class that I was going to teach at the judicial college and I could not get on my email from home and our court executive officer Karen Downing who is present here along with our Assistant Presiding Judge Matt McGlynn, our assistant CEO, Michelle Haney, and our chief financial officer, Linda Watkins goalie no, I want to thank them for coming. Karen and I had a conversation through text and said, boy, this is very strange and three days later, over the Fourth of July weekend, we realized what we were looking at, which was being completely dead in the water and when I say dead in the water, I mean no telephones coming in and out, no computers, no emails, nothing. And that is, when you think about it, the unthinkable in today's day and age and you say, well, how can that happen? Well, maybe that is a discussion for a different time because it did happen. The bottom line was that there were efforts taken by my predecessor Judge Gary Vento was then the presiding judge and Karen and other staff members that could only be labeled as heroic. Because we kept the doors open, the courtrooms were staffed, and no one experienced a delay in their cases despite what, again, is unthinkable. And I have to say, when I became the presiding judge and got involved in this process, it was one that was very difficult for us because, as has been noted, by Judge McCabe, and Zlatko and Rick, we will not be made whole with a recommendation and that is understandable in light of the policy and certainly the way that things are. No one is ever going to look a gift horse in the mouth from Tehama County because we appreciate the fact that there is an emergency fund so that we can address these issues when they come up. Unfortunately, that

did. I hope they never come up again and to the extent that we remain as Zlatko said, sort of a cautionary tale, I think we are okay with that because I had several judges tell me across the state, better you than me, buddy, but nonetheless you gave us a chance to look at what we were doing and we did not want to have this happen to us so thank you to some extent for that happening. With that aside, I really want to thank Judge McCabe and Rick and Zlatko and all the members of the subcommittee and certainly the team from our records for all of the work that they have put together on this. It seems like a small amount when you come from a larger court but as Judge Stout and others who can understand when you are in the two- or four-judge court, this is an enormous sum of money for Tehama County and it will continue to help us keep the doors open and have access to justice for our citizens. So thank you very much.

>> Thank you Presiding Judge Bottke. At this time I open it up for questions, comments. Justice Chin.

>> Zlatko mentioned cyber security. What has been done to make sure that there is not a repeat?

>> I knew that that question was, and, just as Chang. What we are looking at is redundancy. And I believe that the court believed that it had redundancy, but it was led astray at the time. We have made sure that there is, at this point, arm's-length redundancy so that the backup is safe and secure and the keys to the kingdom, so to speak, are not kept by one person to the extent that that was the case.

>> Justice Humes.

>> I just have one question and that is, what I understand is that through your mitigation efforts you were able to save a substantial amount of money and then, this 270—272 if we were to give it to commented—I understand you to say that you are still in the whole even with his money or does this make it a watch?

>> Yes. We would be because the money that was spent, but close to \$500,000, give or take, those are real dollars that were spent and as Judge McCabe indicated the way that the policy is set up it would in essence get us back to 0 on the fund balance but that still does not make up for the other money that had been spent that technically what, for all intents and purposes put us in the color red. But we have, as Judge McCabe indicated taken steps to mitigate that which include not filling positions that have been vacant and other things.

>> Judge Stout, and then Judge Taylor.

>> I want to commend the to him a court—Tehama County court and Judge Bottke for heroic efforts. I support option 2, \$272,000 and it is appropriate. Chief Justice. I so move. I do think we need to revisit in due course the policy. I think that this is an example where the court, taking drastic measures to mitigate the damage, incurred significant cost, and that really follows on their staff and their ability to serve the public. I'm sure that that loss adversely affected access to

justice in the Tehama County court because not filling vacancies and so forth has that effect. But I do appreciate the considered wisdom of the committee and including funding to get them at least back to full 1% reserves. So I would so move option 2.

>> Thank you, Judge Stout. Judge Taylor.

>> Well, I can attest that I tried to reach Judge Bok in a number of occasions during all of this and it was a complete disaster and I commend you.

>> I am still ending—standing—sending email to me and my personal drives, and that is okay other than the fact that they are going statewide and I've got interesting was.

>> I would like to share that address with everyone.

>> [ Laughter ]

>> I just commend you also for the leadership that you showed during all of this and keeping a really cool head about it but I do think and I will join that this is really a cautionary tale and I can only imagine that it happening in a much larger court and what ripple effects that would have. I mean, so I am really happy that you are looking at it from a risk management perspective. I think that this is really an Achilles heel for justice. So thank you.

>> Thank you, Judge Taylor. Judge Buckley.

>> I would second the motion.

>> Thank you. Judge Feng.

>> As a said, is there any way to get some of that money back?

>> Yes and no. There is an ongoing civil suit that is, of course requesting damages. It is being held in abeyance while the criminal process such as it is, whether it will be state or federal, plays itself out, and I think, as part of the recommendation if I'm not mistaken, Rick and Judge McCabe, was that Tehama County would of course reimburse any money that they received, but the odds of that probably are pretty slim although we just don't know yet.

>> Is that because the person or entity that may have caused this does not have the financial resources to pay restitution?

>> If the case is successful?

>> To get into that now, probably would not be the time or place and I would prefer not to answer that in light of the ongoing litigation.

>> I appreciate that. I just want to make sure that if there is any way to get some of that money back, that would be great.

>> Rick and then Justice Slough.

>> Just going back to the justice question for Tehama County which should go to all 58 trial courts because we are all potentially at risk in the same way. Absolutely. There are two things to keep in mind, recall back at the last meeting we presented the security framework which ties directly into the level of security that it's necessary to hopefully prevent things from happening in the future. But also knowing that those sorts of things, as good as security is, people find ways around it and it could happen to any of us again. So Zlatko mentioned looking at the liability insurance that would help mitigate some of those costs and Judicial Council risk management staff are working on that and we are looking forward to having that fall back should our earnest efforts security not be enough.

>> Thank you. Justice Slough.

>> Thank you cheap and I just want to say that there is clearly a large issue and that is to look at the issues raised and how do we are sure that the security framework subject that was addressed at the last Judicial Council meeting finals down to the trial courts. They understand the seriousness of it and they adopted the framework because that is really at the trial court level, but clearly the trial courts need to understand the seriousness of this. I think that Judicial Council Technology Committee should continue in the efforts to inform and educate the trial courts on that. I would also ask Rick, if you could work with us on JCTC since you are the chair of the act as well as on JCTC. I think we need to look at the other issues to how do we make sure that we are protected, not only to prevent this from happening but to ensure that we have coverage for it should it occur in the future.

>> Thank you.

>> Judge Nadler.

>> I would like to know what the motion is pregnant of the motion include the reimbursement aspect of it?

>> It was option 2, \$272,000 and that is the summation of the negative balance. Plus the amount that gets into the 1% reserve.

>> The only reason I bring that up is the mention of if there is money received—

>>.You.

>> From some other source that that would be just what you are going to the question to Judge Bottke.

>> You are talking about reservation of rights but that could be folded into that option as well. I think that that is the understanding.

>> Are you talking about reimbursement from the defendant or the parties that are responsible?

>> From whatever source.

>> Yes.

>> Judge Stout will take the from an amendment to option 2 reservation of rights if reimbursement should occur and with that amendment, all parties in favor of option 2 as amended.

>> [ Vote Being Called ].

>> Abstentions or no votes, matter carries unanimously.

>> Madame Chief Justice if I could add one more thing, there was one person and entity that I forgot to mention. And I certainly want to give our profound thanks to on behalf of the court and that would be Jodi Patel, and the AOC step I know that I'm not allowed to say OC but I'm saying it could and I know that, speak on behalf of Judge Gary Bennett was more directly involved at that time, that everything that could be done as far as JCC staff helping us was done and I want to thank Jodi for that and all of the people that were involved in this from the get-go. They were—these were some dark times and they helped us get through so thank you once again and I want to thank the council as well.

>> Thank you. A Judge Back.

>> I think that we heard a second to the friendly amendment before the vote. Didn't we, Judge Taylor?

>> [ Laughter ]

>> I did not make the second but I—

>> [ Laughter ]

>> Do you protest that friendly amendment?

>> Thank you, Judge Back.

>> There was an additional issue.

>> Yes. I think what Mrs. Taylor is raising is the concern that on the reimbursement, should there be any, again this ties into the policy issue. Should that money really come back to back fill the 207 \$2000 out of the 2% emergency fund? Or should there be some consideration at that time of whether it should be applied were made payable, so to speak to that Tehama County court because there is really another roughly point—\$.25 million out there that they have suffered so I think there is a policy issue there and it may be worthy of some consideration if and when there is any reimbursement.

>> Judge Stout, I appreciate that but I just want to add if I understand correctly under the governor's proposed budget this entire process will be different so will there be the same fund to reimburse at the time that that money is received?

>> With a 1% limitation, that is obviously an issue.

>> These are important policy issues. And I think—I trust and know that when they arise, that they will come back to counsel for action. Justice Hull.

>> Thank you, cheaper this is off the agenda but I would like to come for a future agenda item it consider—rendering judge back as a new parliamentarian in at—absence of Judge Rosenberg.

>> [ Laughter ]

>> I do want to say that Judge back, I appreciate your recognition of Judicial Council staff, and very often when things go unprecedented—unprecedentedly haywire, I know that there are calls to Judicial Council staff and efforts are made to assist in any way possible, in any way that they're able to help the court so thank you for your recognition of that.

>> Thank you, Madam Chief. Thank you all.

>> Thank you.

>> Did you vote?

>> We voted.

>> Now you are worrying me. Yes. We voted.

>> Just making sure.

>> And then we had a post about discussion.



>> Judge Buckley is okay with the second friendly amendment. But he did.

>> Sorry.

>> After the vote.

>> Now we are moving to the next agenda item indicated on your agenda as 16-029 but it is court facilities, scope, budget, and schedule approval for the downtown—I should say a downtown Sacramento capital project, and action items and we welcome to the presentation table the honorable presiding appellate Justice Brad Hill, who is chair of the Court Facilities Advisory Committee. The also, Mr. William Guerin, capital program and Ms. Kelly Quinn, also the capital program. Thank you Justice Hull.

>> Thank you very much, good morning. It is great to be with you once again and I am here this morning to present our recommendation with respect to the Sacramento Superior Court project. After several months of intensive staff analysis and collaboration with the Sacramento Superior Court, the Court Facilities Advisory Committee consider how best to move forward with this project. First, ever so briefly, I will give you just a bit of background about this Sacramento court project. Years ago in—SB 1407, working its way to the legislature a new courthouse in downtown Sacramento was determined by all objective measures. To be an immediate need project ranked in the highest priority group in the trial court outlay plan. One of the primary reasons at that time was that the shaver courthouse, which the project would replace, is severely overcrowded it has serious security concerns, and significant physical deficiencies. The original plan and vision replacement of the facility with continued reuse of the shaver courthouse but when SB 1407 was enacted in 2008, the Judicial Council selected about 40 projects to be funded at that juncture. At Council direction, staff sought funding for this project, which, at the time was a 44 courtroom new courthouse with reuse of the 17 courtrooms in shaver. That would be minimally renovated at that juncture. It was envisioned and the project was authorized in the 2009 budget act but unfortunately the Sacramento project along with 10 others was indefinitely delayed, reluctantly but not only on our recommendation as the Court Facilities Advisory Committee, but by the Judicial Council. As you will recall, hundreds of millions of dollars of our construction fund, in fact, a total of \$1.8 billion was swept by other branches of government. And we're hopeful that at some point in time we are going to see some restoration of that money. Now, you might be wondering what has happened since that time. The short answer is, quite a bit before design starts on any project, the broad—project team composed of the court Judicial Council staff, firms that we hired to design and engineer their project, revalidate the project to determine the number of courtrooms necessary and overall building size. And for a big project like this, it is definitely taking the time necessary. In this day and age, we have to get it right and in this case, we believe that we definitely have as you know, a lot has changed since 2009 new judgeship numbers change. The court's budget changes. The way that the court needs to allocate you—judicial resources changes. We needed time to sort this out and explore how and if the Shaver courthouse would be a part of this next. After an extensive top to bottom evaluation of

this project earlier this month the court facility advisory committee unanimously voted to recommend the Judicial Council the scope, budget, and scheduled for a new 53 courtroom courthouse in downtown Sacramento. At this time, I want to thank our support staff, Chris Magnuson and the entire capital project team. And their analysis and their work was terrific. The staff work that was done by all of them over this course of number of years but also the abundantly clear that this is what this option is what we had to do. I wish you had been around the table when we concluded our analysis and thanked the staff because thanks for the staff came from many, many quarters, certainly from architects who were on the committee, county officials, judges, court executive officers and others. Recognizing that this analysis was airtight, something that we can move forward with to provide Sacramento with a courthouse that they definitely need. I will say, as well, that we have had a great working relationship with the Sacramento Superior Court, the judges High, Cook—Galba and calmly have worked collaboratively with us to make this a reality and they need desperately a courthouse in Sacramento. They need a courthouse that is ADA compliant, that is secure for the citizens of Sacramento, and a courthouse that will meet the needs of the citizens of Sacramento for years to come. I want to thank all of you. It has been a long process. When we look back and see that this started in 2008, we know that a lot has happened since and a lot is yet to happen. But we hope that sometime soon, we are at a groundbreaking for the Sacramento Superior Court because they desperately needed I stayed open for any questions.

