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>> If everyone can take their seats, we can begin our meeting. Good morning. This is the business meeting of the Judicial Council of California for Friday, April 15, 2016. Our meeting is now in session. We intend to adjourn later today at approximately 3:05 P.M. per our agenda. First, some procedural items. Justice Doug Miller and Mr. Rick Feldstein will join our meeting today intermittently by telephone. Are either of you on the line now? We also have Judge Marla Anderson as vice chair of the Executive and Planning Internal Committee who will perform the meeting functions that are normally the responsibility of Justice Miller. Thank you, Judge Anderson. At our last council meeting I acknowledged the elevation of two of our Judicial Council members to the Courts of Appeal—Justice Slough and Justice Tangeman—and the reappointment of Justice Slough, a nonvoting member. During this same period we also received notice of the well-deserved retirement from the bench and the Judicial Council of Judge Emilie Elias of the Superior Court of Los Angeles County. Judge Elias has served the cause of justice for nearly 45 years on both sides of the bench. On the Los Angeles Superior Court bench, she served as a commissioner, a judge, and supervising judge. She had much success in the area of complex civil litigation and especially with the coordination of asbestos cases in Los Angeles, Orange, and San Diego Counties. On council she was a voting member, she served in our Center for Judiciary Education and Research governing committee, and on Civil and Small Claims Advisory Committee. She was active in bar associations, in the California Judges Association, and as one attorney described her, quote, a top-notch judge, end quote. We thanked her for her great service and we wish her the best in her future endeavors. Our consolation in her absence is the breadth and depth of talent that exists within the judicial branch of California, talent that we are fortunate to be able to draw upon for membership in Judicial Council. So effective April 4, we had some out-of-cycle appointments to make. But thankfully we had some very qualified volunteers. Councilmember Judge Delila Lyons has been reappointed as a voting member. We are joined today by our newly appointed Judicial Council members, who do not represent any particular constituency but do bring and share their knowledge, skills and expertise and experience to enrich our fact-finding and decision-making process here at the council. I'll ask our three new council members beginning their terms of office and our two reappointed council members to join me for their ceremonial swearing-in. Our three new council members are Judge Stacy Boulware Eurie, Superior Court of Sacramento County; Judge Kyle Brody, Superior Court of San Bernardino County; Judge Scott Gordon, Superior Court of Los Angeles County. And our two councilmembers reappointed to new terms of service are Judge Delila Lyons, Superior Court of Los Angeles County; and Justice Marsha Slough, Court of Appeal, Fourth Appellate District,

Division Two. I ask you all to please stand and raise your right hand that I may administer the oath of office for Judicial Council. Please state your name. I do solemnly swear or affirm that I will support and defend the Constitution of the United States and the Constitution of the state of California against all enemies, foreign and domestic, that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the state of California, that I take this obligation freely without any mental reservation or purpose of evasion and that I will well and faithfully discharge the duties upon which I'm about to enter. Thank you for your service.

>> [ Applause ]