>> [ Captioners transitioning ]

>> I want to congratulate Justice Hill and Mr. Garin and the rest of the staff in coming to this recommendation. I have had conversations over the years with Judge Culhane and the presiding judge. I speak in full support of the final determination and final recommendation that there be a single, larger courthouse as opposed to a smaller courthouse along with a renovation and continued use of the Schaber Courthouse. I can speak for my days on the Sacramento Superior Court where I sat where the Chief sacked. Shaver court—that was a number of years ago.

>> It is severely in need—I don't think it can be effectively renovated from a cost basis. I would like to thank you again, Justice Hill, for your recommendation. I would like to make a motion to accept that recommendation at this time

>> I just had one question as a potential future juror at the new courthouse. The jury parking lot, which I did not notice in the materials that went to subcommittee, is there a change in the jury parking lot. It is currently located across the street in the existing Schaber Courthouse. It will be four blocks to the new location.

>> There has been a change. I will have the staff detail what that is. We assure you it will be adequate.

>> [ laughter ]

>> Parking is remaining. I think it is two blocks as far as I remember from the new site. It will be a slightly larger walk, but still doable.

>> Plans have your name on one spot.

>>[ Laughter ]

>> Judge thing.

>> I just want to commend Justice Hill and Kelly and Bill for all of the hard work. I know how hard they worked on this project. It is not just this project, it is all the projects that come before the committee. Also, Justice Johnson has a subcommittee on course to cut reduction which is the pincushion of the most of the courts that come before him. Thank you so much.

>> In addition to serving their as a judge for a number of years along with Judge Borack in the audience, I have also served on three sworn injuries. I am called for jury duty on March 21. I will be looking with a keen eye on the renovations needed or the reconstruction needed for the Sacramento Superior Court.

>> Thank you. You will agree with everyone who has been calling me over the past six months saying it is in dire need a replacement.

>> [ Vote being called ]

>> The pass is unanimous. Ink you for your hard work on this. I appreciate it.

>> Thank you. We appreciate your work as well.

>> Our next item on the agenda is 16-019. It is an interim report requiring no action at this time on your part. It is a report on court appointed dependency Council workload and funding methodology. I invite to the presentation table Judge Borack, cochair of the Judicial Council Family and Juvenile Law Advisory Committee and served on will, Judicial Council Center for Families, Children and the Courts. Welcome.

>> Chief, we have public comment on this. We have four individuals. If I can have Hilary Kushins, who is from the Dependency Advocacy Center, she may come forward. You have three minutes. If I can have Candi Mayes the next. Good morning. You have three minutes. I will give you a warning at one minute.

>> Thank you. Good morning council. My name is Hilary Kushins. I am a cofounder and managing attorney at Dependency Advocacy Center which is a nonprofit legal services organization who represents primarily parents in Santa Clara County's dependency system. Today, I urge the Judicial Council to do three things. First, advocate to the governor and

legislature the full amount that is needed for court appointed dependency counsel as demonstrated by the new methodology. I understand that advocating for the full amount generated by the new methodology may be challenging since it has anticipated that the real cost is above the \$22.4 million. That was originally sought based on outdated model. However, if the Judicial Council does not advocate for the true cost to accessible justice for the most vulnerable families, who will? It is this council's responsibility to make justice meaningful, to give the children and parents a voice about decisions that will permanently impact their families forever. The families cannot wait and the Judicial Council should not wait. Second, adopt the new methodology in April it was developed by the subcommittee with one modification to recommendation to that can be easily remedied. The new methodology is better than the current model. I urge the Judicial Council to base the court appointed attorney salaries on the median salary of the full range for county counsel as opposed to the currently recommended first tier range. In Santa Clara County, the vast majority of county counsel in the dependency units are in the highest tier. About having competitive salaries, it will be challenging to retain attorneys to competently represent the parents and children. Third, please on the April judicial agenda a freeze to the current four-year reallocation plan that was adopted last year, which is based on an outdated model and outdated data. Allocate any additional funds from the legislature and governor this year to counties most in crisis. It is clear from the new methodology that no county is overfunded.

>> One minute.

>> Without freezing the plan, it will undo the successes in certain counties that are improving outcomes for families and will dismantle some agencies altogether. In Santa Clara County, reallocation means a 25% loss of staff for both children and parents. It will force us to pull back from our utilization of model practices that have been years in creating. We need to be clear and our message and work with the legislature to adequately fund all counties. In 2014, you spoke about access to justice. You invited one of our mentor parents from Dependency Advocacy Center to speak. She is a mentor parent. She is a former client. She had had her child removed from alcohol abuse. Her case is now dismissed. She is employed by our agency and helps other parents navigate the system and support them in their reunification efforts.

>> Time.

>> You told us that she makes us proud and the dependency system worked. Mercy's story and journey would not have been possible if the Judicial Council does not advocate for the full funding necessary for all counties. I would urge you to follow the request.

>> Thank you.

>> Candi Mayes, Dependency Legal Group and Jennifer Cloud would be next.

>> Good morning. My name is Candi Mayes. I am the executive director of the Dependency Legal Group of San Diego. We represent all of the children as well as their parents who are in child welfare in San Diego County through a contact with this Judicial Council. Our clients are all disenfranchised. They mostly come from communities of color. As the previous speaker said, you have acknowledged that this is an access to justice issue as well as a funding issue. I would like to thank the Judicial Council for the work that they have done in addressing this problem and looking at the funding that has not been looked at since 2005. It is work that needed to be done and it is attention that needed to be paid. All of us that do this work appreciate the work that has been done through the course of this year. You have received written comments from us regarding some of the issues that we have regarding the reports that he received today. I won't stand here and repeat that from the comments. The work group is going to present to you a draft. That is going to reflect important work and needed changes since the 2005 funding plan. We strongly support the work. We encourage the council to actively engage in the refinement of the recommendations between now and the April meeting. I am here to talk to you about recommendation number 10. Suggestion is to maintain the current four-year allocation funding. My request to the Judicial Council is to direct the work to present you with a plan for fiscal year 2016 and 17 that will freeze the donor counties at the amount that they currently are at for 2015 and 2016 and to allocate additional funds that come from the governor's office to the crisis counties. I am asking that you direct the work group to inform you of the actual amount that it will take to fully fund the judicial draft programs and the rest of the dependency Council representation programs in the state of California. This council, as well as all of the advocates can continue to work with the legislature and the governor's office towards a full funding and we can all do it with a single uniform message. There seems to be fear that there is a deviation that if there is a deviation from a plan, it will trigger unwillingness to provide funding from the Department of Finance. I am suggesting to you that there is no evidence that it is true. In fact, the methodology work group was put in place to look at it and to create a new plan. I need to be frank and honest to tell you that if you do not make a change to the current four-year plan, the program in San Diego will not survive. If you choose to keep the four-year plan in place as it currently exists, you are choosing to sacrifice that's me. I am here to make sure that is not an unintended consequence. If that is the choice that you make, the net leased it will be a purposeful choice and it will not be collateral damage. We cannot survive, and that is just the way that the numbers work. If a change does not happen, we will not survive. I am asking you to put that on the agenda. Please consider making a change to the current four-year plan based on the work that was done by the work group that you put in place.

>> Time.

>> We want to continue to serve the families in San Diego County.

>> Thank you. Jennifer Cloyd. Leslie Hima is next.

>> Good morning, Chief Justice and your honors. My name is Jennifer Cloyd. I am the directing attorney of Legal Advocates for Youth, an organization that represents all of the children in

Santa Clara County. I have been an attorney for children for the past 18 years. Last year, a colleague of mine so before you and shared that in this state, there are 58 counties that represent children and parents. They are either underfunded, severely underfunded, or in crisis. The report that you have before you today suggesting a new methodology, supports that conclusion. Judge Borack and her colleagues and the Judicial Council staff have spent a significant amount of time exploring the funding methodology necessary to assess what the true funding need is for counsel in California. I ask the Judicial Council to take the next step and calculate that actual need and define that number so that we can join with the Council to work towards securing the funding necessary with both the legislature and the governor's office. What we do know, even without having done the math, is that it is more than the \$22.4 million that the council is currently requesting. Last year, you also voted on a four-year reallocation program that the prior to speakers referenced. That plan essentially asked certain counties to give up funds in order to help fund counties that were more in crisis. The important thing is that entire plan was premised on a definition of the need that has been completely debunked by the new methodology. We lived through that the first year of the reallocation. We took our cuts. The crisis counties received a necessary boost. The crisis counties also received the \$11 million at the governor's office allocated. Now, with the information that you have today, we are asking that you agenda eyes in April to adopt that methodology that is based on one—much more reasonable salaries based on cost of living in areas such as mine. We need more manageable caseloads. With that, I urge you to reconsider the allocation plan at your next meeting in April. Thank you.

>> Thank you. Leslie Heimov, Children's Law Center of California.

>> Good morning and welcome.

>> Good morning. Thank you. Chief Justice and council, I have been here a few times on this topic. I am in the unique position of securing the contract to represent children both in Los Angeles and in Sacramento counties. In Los Angeles, we are a crisis county. In Sacramento, we are a donor county. I have been immersed in this issue and the funding needs from these two unique perspectives. What is not different between these two counties is that as my colleagues have talked about today, every single one of our clients desperately needs an attorney that has the time to pay attention to their case the way we would if we only had one client. These are people who can't speak for themselves. The state has chosen to intervene in their lives with hope and promise of a better outcome and a different situation than what they are in. I want to thank the methodology work group. They have done an incredible job. I have watched them take this very seriously. I think they acknowledgment that they are not done is important. There is still more work to be done. I also want to acknowledge that the \$11 million that we were able to secure from the governor to increase statewide funding last year has made a difference. As a recipient county in Los Angeles, we got a good portion of that money. Everyone knows that. It has made a difference. Prior to the reallocation and prior to the increase in the statewide budget, we had an internal Said if any of our lawyers went over 300 cases, then we would go into crisis mode and we would look to reserves to try to reduce their caseload. We have been able to lower that. Now our internal cap is 250. That's still far exceeds the recommended number, but we feel the

difference. It has helped. We are not done. The urgency is no less today than it was one year or two years ago.

>> One minute.

>> I ask today is that every single one of you invest in this and that you go back to your jurisdictions and you instill in your leadership on the bench that they need to care about this issue and they need to show up. It's made an incredible difference last year with the legislature and with the governor when Mr. Hoshino was in the room. When Judge Slough was in the room, when Judge Borack and others were in the room, it made a difference. It was not just the recipients of the funding speaking for the disenfranchised population. When the bench was there, it made a difference and they listened. We really need you to come with us and to be at the capital to write those letters and to show up in person at the hearings. Thank you.

>> Thank you. That concludes public comment on this item.

>> I invite the panel to begin their presentation.

>> Madame Chief Justice, Judicial Council members, and public, I want to thank you for allowing us time on your agenda today to give you an interim report. Our final report is due to you in April. Based mostly on what you have just heard from the commentators, this is an issue that requires some attention by the Judicial Council and we are here to give you a heads up. We want to talk about the conclusions that one can draw from the progress. The interim report that we provide you writes a summary of the major recommendations of the joint subcommittee on court-appointed dependency counsel workload and funding methodology. After the extensive discussions of court appointed counsel at the Judicial Council last year, the Council charged a subcommittee with reviewing and updating the methodology used to calculate workload for dependency attorneys. Subcommittee got to work right away. We realized that you gave us quite a bit of work to do in quite a short period of time. We would have never been able to accomplish what we did accomplish in that time without the assistance of the staff. I think John Wells. I think Audrey fancy and all of the other staff from the Judicial Council. They were the people who made this possible. The subcommittee met seven times. They heard extensive public comment and conducted a number of research activities. To statewide surveys of attorney providers, four focus groups of attorneys around the state, a web-based survey of county counsel salaries, and a data analysis of workload data from the 20 courts participating in the Judicial Council's draft program were done. Our recommendations will include changes to the basic attorney caseload standard to how salaries, overhead, and local cost variances are calculated and to how the total parent and child caseload for each port is calculated. The subcommittee feels that much work needs to be done by the Judicial Council in looking at effective practices for court appointed counsel and incorporating those into the workload methodology. We also make a recommendation that the Family and Juvenile Law Advisory Committee consider a comprehensive update of this workload model. The time period within which you gave us to provide you the report was very short. The amount of time needed to get good numbers and good

data and continued to ask good questions will go on beyond April. That is our additional recommendation to you. You have heard a lot about the fact that the cost estimates are much higher than what was projected in 2005 to be adequate funding to cover the needs and 58 counties in the state of California. The current workload model generates a statewide estimate—the current workload model, not the one that we are proposing. It estimates that approximately \$137 million per year. The subcommittee staff has only just begun to meet with finance staff to cost out the implications of the changes to the workload methodology. The major change in the new methodology will be lowering the case load. It was recommended in 2005 that caseloads be around 188 clients per attorney. That was based upon the assumption that there was going to be one social worker or investigator for every two attorneys. If that was not possible, the caseload should have been 141 cases per attorney. That is still more than what is recommended by the American Bar Association, which is 100 cases per attorney. Even at the 141, what our current recommendation will be to you in April is to hold attorneys to 141 cases and to put social workers, investigators into overhead costs rather than having it effect the number of cases each attorney should handle. Even at that number, it is greater than what is recommended by the American Bar Association. That change alone will increase the bottom line by 50%. That change, plus changes to how salaries benefits, and local cost variations are calculated give us a rough estimate of \$194 million statewide. I appreciate the comments of the attorney groups who have had first-hand knowledge of what is needed to adequately serve families and children in the child welfare system. They point out the complex and difficult task of determining a methodology that will serve the unique needs of each child and each family in each of our 58 counties. Our subcommittee from day one realized the difficulty in doing the thorough job we wanted to do in the time frame set by the council. We discussed the possible need for ongoing data gathering to better inform the methodology. We came in today because as we progressed in our work, it became apparent that to adequately and appropriately fund the needs of families and 58 counties in 2015, significantly more funding would be necessary that is represented by the methodology developed in 2005. The need is now for positive action. With the legislature and the finance department and the governor's office to explain the ask the need and to forcefully advocate for the increase in appropriate and adequate funding. It is only with increased funds that we will, as a branch, hope to avoid the devastating effects that you have heard about from the attorneys that proceeded me. We propose that this important aspect of our judicial branch be included in the report to the legislature of the state of judiciary address coming up soon. The members of the Family and Juvenile Law Committee, passionate judges who deal with these issues day after day, stand ready to form a bench-bar coalition to help explain the reasons for the additional needed to our legislature and our governor in an organized and cohesive fashion. We seek your blessing. The need is now. The work must begin now. It cannot wait until our final report date in April. That is way too close to the may revise of the budget. That is my message. I stand ready for questions.

>> Thank you Judge Borack.

>> I have a few questions and some historical facts. Correct me if I am wrong, but historical base funding is \$107 million for dependency counsel funding.



>> \$137 million.

>> The 137 is the assessed need. The assessed need is \$137 million. You also indicated \$190 million. The historical base lending or trial dependency counsel is \$103 million. With the influx of \$11 million, we are still short of the \$137 million that you need.

>> That is correct.

>> Regarding the methodology that you and your subcommittee are creating at this time, it is my understanding that based on what you indicated, that it will be ready by April of this year.

>> Our final report and recommendations to the council is due in April of this year.

>> Is that's methodology going to be in place in April?

>> Once adopted by the Judicial Council, the methodology will be the methodology.

>> Thank you. As far as the methodology, does not take into consideration the representation standards and the caseload data from each of the courts? Does it take into account racial disparity? Is that into the methodology factor?

>> There were several specific assignments that the subcommittee got the Judicial Council last April. The council gave us our assignment then. Racial disparity was not in it. We have not addressed that yet. Just as you bring up today, many of the members of the subcommittee said what about this? That is why within the short period of time, we addressed the council's directives so that we can respond to what task the council has assigned to us. In terms of caseload, yes. That is part of it. In terms of salaries, that is part of it. In terms of counting cases, which we have looked at thus far is that the current workload model counts cases using CMS CWS which is the social welfare system for counting their cases. That included cases that have not yet been filed with the court. We looked at whether or not that is a realistic number. It is difficult to get to absolutely real numbers. We figured that using some numbers from how the courts count their cases and a combination of the way the social welfare system counted cases and a combination of that currently, we are looking at 70% CMS CWS and 30% HPSA's. It would give us a closer number to what is really the caseload for the court.

>> [ Captioners transitioning ]

>> Methodology is needed but I think the methodology cannot be one that's going to shortchange courts.

>> I think there's apple over here and oranges over here. The methodology is something that with very few criticisms like should we really be using the base salaries, entry level salary for

county counsel around the state or be a higher salary. That was one question that was raised. As to the methodology, there's little criticism actually in that methodology. What is being criticized is the—what the Judicial Council did last April and that is to say that this is the method that you have to use to even out the amount of crisis among the 58 counties by taking from the have's or the have-more \$58 counties by taking from the have's or the have-more and giving to the have-nots. What we heard today from the public commenters is that if you do that you put more counties in crisis and what they are recommending is that the Judicial Council consider not taking any money away what this is called donor counties. It is based upon the findings of our subcommittee and that is that all 58 counties of the state of California are underfunded. There's no overfunded counties that can afford to lose the money that's being proposed by the 3-year reallocation that was already adopted by the Judicial Council. So there—the problem as I understand it from the commenters is not with the methodology itself, it is with the reallocation and with the inevitable unless the Judicial Council revisits their—what they have said in terms of taking away from some counties and giving to others.

>> But the word allocation and methodology goes hand in hand. Once you have the allocation is when the methodology becomes effected, right?

>> Don, can you help me out?

>> The subcommittee that looked at this was a joint subcommittee from the Family and Juvenile Law Advisory Committee and also the Trial Court Budget Advisory Committee. So I think it's definitely true that once there's a new methodology then the allocation numbers among courts will change relative to the total need. The Trial Court Budget Advisory Committee is going to be meeting and I believe discussing the full methodology that the council will see in April and the beginning of March. March 10. I think that's when—the subcommittee has not really taken up that question yet. They haven't talked about funding or impacts. They'll really narrow in on how to—what case load do attorneys need and how much does the service cost. So I think that there the budget committee will zero in on what the impact is for the methodologies we have in place, the allocation we have in place, the timing of when it would—if the Judicial Council voted it in when it would be phased in, all those different things.

>> I apologize but one final comment, I don't believe that April is a realistic time to be untangled like the Gordian knot. That's my final comment. Thank you.

>> Judge doubt.

>> Thank you. I first want to commend Judge Borack and Judge Cope and the committee. I think not only in a short period of time they have taken on a huge if not arguably impossible task and probably a no-win situation. I think Judge Borack has demonstrated tremendous leadership throughout this process by all accounts. I've been hearing very thorough open transparent process, the right questions are being asked, reasonable people probably disagree on some of these issues. I really want to commend the committee for I think outstanding work to date. Of

course, Don Will, Audrey Fancy and staff are great people and give great support. I think we all agree and can demonstrate to the governor that we've done the work. We're doing to work. I think we can all agree that every court is dramatically underfunded. These caseloads are just—I don't know what the word is besides ridiculous. We're compromising the well-being of our most vulnerable youth in our state. They are youth. We make them a dependent child of the court. There are youth. The representation to their parents and to them has to be the number one priority I believe for this council and for the state. I wholeheartedly agree with the need to promptly continue in our efforts in a united front to increase funding from the legislature and the governor's office. I want to make sure that Judge Borack and Judge Cope's committee has the time to do the work and do it right. As Judge Borack we know well know—well knows I have a couple of concerns. One about the recommendation of emergency funding to small courts. I hope that that will continue to be examined. I think there should be some contingent funding for all courts regardless of size when there's an unexpected short-term crisis. My concern with the two judge courts in some of the smaller jurisdictions is the methodology for small rural courts. I can't fund at least three or four competent attorneys to be available for \$24,000. It just doesn't work. So I do encourage the committee to continue in their efforts to look at what I call the enmonoly in the methodology. I think there's a policy session that this council is going to have to face. Do we want to cut severely underfunded courts to fund critically underfunded courts? We can characterize the terminology differently. I would hope that the committee in their recommendations and this council would seriously consider a freeze at the existing 10% cut the respect to the donor counties until we can get that right and hopefully infuse greater reinvestment from the state into this area of critical need. I think we can convince the department of finance and the governor and the legislature that we are doing the work and the new methodology we just need to get it right. We have the numbers to show that we need more infusion of capital.

>> I think this is going to be interesting. We have another item that will similarly touch on complexity of models and how to estimate workload. I would say in this context though as Judge Borack outlined, a lot of work has been doing on the methodology for need. Because there seems to be some narrows of that and there are some questions that still need to be worked out over the next 2 months but the methodology seems to be largely complete. You know, some work to do but there's 2 months. A lot can get done in 2 months, especially when you're getting close. That can be helpful. I think that is what is not as much in dispute or discussion on the methodology side. To your point, judge, that looks at what the need looks like. How do we estimate how much money we need? Allocating that money is different. There's a separate action to decide if you have 100% of that funding it's easy, you just give it out the way the model suggests. How to allocate is a separate action and it goes to this issue of how do you deal with, you know, courts where you are substantially, substantially out on the ledge. We'll pick whatever fund you want, underfunded. Those are actions as long as you're underfunded. We need to finish the methodology. Substantial work has been done. I was only there for the beginning part and couldn't take part other than just listening in. It's a lot of work. They've been doing a great deal of it. The participant from the attorneys, staff and court has been substantial.

>> Martin.

>> Thank you, members. Justice Miller. I want to make sure the members have some background to this. So what I wanted to leave the impression of is there's a lot of progress that's actually been made on this subject. It isn't a ground zero. There's a lot of work to be done still, a high participation, a lot of activity. Where this connects procedure—I won't make any recommendations but this is a context coming to you setting a foundation for what is coming to you in April. It made sense and it's smart for the folks to come here and do that. Time really is of the essence. Where you are procedurally how is it that you will distribute and use this money and a lot of questions about the model. I understand this is a task given to the committee and the staff and that's what they have been diligently working on. It's important to have as strong of an answer possible of what we did last year as well as this year to make our advocacy successful. That's why we really have to—maybe this is just too common in use of terms, but we have to catch this timing of the state's budget-making cycle. We have to be in position. There's a lot of progress and that's why there's a lot of energy and speed to it. I want to make sure the members have the impression that there's a lot of progress and things are aimed at it and if done right we will be in that window and I think the council has already spoken, we want to be in that window and we want to say as clearly as we can we have these crisp answers to the questions for the funders in Sacramento.