>>I also want to now share with you the Distinguished Service Award nomination. As I mentioned earlier, we have a great deal of talent in the branch and so I want to notify you that it's appropriate to mention this is Judicial Council's Distinguished Service Award period. It's now open up and through until May 16. So this award through nominations honors California judicial branch members, federal, state, and local justice partners or individuals for their outstanding efforts and dedication and significant contributions to advancing the council's strategic goals and access to justice in the branch. There's an online and printable form on the website for the nomination. And as you look around the boardroom, you should remember that although worthy, current council members are not eligible for this award. Next on the agenda is my regular report to the council summarizing engagements and ongoing outreach efforts on behalf of the branch since our last meeting in late February. Two of my major engagements took me to the halls of the Capitol, to the school halls in Los Angeles, San Diego and Sacramento. From addressing our current state leadership, to hearing from possible state leaders in the future from the schools. I had the great pleasure of accepting an invitation from Assembly Speaker Rendon and Senate President pro Tem de Leon to deliver my State of the Judiciary address to a joint session of the Legislature. As always, since I became Chief Justice, I was not there alone—of course my family was there. But my colleagues from the Supreme Court, the Court of Appeal, the superior courts and Judicial Council, members and staff were there. Attorneys from the State Bar, the Bench-Bar Coalition, the Open Courts Coalition, judges from the California Judges Association were there. The judicial branch of California was there in full force. All the people who serve the courts and the cause of justice on a daily basis were represented in the capital that day and that evening. And I appreciate all the support. I told the legislators we're still working on Judicial Branch 2.0 with innovations and efficiencies and hard decisions, but we are also looking to the future with Judicial Branch 3.0 and what that should and could be in the future tomorrow. That good government practices—collaboration, cooperation, communication—will help us all get there, while we remain committed to equal access through rule of law and fairness for all Californians. Also in the capital I had the pleasure of participating in the California Senate Fellows speaker series, sharing my experience in California politics with these very young, accomplished adults looking to be leaders in public sector government in the future. In San Diego, a student at Kumeyaay Elementary School where they had a civic engagement project to build a community garden, said to me, not only adults can make a difference but kids can too. Her school had just been honored with the Civic Learning Award Award of Excellence, one of only three schools statewide to receive the award. And we'll hear from another award winner this afternoon or later in our meeting from Brawley. These awards are a very tangible and successful

result of our civic learning initiative, but once again I was not alone. And when it came to finding inspiration in a tireless advocate for civic learning and engagement, I only had to look inside our own judicial branch and Administrative Presiding Justice Judy McConnell from the Fourth District Court of Appeal came forward with force and ideas and energy. Justice McConnell has convinced and cajoled many of our state and national leaders to take civics seriously, for the benefit of our democracy. She has been dynamic with the Power of Democracy Steering Committee and we'll hear more about that later this morning. Students from Natomas Pacific prep charter in Sacramento built their own courtroom so that they could conduct mock trials and understand the judicial process and conduct their youth peer court and their moot courts. Students from Bellflower High School in Los Angeles had rigorous civic inquiries into important issues, including low voter turnout and steps they could take to improve it. Second graders at Kumeyaay Elementary investigate people in history, those people who make a difference and envision how they themselves can make a difference. These are energetic, dynamic; they are truly inspiring, the programs, the teachers, the community support are truly a team effort. Since we launched the awards program for civics we have a threefold increase in the number of applications; all three school grade levels participated and this year we had 87 award winners. We're involving Courts of Appeal, the superior courts, and also the Supreme Court. Once again, none of this happens by myself, it's a team. Even when I participated in a lively editorial board meeting with two of California's leading newspapers, the Los Angeles Times and the Sacramento Bee, I was joined by Martin. There were engaging conversations about a broad range of issues, from budget to ballot measures. I received a much more rigorous interrogation I participated in Q&A with an interview for the bench conducted by California Judges Association president Eric Taylor and Judge Kathy Mader. I believe it is due to hit the presses very soon. The Supreme Court of California's oral argument sessions also provide an opportunity to interact with local bar associations, so around the time of our San Francisco and Los Angeles oral arguments I attended a number of events, including the Bar Association of San Francisco's Justice and Diversity Center's outstanding volunteer appreciation and awards ceremony, the Association of Defense Counsel's annual judicial reception, the Lawyers' Club of San Francisco Supreme Court luncheon, the Los Angeles County Bar Association Appellate Court Section lunch, and the Beacon of Justice awards gala at the Los Angeles County law library honoring retired Justice Joan Dempsey Klein. At our last council meeting we discussed the national issue of implicit bias, and there's a lot of discussion nationally about disparities based on gender and race, so I was pleased to participate in a number of events focused on the increased roles that women can and are playing in our society. The IGNITE California young women's political leadership conference sought to inspire young women to seek leadership roles in justice, policy and politics. The Center for Asian Americans United for Self-Empowerment's Women in Power program seeks to encourage women to achieve their leadership potential in any sector, and I was pleased to join the dais with the district attorney from Los Angeles Jackie Lacey. The Yolo County Women's History Month luncheon had a theme of working to form a more perfect union, honoring women in public service and government. I participated in three events hosted by the UC law schools—first at UC Hastings, a panel discussion on the California Constitution. It was a book, and it was authored by our former Supreme Court Justice, Justice Joseph Grodin. At UC Berkeley I participated in the Berkeley forum with a theme of Not Your Grandparents'