>> I just want to echo Judge Borack's comments. I want to thank the Chief and Martin for your leadership here. There was tremendous work on this effort and I appreciate and support.

>> That concludes this item.

>> Thank you. I appreciate all the work here. I appreciate the panel's work and the comments about the large task ahead of us.

>> Thank you Chief Justice.

>> Next on our agenda is child support. Child support commissioner and family law facilitator program funding allocation. It is an action item. We have several presenters. I believe also that joining us by phone is Judge Lorna Alksne, the chair of the Judicial Council Workload Assessment Advisory Committee. We also invite anyone present to be at the table but we also know that Judge Mark Juhas will be present. Judge Jonathan Conklin of the Trial Court Advisory Committee and Ms. Anna Maves for Families, Children and the Courts. If I missed anyone please produce yourself to the council. Thank you.

>> Chief, we also have one person here for public comment Rebecca Wrightman. Welcome and you have 3 minutes.

>> Welcome. Thank you very much for the opportunity to address this council, esteemed Chief Justice and members of the council. I'm a commissioner in San Francisco assigned to hear child support matters, the Title 1058 program. I previously worked in a smaller county and I'm a state

commissioner and have extensive experience in the field. I've tried to participate fully in this process to date but that's meant 6 to 9 minutes of public comment and two written comments to the subcommittee along with one 3 minute comment. I fear that I failed to get through but I'm still here trying. I want to focus on three main points. First the continued lack of understanding of the program and what drives the workload of a court and quite frankly what constitutes the work of a court in the AB 1058 environment and if it differs even with the same case load. I'm not aware of any focus study done on the program. There was a time study done in 2011 but that did not separate out AB 1058 cases. The methodology that's been put in the sub—talked about in the subcommittee, the statement that it's a proven methodology is proven on the face but can be a detriment. We are dealing with federal money, not state money that involve the need to meet certain requirements. The time frame from the outset that has been impractical. There's never been an analysis of the data can that can be found that cannot only measure county by county—

>> 1 minute.

>> They can measure how in days it takes to get a file ordered. There's not an analysis of the spending patterns and the budget requests submitted annually by every county since the inception of the program and if that matches what's being proposed today. It's not being analyzed if the council moves forward. I ask is there an emergency here? I don't think so. I know there are some counties struggling. I do believe those can be adequately addressed in the interim. I believe that subject matter experts are critical to the process. I urge this council to recognize the needs and importance of having experienced commissioners and facilitators on the subcommittee itself. I know this has been a topic near and dear to the commission court—

>> Time.

>>—I urge the council to give this adequate time to achieve justice and note that the state department of DCSS is in a position to assist in getting more money from the state, from the feds but this can't happen if we don't coordinate and proceed—

>> Thank you.

>>—with a full understanding of the program before committing to my particular methodology.

>> Thank you.

>> That concludes public comment.

>> Thank you.

>> Thank you so much for the opportunity to present here today. My name is Mark Uhas. I'm one of the cochairs. I was one of the cochairs of the subcommittee. A little bit of history. In your materials is our report. I'm not going to spend a lot of time talking about the history.

Approximately a year ago you appointed a joint subcommittee that was made up of three committees of the Judicial Council, WAK, TICBAC and FAMJU. We met several times. We worked together and came up with a report. On page 2 of the report are the recommendations that came out of the joint committee. We don't disagree on recommendations number two and number three. So those all three of the committees when they had their separate meetings all agreed on. Number one, which is how are we going to allocate the funding into the future is the one that we disagree on at this moment. Our disagreement is quite minor. We disagree for the most part over timing and methodology. So I think that you're going to hear a little bit about what everyone thinks about that timing and methodology. I think it's important to keep in mind that the 1058 money comes from the federal government. It's been flat funded since 2008. It's designed for one program. It's not something that is spread out over other programs in the court. It's a limited amount of money and a limited program. Over the past several years the flat funding has created some inequities but also created some challenges for the various courts to do the work that they need to do because you need to keep in mind that there are performance measure pers that to B measure that is—measures that the court and DCSS has to comply with. It's an opportunity to consider best practices, technology improvements, how future litigants will interact with the court system and it's a unique opportunity to make some serious and lasting change in the 1058 courts. The FAMJUV recommendation is on page 10 and 11. It contains revision of workload numbers, getting some subject matter experts as well as working with DCSS as DCSS goes through its process. Currently DCSS is going through a process where it's reviewing its processes and taking a look at how it's going to do its work into the future. DCSS is our justice partner. The 1058 money flows through the DCSS. The DCSS process is currently thinking about how they're going to do technology, are they going to regionalize things, how are they going to redo their work to be more efficient as well. The problem this council faces is how are we going to address the 1058 inequities and what do we do because we shouldn't get in front of DCSS. I believe that if we get in front of DCSS what happens is DCSS if it changes its process and we're out in front of them we run the risk of making an allocation change which then a year or so from now this council may have to reallocate depending on what they do which can be devastating to smaller courts and going to be problematic to larger courts because once resources have been allocated it's difficult to go back and recreate where we've been in the past. Additionally, DCSS has expressed a willingness and interest in work being the council in going together with the council to ask the legislature for additional money that's not only federal money but talking to the legislature about how other money can come into the system. I think that working with DCSS at this time makes the most amount of sense. We're not going to make any changes until fiscal year 17-18 pursuant to the recommendation that all the committees made. As a result I think that this is a real opportunity for us to show to the governor and the legislature that we are good stewards of the people's money. If we jump ahead of DCSS we run the risk of making severe changes that we shouldn't make. Result I point you do page 10 and 11, which is FAMJUV's recommendation. I ask for the three-part subcommittee again I made the comment that that was judicial governance at its best. The three committees work together. There's a tension among the three committees that came up with a much better product because each committee came at it from their own direction. So I would keep the current funding in place as is the recommendation, reappoint the three-part committee, let us work some more, come back

and report to you in December as to what steps we should take in fiscal year '17 and '18. Thank you so much for your time.

>> Good it's still morning to all of you. I'm John Conklin. I acceptably join in Judge Uhas's comments concerning recommendations two and three. There was unanimous agreement among all committees including TICBAC. Thank to Judge Uhas, Judge Kuhl also sub-cochair of the work they did. I was no a cochair of the subcommittee. I served on the subcommittee. There was some concern and that was one of timing and methodology. I don't think that there's particularly controversy on any funding methodology that is ultimately determined to be work-load based and not performance-based. Performance-based has as aspects of it that creates both unknowns, concerns and potentials for bias. In other words who is setting the performance and those standards. Workload based allocations whether they be law firm or otherwise are proven methods which is necessary given limited funding. The second issue at hand is one of timing. The concern from the—I really appreciated Judge Uhas's perception or statement that there was productive friction here. These three committees did not just decide were all going to come up with the same recommendation. We worked off of each other for good reason. The timing allocation is not addressed in the current recommendation. The current recommendation does not put any timing mechanism available. The great majority, I believe the vote of the voting members was 21 to 5 was that there should be some built in timing mechanism. Now, I do agree this could go back for further study in the next year. We're not recommending this happen tomorrow. The recommendation is that we implement beginning in 17-18. I'm sure most of you know better than I do that any workload based funding method is implemented in stages. There are ways that we can account for. Again, I know I'm repeating others comments but we're dealing with the worse of the worse and trying to make the best of it. We're dealing with funds that I don't think anybody in this room disagrees are wholly inadequate for the task at hand but we have to deal with those funds. I think with do have the show the legislature and the governor that we're serious about this and we will move forward expeditiously. It should not be in an emergency, I agree. I don't think it's a crisis. I don't think we're moving on an emergency basis by saying let's build in a time line to this funding allocation whatever that may be and begin that in 18-19 rather than 16-17 already and are starting 17-18. The recommendation of the trial court budget advisory committee is set forth in the report and it is that the first recommendation be modified to build in that schedule for developing and implementing the funding methodology. Thank you very much for your time.

>> Justice Miller?

>> Yes.

>> This is Judge Oxney.

>> Go ahead.

>> I am the chair of the Workload Advisory Committee to the council. I had the opportunity to put two of our members onto the subcommittee, Era Asberry and Steven Nash. We agreed with all three of the recommendations and unanimously voted to support the recommendations one, two and three. So since the controversy is really only about one or the discussion is about one I'll focus my comments on that. I think what Judge Conklin is correct, it's workload based. It has to be that when we do long-standing funding models. Based on what I have heard and what was presented to our committee from our subcommittee members is that there is only anecdotal information that would justify a change until we know more. It's not that we don't think that we should change. The workload advisory committee to the council is very much involved with making workload-based decisions and models. What we have—and I can only use some examples from counties where some cases in 1058 commissioners aren't counted as a 1058 case, but counted as a dissolution case. If they don't start off as a 1058 case it's not accounted. Those type of differences would make it so that we would not have a model that we can say is statistically sound. WAK cannot support something that's not statistically sound yet. We do not oppose a reappointment of the joint subcommittee. We don't oppose putting more resources from WAK on to the process trying to standardize the way court's count 1058 working to DCSS to figure out how they're counting and how we can come up with a model that find courts with cases inside their dissolution case to count those but it's going to take time and will not be ready by 2017. WAK is now understood going the studies to give numbers for the 2017-2018 budget model. We're not opposed to helping and jumping in with both feet but we need time, resources and participation of DCSS to come up with what we believe is a good statistical model.

>> Justice Miller and then Rick Feldstein and then Judge May. Sorry, then Judge Stout and then Judge Taylor. Please try to remember where you are.

>> That's easy for me.

>> [ Laughter ]

>> So if I understand then is the only difference in the recommendation to study this in the future and the trial court budget advisory is saying to have it studied in a methodology 2017-2018? Am I reading that right?

>> I think so. The trial court advisory budget committee was to implement a time line and the methodology.

>> And ours is to not so much implement a current time line but to be diligent, report back in December and have a more knew ANS bet every understanding.

>> That's—and have a more nuanced understanding.

>> It just means let's take it in increments, come back in December and see where we're at?



>> Correct.

>> Thank you, Chief.

>> I would be remiss if I did not thank the hard work of the staff. We wouldn't be where we are without the hard work of the staff.

>> Of course everybody is—nobody is not in favor of a workload based model I don't think. Having participated on the committee one of the things that kind of became clear was that we oftentimes tend to fall back when we're measuring a workload to just filing WAFM or dependency councils, et cetera and I think in this instance we have to keep in mind that there's two programs. The commissioner program is not unlike other programs where a number of filings may be the most important if not the only relative workload measure that we might want to consider. I think when we go back and review and come up with an allocation form we have to approach the facilitator program with a more open mind to other issues. I say that because having worked in several counties I really believe that the workload is influenced by many other factors beyond number of filings for the facilitator program. For example, when I was in a small rural isolated county we were the only game in town. There was no legal aid there, there was not an active Bar Association to provide assistance to litigants and stuff. You have other resources those folks can rely on. That can effect workload. When we go to the facilitator-ran program we have to take a deep look at what influences that workload and be open to other factors.

>> Rick's comments reminds me we should acknowledge the work of Steve Nash. He presented at the joint subcommittee and came back before us and the chart that is are attached to your material I think it's difficult to comprehend the amount of work that Steve put in on this. It was extremely helpful to both committees to understand those charts in detail as we met our recommendations.

>> Thank you.

>> Briefly and I'll make it real brief, as far as the methodology is concerned that you're working on—and I do agree to take your time but not to the point that it's going to be too much. Is DCSS going to be involved in the discussion when you do form late a methodology? That's number one. Number two, I don't disagree that we should have subject matter experts putting input into this. I think it's important that we do it right. I have no difficulty with that. I think it's very important work and I do commend all of you. I do think that we should take the time and subject matter experts is important but I do want to make sure that any methodology that you formulate should have DCSS recommendation. The joint recommendation is two and three correct?

>> Yes. Two and three are the same. One is the only one with time.

>> Thank you.

>> Alesha Griffin was a member of the joint subcommittee and involved every step of the way. Yes, we are in talks with her to figure out how we can have a liaison with—so we know what they're doing and DCSS knows what we're doing so we're all pull anything the same direction.

>> As far as subject matter experts your subcommittee is going to go through some request?

>> Yes. In responding number—recommendation number two carves out the family—I mean the family law facilitator people. Yes, the subject matter experts would be family law facilitators, folks from the commissioner program and we would have to identify those folks.

>> And how will you obtain these experts? Sending e-mails out or how is that done?

>> I assume we would be looking for guidance from you on that actually.

>> Thank you.

>> It's stout. I'm sorry. Stout, Taylor

>> Thank you, Chief. I want do thank first Mr. Feldstein for his comments. I think it's very insightful and well stated in terms of having to dig a little deeper with respect to the family law facilitator and the relative degree of services and the various communities that they serve. I always appreciate including timelines for implementation to move us forward. In this circumstance and with all due respect to the trial court budget advisory committee I would support recommendation one. I think the comments of Judge Uhas are well taken here. There's some uncertainty when DCSS complete their work. I think it's important that we not get ahead of them. I don't see a real urgency here to create an artificial timeline. I have all the confidence in the world that the joint subcommittee is going to continue to diligently move this to forward and report back in December. I would move the recommendations one, two and three of the joint subcommittee for adoption but with the inclusion—I think they're compatible—of the recommendations of the family and juvenile law advisory committee on pages 10 and 11 that address the need for subject matter experts which I conquer to make sure commissioners and the family law facilitators input is obtained.

>> Thank you. Judge Taylor.

>> Thank you, Chief. I'd like to echo that this subject is real concern within CJAA's court commissioner's committee and for CJAA too. I would agree with reappointment for the subcommittee with some additional voice.

>> Are you seconding Judge Stout's motion?

>> With that recommendation.

>> I think it's built in with the conclusion that it's part of the subject matter experts.

>> I'll hear from Judge Buckley, McCabe and then Anderson.

>> First and foremost I want to thank the great work. It really has been a perfect example of where we work well. We work well sometimes best when we're not necessarily agreeing on certain points. I see any time that we're struggling with moving to a workload allocation that inherently there's an urgency. We are facing too many courts where the work that is being performed in this very important area that greatly impacts families is just not being done to the degree that it needs to be done. I do see an urgency here. I do think change is critical. At some point I would be willing to talk about strive to develop. I think as far as any group that we ask to do a certain project by if they come back and tell us 17-18 turns out not to be viable we would accept that based on that input. I am not conversing with this the way some are. I do believe that DCSS may not have the same timeline or urgency that we ultimately do. For us to step back and depend on another agency, an agency that I believe is also a litigant before us which I think is other issues that we consider if we put them the horse and we the carriage. I think the heart of why we need to do this is that we created something back in the 90s or 10, 20, 30 years ago and we never kept up on trying to change it year to year or to change it with different circumstances. I'm not concerned if DCSS does change something that we don't expect because I'm confident that the methodology that's created would create a flexibility and allow us in year 2, 3 or whenever we go forward to address other things. I would ask you that you vote no so the second motion with bring in the back recommendation.

>> Stout, Taylor, Buckley and McCabe sounds like a 60s rock group. Tension is a good thing. It creates in my opinion better analysis. It's more deliberative. I think the end result in product is better for the organization. As the chair of the trial court preceding judges advisory committee I received a number of telephone calls from presiding judges on this very subject. I also picked up the phone and called Jerry Hamlin to discuss the matter with her. And then proceeded to review this issue. I'm a member of TICBAC. The sentiment would be to support the motions made by Judge Stout and for a variety of conditions. Is number one—there's a concern that this unnecessarily locks us into something that we haven't even developed yet for next year. The only stated purpose is it's been 19 years and 19 years is too long. Well, I don't think another year or two is going to hurt quite.—quite frankly. I would challenge that we are apples to apples in all 58 counties versus what the DCSS is attempting to do. They're uniform in their practice because it's a state agency, it's a system throughout the county so they are apples to apples. Three, something that wasn't contemplated and I've raised this issue when I picked up the phone and talked to folks at finance. WAFM if you recall was an attempt to address the historic allocation in equities between the trial courts. It was based on a historical. It adopted a weighted case load based formula that built from the ground up to tell how much it cost to do what we need to do. It identified and attempts to bring all the courts into a bandwidth of allocation funding. There was a number of courts below that. So it was designed to bring them up. That's what WAFM is attempting to do. Something that was not discussed. I VBT seen it anywhere in the literature. It certainly wasn't discussed at TICBAC but if we were to adopt their recommendation and

implement something next year, if we were to adopt what was being proposed at that meeting there were a number of courts that WAFM was attempting to raise that would have been lowered. So we have a formula that is counterproductive to the holistic approach that we're trying to take with WAFM. It was anticipated because we talked about it in WAFM. I was one of the folks in the original committee. We knew this was going to happen, that everybody was going to look at their funding schemes because some courts were going to be donors or recipients for lack of a better word. Then the races are on. This was anticipated because it's outside that allocation fund and it's a supplemental done by governmental agencies. That's something that's not been considered and there were a number of courts effected. That concerned me. Concerned me buds—because the folks on the phone were the ones screaming in my ear because they were going to be negatively impacted. I like that TICBAC abandoned the proposed formula and it's not before us today. If that one was passed would be bad to 72% of the courts. Thankfully that tension occurred and we had this deliberation and discussion. Reasonable mind opted to defer, keep work on it. But then the question honed in when we were going to implement a new formula or methodology. Page 2 if you see that recommendations one, two and three, two and three were adopted by all three committees. The two subcommittees and TICBAC. One is the only one that suffered. The two subcommittees both adopted the number one at the very top by recommendation, which is to work with DCS SSHGSS and use their numbers. TICBAC proposing to implement a workload funding in 17/18. Therein lies the differences. As an advocate for the trial court presiding judges as a whole, because they're divided on this issue I'm recommending that the motion that was made by Judge Stout and if it has not been seconded I will second it will be passed.

>> It's been seconded by Judge Taylor.

>> Thank you.

>> Judge Anderson.

>> I'll try to be brief. My assumption then in what you're presenting says the new date means you want to have space so you don't get ahead of DCSS but want to have a goal to achieve to move forward for some frame work or methodology so there's a different type of funding allocation that's more based on the needs of the court so if we don't have a date there's a worry that, you know, it would take too long and also in working with DCSS you want to be able to have a date for them as well so that they move forward and don't move slowly, correct?

>> I think that's correct. The flavor in the room in front of TICBAC and but says keep going as we are without any deadline as to when to change how we're going. The second one that Judge McCabe commented on was Mr. Nash made clear that the funding methodology is easily changed to the point where instead of the four courts at one point it was 50/50. So there was the beauty of the methodology setting aside the timing issue was made clear to the 21 members of TICBAC that supported it.

>> Would language if it was promoted to be amended accomplish both goals if it was more along the lines of allocate funding using the historical model in fiscal year 16-17 but develop a frame work for implementation no later than fiscal year 18-19 and also to coordinate with DCSS on their current review of funding allocations for local child support agencies? Would that accomplish both goals?

>> I'm only the chair but I believe it would. I think a comment was made and I don't think it might have been Judge Buckley that made the comment that this does not prevent either of these committees from coming back and saying though we set a deadline we need more time. I think you're absolutely correct. In answer to your question directly I don't think that the TICBAC members would be opposed.

>> That means if it's no later than 18-19 that many times up through there if you have something you have something and if you don't you don't and if you still don't have anything for 18-19 can go more time but at least this provides a frame work to have something to shoot for and also advocate that says that the branch is doing something, we understand the urgency.

>> I can't speak on behalf of FAMJUV. I dropped my crystal ball long ago. My suspension is that would receive a warm welcome because it's time to do done what needs to be done in terms of the further investigation and all that.

>> Judge Oxney would that also?

>> On behalf of WAK my concern is really a practical one. We are embarking on the new model study and we have to have that—we're not going to be able to look at this with the officer of court resource, the folks that we have that are working both of these committees until after the numbers are in starting next June is when the new workload numbers would come in. For the 17-18 fiscal year. So we're not going to be able to start until then really. The folks that work on that division I haven't ever—I never forget them. I haven't given them out by name but Leroy and Deanna are working tirelessly on getting the workload study done. I would almost like that—I know Leah is there and maybe she can weigh in on that. Or Deanna.

>> I'm here but I had Jake talking to me about something. What was the question, I'm sorry.

>> Sold him out.

>> Oh, about the timing.

>> The amendment to their motion was to make it so that we could have a potential model by the fiscal year 18-19 and I had said I needed to defer to you if that was realistic in terms of what is happening with WAK.

>> I think it is. They were going to report in early 2017 with implementation for fiscal year 17-18. Of course we don't know because there's going to be continuing work with what this model will look like. To the extent that the data we're collecting with form that model will be useful and just give staff a little bit of breathing room considering the intensity of work that will be happening over the next year on this study.

>> Thank you, Deanna.

>> Thank you.

>> I just asked Judge Stout will you accept the amendment, no not I'll have it as a vote.

>> I appreciate the 18-19. I always look for Judge Anderson for great compromise and I appreciate that. I'm still considered though about some of these issues and inclined to keep the motion as it stands.

>> I'm going to take the last comment and take a vote and see where we are. There's been several—there's been a great discussion and I think that—like Judge Buckley said we are best at tension to get to a compromise. Also there's a number of factor to weigh on both sides. I'm going to ask Martin to call the role. Now the motion is, items one, two and three as written in the documentation you have before you.

>> [ Inaudible ]

>> With incorporating to family juvenile advisory committees recommendation on pages 10 and 11 with report back and future action in December.

>> And adding potentially commissioners to the committee.

>> I think that's inherent in the language.

>> So report back include page 10 and 11 with the report back in December of 2016.

>> Judge Anderson?

>> No.

>> Judge beck?

>> Yes.

>> Mr. Benino?

>> Yes.

>> Judge Buckley?

>> No.

>> Justice Chen?

>> No.

>> Mr.—excuse me, Judge Fang?

>> No.

>> Justice Hull?

>> Yes.

>> Justice Humes?

>> No.

>> Mr. Kelly?

>> No.

>> Ms. Melby?

>> No.

>> Justice Miller?

>> No.

>> Justice—excuse me, Judge Nadler?

>> No.

>> No?

>> Correct.

>> Ms. Poll?

>> No.

>> Judge Thut?

>> Yes.

>> Motion fails.

>> This is Judge Ruben.

>> Oh, Judge Ruben.

>> Judge Ruben is a yes.

>> It still fails. Motion fails.

>> Is there another motion?

>> Yes. The motion would be adopt everything other than item number one. That would be allocate funding using the historical model in fiscal year 16-17, develop a frame work or work based methodology no longer than 18-19 and coordinate with DCSS on funding allocations for local child support agency, everything else will remain.

>> Justice Chen seconds. Anything else?

>> Just a point of clarification. The language that's in recommendation number one you're sending it at the comma that says current review of funding allocation for child support agency—

>> Including it.

>> It says we're not going to review it until the conclusion of the DCSS program review. I actually think if you're end—

>> So, she's looking at the bottom one. You're looking at a different one.

>> Right.

>> I thought that would happen.

>> That's fine. Okay.

>> Delete at the conclusion.



>> Got it.

>> Thank you. I was talking my language off of page 10. The TICBAC. Yes on page 2 deleting at the conclusion of the DCSS program review.

>> Still second.

>> I want to ask if secretary has the language.

>> Are we square on the motion?

>> Yes. Thank you. And Justice Chen seconded. Any further discussion?

>> May I ask that it be read one more time. I apologize but the back and forth I just want to make sure I'll understand.

>> I'll take one second to make sure page 2 and page 10.

>> You're on page 10?

>> Yeah. It's page 10 I took my language from, but I'm going to make sure page 2, that has the original language, is the same.