Judiciary—How the California Judicial Branch Has Changed and How It Shouldn't Change. At UC Davis I was pleased to celebrate King Hall's 50th anniversary. I was there with Judge Anderson and also Judge Boulware Eurie—it was a wonderful event on a rainy night that was quite crowded. And last but not least, I had the privilege like many of you to answer the call to jury duty at Sacramento Superior Court, and as I have said and as it was really imprinted on me once again, that trial by jury is one of the fundamental ideas of an American democracy. And serving as a juror reminds us all that these ideals exist only as long as individual citizens are willing to uphold them. That concludes my report to the council. Before we move on though, I do want to say that I want to bring that recommendation from the futures commission to council to consider. You all received a copy of the futures proposal regarding legislation, sponsored by the Judicial Council, to move vacant judgeships. And as you know in my role as a Chief Justice of California, I created the Commission on the Future of California's Court System—we call it the futures commission—many of you served. And the commission was ordered to take a look, just broadly, about big ideas, and legal and structural challenges to long-term efficiency and stability for the branch; to develop some practical, achievable recommendations that could be implemented by the council or the Legislature or the governor. And the Futures Commission led by Justice Corrigan and Justice McGuinness were to study and recommend to me initiatives that we could pursue. So on April 12 the futures commission submitted an interim report; it proposes legislation to authorize council to reallocate vacant judgeships. It's received a great deal of input and public comment and it's under consideration. So given the results of our own judicial needs assessment, putting the need for judgeship positions in the hundreds in California, and the specific ongoing judgeship challenges faced by courts, particularly in the Inland Empire regions of California, I'm requesting that Judicial Council's Executive and Planning Committee work with council's Policy Coordination and Liaison Committee and any other advisory committee that would touch upon this subject to review the futures commission's judgeship proposal and to bring it back to council in June for our consideration and vote to move it forward. I look forward to that discussion and also to what I think is the first step toward access to justice and reallocation in California for our judges. That concludes my report. At this time I'll turn it over to Martin Hoshino.

>> Thank you, Chief and members. Happy Tax Day or not-so-happy Tax Day to everybody here today and who is listening. In honor of that day, I want to spend some time on my report. With the membership here, to talk about our budget. In your materials is my full report that chronicles the activities of the staff operations and support of everything that you just heard from the Chief in terms of her own calendar and work on behalf of the branch and the council, but then also specifically the things that we are doing in support of your activities and your needs and your operations. But before getting to the budget, I wanted to at least pull out at least some of the elements of the report and highlight them, for you as well as for the public. And I want to start by talking about the education and training program. There are 27 different education programs that we offered in the past month. These are done in person and webinars, and broadcasts in addition to the publications that we put out. The judicial programs include the Supervising Judges Institute, which we conducted for 43 judges, in this reporting period that had multiple primary assignment orientations in the areas of civil, criminal, family, juvenile and probate law. With respect to court personnel programs, these included some permanency planning strategies, labor