>> Page 2 has two original language or the original language and then at the bottom the other proposed language

>> Page 2 at the bottom number one it would be allocate funding using the historical model in fiscal year 16-17 and also develop a frame work or workload based funding methodology for implementation no later than fiscal year 18-19 and coordinate with California Department of Child Support Services on their current review of funding allocations for local child support agencies.

>> So it's an amendment to the TICBAC recommendation number one?

>> Yeah.

>> You've had your answer?

>> Yes. Thank you.

>> Anyone else? All in favor—

>> Can I ask a question?

>> Of course.

>> Are you incorporated the—reappointing the subcommittee and all this?

>> You. It's everything previously, the changes, just the site.

>> I apologize. I thought some of that would come back to FAMJUV so I wanted to make sure.

>> Good clarification. Thank you. Any further discussion? All in favor?

>> I.

>> Any noes?

>> No's—any no's. No. Thank you for your continued work.

>> Normally we would be scheduled for a recess but I'm going to proceed actually with something out of order. That is the California language access plan model. I believe we're ready to present on that matter. It's an action item. So this is California's language access plan, model noticed for limited English court users, progress report on implementation of the plan for language access in the California courts. We welcome our presenters Justice Cuellar, on far Bruiniers and Mr. Denton.

>> Before we begin we have two individuals to provide comment. If Jesus Rivera and next Mary Lou Vargan. You have 3 minutes. I'll give you a warning at 1 minute and when I say end please stop. Thank you and you may proceed.

>> Good afternoon. My name is Jesus Rivera. I'm an interpreter and translator certified by the State of California and the federal courts. I'm here as vice president of IJIC. As a language access plan, the courts will see greater need for interpreters and independent contractors with years of experience in both civil law and criminal justice. It's considered to be a valuable asset. In order to attract these professionals the courts must provide fair compensation. It's been the same since 2007. It's \$282 for a full day. That's in contrast to the rates available for independent contractors in the private sector and also for the courts. They were raised to \$226 for the half day and \$418 for a full day. The court per diem is much lower than the pay for staffed interpreters for doing exactly the same work. Currently, for example, the per diem received by independent interpreters in Los Angeles and Orange County is only about 65% of the daily value of the full package received by staff interpreters. Because of the low court per diem many highly qualified interpreters, some of whom are federally certified choose not to work for the state courts without access to the interpreters. It's brought on by the language access plan. The independent interpreters are dependable and experienced, cost-effective need. It's assigned by our members

having to do with this matter of increase in the per diem. We need a meeting maybe in EMP to further talk about this matter.

>> All right. Thank you. I'll be in contact.

>> Thank you.

>> Thank you for your time.

>> Thank you.

>> Next we'll hear from Mary Lou Aragan, California Federation of Interpreters. Please remember you have 3 minutes. I'll give you a warning at 1 minute and at the end I'll indicate. Welcome and you may proceed.

>> Thank you. Good afternoon Chief and council members. Thank you so much for the opportunity to address you today. I'm going to have to go off the script because I came here with 5 minutes of details of comments. I've been told that we will not have 5 minutes. I do want to point out that we represent 1,000 interpreters who work for the state of California, provide these services on a daily basis and do about 80% of the language interpreter services in the state courts. That's disappointing. I will cut out of page 2 of my comments. CFI support is conducting a VRI pilot for spoken languages. We object to proceeding with remote interpreting because there's no system in place to protect LAP rights. This part of the LAP came into the LAP after public comment which we were concerned about. A pilot is the first step to consider VRI's effectiveness in spoken languages and to do a cost benefit analysis. Before the pilot has launched many seem to have concluded that there will be cost savings and efficiencies and that VRI will expand axis. These are questionable conclusions. The pilot should not be conducted to support the conclusions that you hope for but should evaluate the questions. We are doing our own research and have investigated VRI use in Florida, here in California and elsewhere. Based on that research we have several concerns about the purpose of this pursuit and the pilot process. LAP recommendation 12 says the use of in-person interpreters is preferred for court proceedings and remote interpreting may only be used if it allows LAP court users to fully and meaningfully participate in the proceedings. There's good reason for this.

>> 1 minute.

>> This was discussed when the recommendation was made part of the LAP. Your memo for today's meeting doesn't mention this rather the focus is on potential efficiencies, reduced wait times and travel and projected cost savings. The memo mistakenly E quits VRI. Greater attention to be directed to more efficient use of in person interpreters and recruiting so that in person interpreters are available without undue delays. If the branch is committed to meaningful participation then VRI should not be pursued in order to achieve cost savings and efficiencies. I'd like to take the rest of my time to say that we support the comments of our colleagues who

are independent contractors, support independent contractors and are circulating the same petition and recruitment and payment and compensation issues not part of the LAP but need to be looked at. I will reserve my comments about the ASL, VRI program, what we've seen in Florida and Europe—

>> Time.

>>—because I think there's a lot more that needs to be looked at in depth and we hope that you will make us a part of the process rather than an outsider.

>> Thank you.

>> Thank you.

>> That concludes public comment.

>> At this time we invite Justice Cuellar to present.

>> Thank you. Good afternoon. Happy Friday. In January of 2015 the Judicial Council adopted the plan for language access. This road map is for the creation of a statewide approach to ensure language access across the state for the 7 million limited English proficient residents and potential court users. Today I want to focus on a simple goal. I want to tell you the story of where we are, I want to pick up where we left off when I addressed you a year ago. The report before you also contains one item which we are requesting the Judicial Council to approve, a model note for LAP language access services. The report talks about our hope of VRI pilot project. We are going to do some further refinements on that and hope to bring back the plan so that we can talk about it and get approval for it later on. Two ideas are at the core of all our efforts so far. The first is recognizing the broader priorities and needs of the court staff. We're in a system that needs to function, the lights need to go on, the courthouses need to stay open, judges need what they need. That's the way we can serve the public best. What we do in language access has to harmonize, fit with the priorities of the court. We want to stick with the plan that the committee approves to take a giant leap forward. Of it helps to see where we've been so we can get a better sense of where we're going. Not long ago there was no language access plan and funding for 4545 was largely static. We're in a different situation now. Part of it is that AB 1657 passed in 2015. Courts now routinely provide interpreters in many civil cases. I'm happy to see the progress in northern California, southern California, the west, west, on the coast, away from the coast. We will talk about what we want to happy in that fund and why we're happy with the governor's support. I want to emphasize that we have a lot of work to do. There's no coincidence it has 75 recommendations. It takes a while to work through the plan and make sure everybody is aware of what these recommendations indicate. The goal is to develop and support a culture in which language access is considered a core court service, a crucial access of justice. The task force was formed in March of 2015. That's when I came to talk to you. I was appointed chair and I'm very please today have my vice chair. The purpose of the task

force has been the listen, to learn and then to guide and coordinate the implementation of the language access plan across the state. We have a diverse membership, trial court judges, court of appeal justices, court administrators, interpreters, legal service providers, educators and community members. I want to especially single out three groups who have been really crucial in that process, the interpreters, trial court judges and our staff. I'm grateful to all of them for their input and their continued participation. It's a dynamic group. It works hard. We divided the task force into four committees, budget and monitoring, technology solutions, signage for courts and language access. The task force has held business meetings and community meetings, many of them in this room. We encourage you to come to our next public outreach session on March 22 right here. A crucial part of what we do listen. I eluded to this earlier and I want to give you some examples. At every one of our meetings we've gotten feedback. We try to listen. It's complex sometimes because the devil is in the details but just to give you some flavor for the kinds of comments we've gotten, we can't do this without more funding some folks will say. Interpreters are being provided on as-as-available service. We need protocol. Court staff should be change trained. We want the public to know what their rights are. We have been trying to respond. Our BCF reflects a recognition that we're not going to be able to solve this problem without additional resources. We need to survey that's going on in the trial courts. We have a model request for interpreter form, developments for courts to have a website and get resources for the courts across the state. We're engaging whole lot with people and the results are that we're getting support for what we're trying to do. One key example of that is our BCF request. We were gratified that the governor expanded the funding. When we survey and learn what courts are doing on the ground there are efficiencies, ways to work well with interpreters to get the time and support they but to allocate them effectively. It's clear that we need additional funding. We hope this will be a game changer. We may need more. It's a step in the right direction. It will help us live up to the responsibility that we have and the ideas reflected in AB1657. Our budget and LAP monitoring committee is also focused on monitoring on the ground and helped us lead the process of getting a survey out. We also worked closely with the national center for safe course on this. The survey is the kind of thing that will help us understand even better not only where there are challenges but also what interesting things that are happening that we didn't know about. I'll give you an example. The traffic court in California using technology to help with language. This is how we need to focus on particular kinds of proceedings. I'm very gratified to see that we have 48 out of 58 that have responded out of yesterday. We did a separate survey for the courts of appeal because there's special challenges there. A key part of this effort of course is to get very respectable judges with a good reputation and are known across the state to do judicial education. We have Judge Austin, Judge u who recorded a video. This is an example of work that our education and standards committee are doing. We have a plan for language and spoken interpreters. We have the civil expansion. Our technology committee as I eluded to under Justice Bruiniers is working on a pilot project and we hope to be back before the council soon to talk about it.

>> One of my favorite thing social—thing social security to use technology to expand language access. This exists in the form of a language access tool kit that's available to everyone. It's a one-stop online resource for multiple audiences for first and foremost the folks who help us run

our trial courts and for bench officers but also for the general public. Here you see a little snapshot of it. The nice thing about it is it's meant to expand over time. Right now we have some nice resources for entrance and security, points of contact, model notice and language, procedures that could be used inside the courtroom information and all that. A key challenge is making sure that 3 or 4 years from now it's not a dead link. We are making sure it's staffed appropriately, supported appropriately so 2 or 3 years from now it's more useful for folks. Guiding language can be summed up in three points. We want one location for language access resources so folks don't have to be hunting and pecking. Two is where he want it to be easy to use, to have a practical interface. Three, we want it to start with meeting the needs of local courts but then to scale up to include resources for multiple audiences. So we're happy with it. This does reflect some of the recommendations we have. It's an example of sometimes there's 75 recommendations but sometimes as with recommendations 37, 38 and 66 statewide repository you can do multiple recommendations with one particular approach.

>> So part of what we are also trying to do is to develop the kind of model notice for LEP court users that can help trial courts deliver on recommendation number five, which is courts informing users about the availability of language access services at the earliest possible contact. This is a model notice. I emphasize model so it can be adjusted for local needs, tweaked. We want it to be available in multiple languages. We hope to monitor how this plays out. The national center for state courts developed several samples for review. We got feedback focused on readability, attractiveness where it may not convince you but we think this is better and then simple. Each court will be able to adjust based on the languages they think is important.

>> The implementation task force approved this at their January 27 open meeting and then recommended it be submitted for approval. We ask your approval to the model notice to help inform court users about the ability of language access.

>> Thank you. I enjoy the graphics that you used. Any comments, questions or observations. We have recommendation one. Recommendation two is not ready for our consideration at this point. Any questions, comments, observations or I will entertain a motion?

>> I'll move.

>> Great. That was second.

>> Matter carries unanimously.

>> I wish everything worked this way on the California Supreme Court.

>> [ Laughter ]

>> It doesn't?

>> Thank you so much.

>> Chief?

>> Yes.

>> This is Doug Miller. I'm on the phone. I just wanted to make sure you recorded my vote.

>> Thank you. You were just here.

>> Where is he?

>> [ Laughter ]

>> I'm afraid I'm going to push you instead of taking lunch to have you here the next presentation.

>> This is actually a non-action item coming up. It's our last item for the Judicial Council. As you know this is our language—our technology update. We invite Justice Marshall Slough, chair of what we call JCTC, Judicial Council Technology Committee. We also welcome Ms. Debra Nori, Superior Court of Plumas County, Nora Augata from Los Angeles County, Mr. Mark Dusman information technology and Mr.—I'm sorry. Ms. Jessica Craven.

>> Thank you.

>> I understand that Doug Miller is the first in line for lunch and that's why he called in his vote. That was really tricky, cool move that you just made. As I think we've all seen a common thread throughout every single item we have talked about here today and even yesterday is that of the importance of the need for and the power of technology. Not just in the courtrooms so that we turn on our computers and see our cases but throughout every aspect of the work that we do in the judicial branch. I'm joined by Dusman the information technology director, Mrs. Debbie Nori and the chief information officer for Los Angeles Superior Court. We're here this morning to provide an update as it relates to judicial branch technology as it relates to challenges and successes that we have had in the past few months. Many trial courts as you will learn are in the process of moving off of their case management systems which really means we are able when that is—when that occurs we're able to provide access—provide access to justice for people, place and process for people to resolve their legal conflicts. While many courts have been able to make these moves and some are planning on making their move, others are not in a fiscal position to do so. An interesting position, prior to 2013 there were different management systems being used across the 58 different counties. Some counties use multiple case management systems. As of 2015, just a couple of years later the courts have modernized quickly, focusing on just a handful of case management system vendors. As of today 41 counties are moving to, have moved or will likely move to one of these five—I don't mean five. I do have five fingers but one of these

handful of case management vendors. I think that speaks to three main points. They're laughing at me because we talked about numbers. Three main points. One, as it relates to technology we are seeing real true collaboration and progress towards this modernization. This means improved management of millions and millions of documents that get filed in our trial courts and the courts of appeal. The positive steps have been allowed by the several years of increased funding through the last few years of budgets. We've been grateful. The trial courts can share with each other when appropriate data not just with our justice partners and with the branch as a whole and our sister branches of government. That allows us to work smarter in our collective responsibilities to serve the public in a transparent and productive way. I'd like at this point to turn this over to Ms. Debra Nori who is going to discuss some of the challenges that she at her court as well as the smaller courts in our state have been and are dealing with.

>> Thank you Justice Slough. Justice Slough asked me to update the council on the challenges facing the smaller or smallest courts in the state on issues of technology and what the smaller court—some of the smaller courts are doing to address these issues. Many have no IT staff or staff with limited knowledge and experience in technology. These courts have historically been unable to hire IT staff for a variety of reasons including lack of qualified candidates, insufficient salary, insufficient work and the inherent dangers in a one-person IT shop. Because of this slack PJs and CEOs in these courts have been challenged in making decisions for IT needs and costs. The smaller courts need technical assistance to develop and implement technology models that provide maximum access to justice based on the available funding. So many of the small courts have decided that collaboration in some way, shape or form is the key to meeting those goals. A little background on about what 10 of the smaller courts are doing. Currently five of the small courts are their entire networks and their CMS, which is the sustained justice system product, hosted at the council tech center. That's Lake, Modoc and San Bernardino. In addition the tech center hosts the SJA product for nine courts, imperial which is in transition, Humboldt, Lake, Madera, Modoc and part of the Sierra configuration, San Bernardino and Trinity. Due to ongoing budget reductions to individual courts since the implementation of the WAFUM funding model and the continuing pressure on the IMF that funds a portion of these technology costs the hosted courts have been looking for new collaborative models for hosting their networks and CMS so they can control their costs and increase access to justice for their clients. Many of those clients are in remote areas and people that practice law outside of that county have difficulty in reaching that county. The path forward we are following for hosting. Last fall the courts hosted its tech center began discussion with Jake Chatters of the Placer court with the hope of Placer hosting these networks and CMS. The Placer CIO addressed configuration, needs and number of users. It was looked at if it was feasible for everyone involved. Based on these visits and other information collected Placer determined this was an option that Placer could offer to a number of courts. So in early December of 2015 Placer presented six interested courts with an IT hosting proposal. Those courts were Lake, Modoc, Sierra plus San Bernardino and Trinity. The other courts are investigating other hosting options, whether it's self-hosted or other options. By the end of January all six of these courts had committed to moving forward with the Placer hosting proposal. Currently work is proceeding on agreements between Placer and the six courts. Discussion with staff on issues surrounding transition, movement DMV connectivity, for



everyone MO work edcon neck—for anyone who worked with it knows it took some time and contributions from each individual court. I really on behalf the CEO involved want to give a thank you to Jake, his CIO and the bench willing to try this model. Currently all the other courts using the sustained edition project, the nine previously mentioned and Tuolumne that's locally hosted began to develop an LAP. That's because the product is an on unsupported platform right now. JTI, the vender, said they would provide support, no enhancements, no additions, no upgrades to the current system. We're looking at being on a legacy system. We have had one meeting on the RFP process. Our next meeting is next Wednesday. We believe along with moving along to a different hosting model this new CMS will address the risk inherent in the current system and provide enhanced service to court customers including E filing public portals, E-pay, all the things the court want but do not have the availability to provide. I think the lesson learned is technology decisions require expertise not usually available in the smaller courts. So on behalf of all the courts involved in these projects and collaborations we want to thank the JCTC, the prior chair Herman, Slough and Buckley for leading this spearhead, this charge. Rick Feldstein who has been important in helping us, the JCI staff that's been giving of their time and talking about risks and process, the Placer court and all the CEOs and CIOs that I have bothered over the years asking questions and trying to get information as we struggle with what to do for technology. We are so fortunate in this branch to have people who are generous with their knowledge.

>> [ Captioners transitioning ]

>> I know she's working on the e-filing. The courts have the goal in working on those projects. All courts have the same goal, to provide better service, and they all have different needs and we are exploring collaborative solutions and sharing our successes. Switching gears, a little bit, I would ask her to talk a little bit about the use of technology that they have implemented in Los Angeles and Justice Cuellar just referenced it as the traffic—what did you call it? Avatar. Thank you. Do you want to show your program?

>> Absolutely. Thank you Justice Slough and thank you, council. I appreciate the opportunity to share a little bit about the Los Angeles technology story related to traffic. I find that it is in front of the lunch hour, I have an hour-long presentation that I will do in 15 minutes. We are busy on a number of fronts and technology but the work that we have done in traffic over the last two years tells a pretty compelling story about what happens when you align technology with the business and drive to real outcomes in your rear—reengineering efforts. Two years ago Ellie had an access problem in traffic and these are actual photographs of the court locations, long lines outside and inside the buildings of the largest metropolitan courthouse, it was not uncommon to have a 2 1/2 hour wait to see a clerk. So that began our reengineering journey and as I mentioned, successfully, successful—enable change because with facts and focuses on measurable outcomes so we needed to understand why people were coming to the courthouse. So we surveyed over 18,000 people come over two week period and found that many of them came to make a payment. Many came to do other things, in addition to the payment and that is why the numbers do not add up to those of you that care about the numbers. Unfortunately, we also found

out that 83% of them came to do services that could be done online or at least partially online. So only 17% claimed and awareness or a lack of awareness that these capabilities were there, so we certainly knew that we were going to have to do some things online as opposed to in line if we were going to make a dent in those two and half hours and do a better job of marketing. So armed with the survey data, the court kicked off its reengineering efforts with a simple question, what are the biggest areas and opportunities for improvement? So we convened 100 people come from around the county, to brainstorm, report people, to brainstorm and prioritize opportunities for improving traffic, dozens of ideas emerged around six broad themes like efficiency, automation and legislation and in addition to overarching principles emerged that really guided our efforts. To get people online and not in line, certainly nothing original by us but we wanted to build on that idea. And then, enable people to complete the transaction in a single step wherever possible. Many ideas that came out of this group did not have a technology component but several dead, and I will share some of those with you. One of the first areas of focus was, in the courtroom, how could we improve judicial access in calendar preparation? So we built a simple Will for the judicial officers to review case information and the image of the citation. This greatly reduced the paper in the courtrooms and streamlines the back office processes which allowed as to redeploy staff to other areas, to further improve traffic operations. We had lots of ideas but we wrestled early on with ways to simplify communications and direct behaviors that would benefit the customer and the court so how to redirect that 73% of the population that came to the courthouse even though they had an awareness that transactions could be done online? With an average of 1.5 million new citations each year in L.A. County, we had to find ways to influence people's behaviors and even though the traffic case management system was 35 years old in Los Angeles, we found some simple ways to make changes to our courtesy notice to better direct people to their online, as well as in-line options. We turned our attention to improving where payments could be made in the physical world. So one of the challenges of a 35-year-old traffic system is that it was built under a different model, and the old system, if you've got a ticket in Los Angeles and wanted to pay it at a courthouse, you would have to pay at West Los Angeles even if you work across the street from a the courthouse on the other side of the county and so we were able to work with our County partners to reprogram the case management system to implement what we called paying anywhere and this does not sound that groundbreaking or earth shattering unless you lived in Los Angeles and had a case management system that was unable to do these things prior so we were able to allow people to resolve their traffic matter at any of our traffic courthouses inside the county. In addition to these back office improvements that we made, we made a number of changes on the website, to enable—to conduct business online so I will walk through a handful. The first thing that we did about a year and a half ago was completely overhauled the Los Angeles court website. This action in and of itself greatly improved and simplified things of the content was better organized and it was clear what online services were available. We also with little fanfare reduce the cost of our convenient fees for making online payments and we prudently charged \$10 for the convenience of paying online and reduced that to five dollars. We started—this ticket qualifies for the following services pay go to pay and close your ticket pick and roll in a payment plan. Requested traffic school to request an extension of the due date on your ticket. Court date reservation for arraignment only. Click the online service above to learn important information.

>> One of the things that we learned in the survey that people wanted to talk to someone and so creating a model where you can facilitate a face-to-face conversation was going to be a little challenging but what if we experimented with this notion of virtual customer service being explored and private industries and so we explored on our avatar journey. Sherri Carter come the CO, loves to tell the story about the first version of the avatar that was not so bright and a second version not a little bit smarter because we were able to direct the activities to more personalized experience. The avatar actually guided you on steps that you could take that were tailored to your particular situation. The avatar, she was called Gina for some reason in our court, helps over 4000 customers a week. It is also not uncommon in our courts for a lot of officers to ask the courtroom clerk for a couple days a copy of the file before a hearing so we had a justice partner portal available and we extended that to allow officers to go look up their citations based on their batch number. A simple little task that just last month had over 2300 officers use this portal to access the citations that they wrote as they prepped before a hearing and this is activity that used to consume courtroom clerk time that was unnecessary. We then turned our attention to establishing payment plans online. This new solution allows a customer to pay off their citation in installments and receive automated reminders every month and the first six months alone of the program over 11,000 people have signed up, and over 28,000 payments have been made and collected so far totaling \$1.9 million, and embedded in this capability was a cost recovery model, the courts are allowed to charge \$35 administrative fee for setting up the payment plan and this administrative fee raised \$540,000 to date in the first six months of operation. And just this week, so yesterday, so perfect timing for the previous speaker, our online services including the avatar that you just saw now speaks six languages.

>> [ Laughter ]

>> She is not fluent in everything and we actually have to program her to talk in those languages but the service has been translated by professional translators into these non-English languages and we leverage a Google translate for most of the site because there is so much content but in the areas where we are trying to direct behavior and improve access online, we are hopeful that these native language translations will have been resolved. Okay. In the past two years, this is the washed out version of all of the things that I talked about, we have made dozens of changes to how we handle traffic so I have shared nine of the project that had a technical dimension and I cannot claim all of the success on the technology side but what are the results of these changes? Wait times at the Metropolitan courthouse move from 2 1/2 hours until 11:52 minutes. We have been able to redirect labor as we have automated particular areas, laid off nobody, able to redirect that staff, savings that we were accumulating into other areas to further improve port operations to further drive down wait times and improve access. We have implemented new and improved online capabilities to improve customer service and find initiatives and we have also allowed our law enforcement partners to be more self-sufficient in accessing their information. So interestingly, I wonder how many people would have predicted this 10 years ago. Now, today, the court serves more people online then come through our security screening devices and our court so on a typical month in Los Angeles, 2 million people come to the website to conduct

a business and 1.4 million, through the screening devices. So, with all that we've accomplished he would think that my boss would give me a day off and she will not. Neither will my technology committee chair.

>> [ Laughter ]

>> So we have a wave of projects queued up to continue this continuous improvement journey. So we have cash kiosks that we are implementing, stealing this idea I'm a contract and work from Kern County, these will go on outside of the security screening areas to be available 24 seven at four major courthouses and we are working on an online traffic clerk appointment scheduled system so if you have to come to the court, knowing time certainty that you have an appointment at 10:10 AM is a great public service and we are improving the courthouse kiosks so if you shop the court and you maybe want to conduct business online or did not know that you could do it online, we will have conveniently located kiosks to allow you to do the transactions. In parallel with all of this activity, we are implementing a new case management system and we have chosen Tyler Odyssey, for traffic and other litigation types. Interestingly 30% of the people that access the website do so on a mobile device, a smart phone, a tablet, so we have to start adapting our web-based properties to be mobile friendly and justice will appreciate that we are going to drive the citations into Los Angeles County starting in 2017.

>> [ Laughter ]

>> What took you so long?

>> [ Laughter ]

>> So the last slide, when technology projects are well defined and aligned with court priorities, great things can happen and I do not know if this will happen and I'm sure that that is Photoshop but it is an L.A. freeway.

>> Is that the 405?

>> [ Laughter ]

>> Interesting.

>> [ Laughter ]

>> Thank you very much.

>> Thank you. Very much but not only for the work that you do in your home court and the citizens of your County but for the work that you do for all of us and the same with you, Debbie, for the work that both of you do to improve access to justice through technology. Next I want to

turn to Mr. Mark Dusman, Mark and his crew do a lot of work that helps support some of these great initiatives that you just heard about. I know particularly as it relates to the SJE project that we have been working on, his staff has really stepped up and worked very hard to provide information to all of us as we make these important decisions and move forward. So he is going to talk with us about what his crew does. Thank you, Justice Slough, members of the Council. Yesterday, we met with the JCTC for three hours. To talk about what my group does to support the brand. So we will try to abbreviate that a little bit for you all today.

>> [ Laughter ]

>> Instead of doing what we did for Justice Slough and the technology committee, what we really talked about, all the initiatives that we support and the details behind them, we gave live demonstrations at many of the applications that we support. I thought today would take the opportunity to remind councilmembers about the four major goals of the strategic and tactical plans that we have put in place last year. And those four goals were to promote digital courts, optimize branch resources, promote rural and legislative changes and to optimize infrastructure. And then, I would talk about how we are supporting and how we are doing against those goals as an organization. So the first goal was digital access—digital courts and part of that concept was access and fairness to justice. It is a judicial branch goal, a guiding principle for the government strategic plan and a central theme for the language access plan as well. JCI team is working with the language access implementation task force, exploring technology solutions to ensure individuals with limited English proficiency having access to judicial branch services. Discussions around video remote interpreting are underway and we are supporting that particular group and there is a subcommittee, Justice Bruiniers—the chairs that we are supporting as well. Directly related to the work of the language access implementation task force. We also, speaking of Justice Bruiniers, are working with an ITC—Information Technology Advisory Committee—work stream that is charged with producing a web portal and electronic services for self-represented litigants. The IT staff are collaborating with the work stream to develop requirements and a technical design for online services for that population. The intent is for the portal to work alongside the branch e-filing solutions and that is actually a good segue because we are working with the appellate courts right now on deploying their e-filing solution for some time the courts have had the ability to submit documents electronically but e-filing offers greater efficiencies and case processing. The e-filing solution has been deployed into the First District Court of Appeal, the Third District, the Fifth, and the Sixth, the Fourth is scheduled for deployment in March, and we begun work the Second with work beginning sometime later this year with the Supreme Court for helpful info—implementation next year. The second goal, optimizing branch resources through collaboration and economies of scale are also guiding principles recommended by the task force. JCIT is currently working with a sustained justice addition courts as Debbie talked about and Justice Slough talked about. To determine a path forward the current system has been in place more than 12 years and for 12 years we have been the people behind supporting that for the courts. But it is definitely time for replacement and not a modern case management system. It does not allow for electronic filing for instance does for his district by working together the courts have shown that they have an opportunity to achieve a greater cost

efficiencies by leveraging their buying power and reducing administrative costs. Also discussions are underway regarding the use of a leverage purchase agreement that Debbie talked about. Where the terms and conditions and pricing can be negotiated for the benefit of more than one court and it may be even beyond the ones that are working on the RFP today. Discussions with the SJE courts they are considering an option to agree upon a standard set of requirements and configurations and as a result this will help reduce their ongoing support and maintenance costs of for an application. On an ongoing basis, we collaborate with the appellate courts function generally as a consortium, where they are making technology decisions. Enhancements to their case management system as well as peripheral applications to support case tracking are decided through a collaborative process with the courts across the six appellate districts and in conjunction with the Supreme Court. We have also recently completed negotiations with IBM, that resulted in a leveraged purchase agreement for IBM's document management system known as FileNet. This leverage purchase agreement will be available to all of the entities within the judicial branch and is in addition to the document solution which has been out there for some time so we have two master services agreement available to the courts. We also provide ongoing support to the technology advisory committee ITAC which is charged with recommending the rules and standards and standards to ensure compatibility and information technology within the branch and we have been reviewing and recommending legislation rules and policies to balance the interest of privacy, access, and security in relation to court technology through that committee and its work streams. JCIT staff provide support to the subcommittees and work streams, many of which have been discussed today. And implementing the ITAC agenda. Our infrastructure provides the foundation for technology services. The hardware and software and network infrastructure provide the underpinnings for everything that we do, because infrastructure is generally a significant investment, the information technology office has always been focused on finding cost-effective solutions. One of the most prevalent examples of bad is the row Graham which all 58 courts benefit from and participate in. And another is the web templates, which many of the courts have used to implement cost-effective ways to bring up a website, that is consistent, clearly navigate—with clear navigation, and easy to use. The Information Systems Controls Framework, so we discussed—the council discussed earlier today the issue with Tehama County and the security behind that and one of the efforts that we made on behalf of the branch was to develop an information security framework to set a security standard and an approach for all of the 58 courts and the appellate courts to use. The Council adopted that on behalf of the information technology committee. And we worked with work stream from ITAC to develop a how to implement this policy so that it is usable at each of the 58 courts but only to the extent that they need to use that particular framework and their particular situations. And we participated in the next-generation hosting work stream which is looking at alternatives to how statewide technology is hosted in the branch today. And with that, judge.

>> Thank you, Mark. So I think that you can see through everyone's presentation that, as I mentioned at the outset, technology runs the gamut of every single thing and place and work that we do within the branch. We have made a lot of good progress and we will continue to make a lot of good progress. Yes, as we heard in this morning and the presentations of Judge Feng and a Judge Nadler who talked about the bandwidth of the court that he evaluated and the judge that

referenced technology needs in the court that he evaluated and presented on this morning as well, although we have made a lot of progress, frankly, the only way to continue is not through just collaboration and good, hard work and innovations but, frankly, it requires funding and a continued effort to fund this very important part of the work that we do. Chief, you mentioned this morning and you commented upon the fact that the governor and his budget included the proposed innovations grant. And I wholeheartedly agree with you and I think all of us who work within the technology issues for the branch agreed that it is critical that that grant continues and remains in the final budget, because I think that with a grant program, other programs like you have seen, the work and the needs of the small court, to leverage some of the good work at the larger courts have done and to spread that good work to other courts, we can use some of that grant money and some of those innovative ways to help provide greater, more efficient, and accessible access for all of the citizens of our state Chief, that is all we have for you today. We hope to bring back further updates for you throughout the year, and we are open to any questions that this Council may have.

>> Judge?

>> I just have one. I am curious about Polyglot Cheetah. I think it is a great idea, especially with the diversity of our state. My only question is if you don't different dialects in Chinese. Okay? So you have Mandarin and what unites the Chinese language is the written portion, so even if you have Polyglot Cheetah that speaks Mandarin, will the written portion be in Chinese so that it does not matter what dialect you speak and you can just follow?

>> Yes. So the answer is, no, we did not do it that way but thank you for the input and we will adjust accordingly.

>> [ Laughter ]

>> Sorry.

>> Judge Buckley.

>> I wanted to point out two things and make a comment so reference was made to the fact that we put in a new website that was—we called it an AOC template so it is tied to Mark, one of those, again, it came from a good set that was done that was being shared throughout the state and so all of the good as far as the structure of that came from the AOC template the other thing that I wanted to point out or remind and emphasize, when Snorri talked about how we took or whatever the kiosk from Kern County it was and that coupled with the last discussions about the efficiencies that Napa is doing, I don't think that we can never underestimate when we meet with legislators when we are trying to advocate for our branch the extent of the efficiencies that are going on throughout the state, large and small, and more importantly, maybe the teamwork, the CIO grew, obviously Mark Simons group, constantly working together. So those efficiencies and I know I am preaching to the choir. It gets a little frustrating when we hear comment that we

need to be—you need to be more efficient and we are there. We are extremely efficient in going further with that and we are showing, if you give us money, we will really take that money and run with it, with these kind of if it's this is an effect some of these efficiencies were done when we were cutting at the time that we were cutting and what we need also is the ongoing money so that we can get back court reporters and ultimately to access to justice is bench officer and a litigant of being eye to eye and that is where we need to go. As well as expanding and sharing these efficiencies.

>> Thank you. Justice Chin.

>> I just want to second what Judge Buckley has said. A few months ago, Judge Kuhl and Judge Buckley graciously invited me to come to L.A. And I met with seniority and I told Carolyn and Dan, this is your lucky day. Having Signor okay—Mr. Ogata in charge of your—is a godsend. What he did in Orange County is really remarkable. And having heard what he has now done for you, already, is truly remarkable. But I don't know why you don't have to electronic citations yet.

>> [ Laughter ]

>> That is his fault.

>> [ Laughter ]

>> I think that I speak for all of us that I know we are astonished and happy and hopeful for what has been shown here. The branch is always best at teamwork. And we have such talent in this branch and I think that the legislature and the governor's office is beginning to see more and more of the efficiencies. I think that that is one of the impetus for the innovative grants fund and I think that—I know we will do well and I know that that is going to continue to be an attraction from here on out because of the astonishing work of that avatar, because of the collaboration of the regional of the courts, because of Placer County generosity to try to bring everyone together, because all of us are your about access to justice and we realize, as you said, Justice Slough, as a judicial body technology is the blood in our veins. There is no possible way around that in this day and age and with the expectation of our court users, millennials, and origination whatever they are now. So thank you and we look forward to further presentations. It is truly astonishing and if you have known Justice Chin for as long as though she has always talked about e-citations. Always. So please, get that conversation and get them on the board thank you very much. Thank you for this presentation.

>> Thank you, Chief.

>> We conclude today's meeting as we often unfortunately do at first with a brief remembers of our judicial colleagues recently deceased. We will remember Judge Daniel Brenner, still active on the superior court of our Los Angeles County bench when he was tragically killed in an



accident very recently, or other colleagues were all retired from the bench and we honor them also. For their service to the courts and the cause of justice. Judge Richard Arnason, Superior Court of Contra Costa County, Judge William Burney, Jr., Superior Court of Los Angeles County, Judge George Carroll, Contra Costa County Municipal Court, Judge Lewis at the very, Superior Court of current County, Judge Marion Gubler, Superior Court of Los Angeles County. Judge James Harmon, Superior Court of Imperial County, Judge John Moran, Superior Court of Tulare County, Judge James Patillo, Santa Barbara County Municipal Court, Judge Thomas Peterson, Superior Court of Los Angeles County, Judge Warren Taylor, Superior Court of Yolo County, Judge David Thomas, Superior Court of Los Angeles County, Judge Marilyn Zecher, Superior Court of Santa Clara County. And we think of them and their work. And now, as you know, the next regularly scheduled meeting for the Judicial Council is in April, April 14 and 15. The meeting is now adjourned; safe travels.

>> Chief, this is Judge Rubin.

>> Yes, Judge Rubin.

>> Also Judge Richard Hanscom from the municipal court died yesterday.

>> Thank you for relating that to us. Thank you, Judge Rubin.

>> [ Event Concluded ]