relations academy and the very well-needed and critical Court Clerk Training Institute. The judicial publications included a 2016 edition of the Felony Sentencing Handbook that's available, and an update to the California Judges Benchbook on Civil Proceedings Before Trial. As always we want to take a moment to express our appreciation for the judges and the court faculty who volunteer their time to make all this happen. The other thing I wanted to highlight is some activities related to our court interpreters program. Folks may not be aware, they should be though, that the council actually oversees the court interpreter certification and registration for the state's current 1,850 court interpreters, which covers about 15 languages. This past month we conducted the bilingual interpreting examinations in several testing locations across California for 340 individuals. These exams are offered twice a year. We also handled the cross-assignment request for court interpreters among the courts, and last year, for frame of reference, the council staff coordinated more than 11,000 of these cross-assignment requests. We're going to talk about some of the cost-savings activities and leaning out of our operations with you members, this is an appropriate lead-in I think to talking about the budget, in general, and specifically, to us, and some of the things that are contained in your reports. So in the area of information technology we've been seeking ways to make up ground and provide relief to some of the fund reductions that have occurred related to the budgets, and IT is one of those areas. One of the significant savings from our activities I want to note for you is a new Oracle contract that we signed in March. And we estimate the approximate savings from this contract to be about \$3.1 million over five years. This is for software licensing, maintenance and support, and negotiations for support, of what we consider to be four new products. We had to take this action because in prior actions from the council the Trial Court Budget Advisory Committee, in its effort to provide relief to some of our other funds, the inmate—sorry, that's a prior life, in a prior program and project, which, by the way, we made progress—the improvement in modernization—

>>[ Laughter ]

>> —reductions in the trial court trust fund reductions, there had been some recommendations from the Trial Court Budget Advisory Committee to the Judicial Council to make some unallocated cuts and reductions to some of those funds. And so the effect of those unallocated funds is that we figure out how it is that we can try and lean out and still balance the budget. And so this was an action that we felt was necessary, driven again by that cut, to try and stay solvent. So I wanted to report to those savings out to you. Another smaller savings amount, but still representative of moving in the right direction, are changes to the civil, small claims, probate, and mental health case management systems, also known as V3. We've been processing approximately 25% of the claims in those areas in cases statewide, and we've recently migrated from a dedicated network storage to a shared storage solution and this generates about \$45,000 in annual savings and about \$50,000 annually from this kind of consolidation. Not to get too much into the details of it, but again it's a small amount, but I think it's representative of going in the right direction to make sure that we are turning every stone or every piece of paper we can to make sure that we are leaning out and being as efficient as we can. Now, getting over to the larger branchwide budget picture, the trial court budget snapshots that most people have become very familiar with and we worked with each of the courts, have been developed, and have been being used this year, for our advocacy and it's been a really good tool and something also for

public information and public awareness of what is actually happening in each individual and local court in their respective community. There's a little bit of a new focus this year to not just talk about what some of the impacts and some of the cuts and the reductions were but to put a real emphasis on the kinds of efficiencies and innovations and changes, programmatic offerings that many of the courts came up with during the course of the reduction so that we can talk not just about the impact to court users and accessibility, but we can also talk more about what the courts have actually done to start to address these, not just financial. And it's really important to do this because it threads nicely with a proposal in the governor's budget, which has a focus on innovation and hopefully we will garner the Legislature's support as well for these particular programs and I wanted to point out or call out some of the examples of the innovations and efficiencies that are out there, some were certainly cataloged in the governor's proposal. But we've been building our own in partnership with the courts, and Alameda County, for example, there's an e-warrants program. In Calaveras County, the trial court there is a justice partner of online portal, Fresno has now a remote domestic violence case services program. Kern, Yolo, and Lassen all with automated jury check-in. Mariposa with in-custody video arraignments. Los Angeles, for just one example, the online traffic systems and languages and the presentation that some of you were able to see last time that we met. All of the things that are going on there that we showcased. And then there is Shasta and Trinity with a shared family law facilitator; San Mateo trial court now moving with the one-day divorce program that you heard about before that is already in place in Sacramento and San Diego; and then in Lake County, veterans court that provides services to veterans that come in contact with the criminal justice system and they are using the recidivism reduction grant program that this council advocated for, received and delegated duties and dollars associated with that. And I picked those to show kind of the breadth and the variety that these are courts of different sizes and makeups and challenges. And yet everybody seems to have something going that is moving toward emphasizing the delivery of vital court services to their users and to their communities. Now turning attention to the budget at large, I want to spend a little more time here maybe than usual because of the uniqueness of where we are in terms of schedule. Here it is that we are on April 15, very appropriate day for this discussion, and the next time that we meet will be June 24. And it is very likely that in the time between now and June 24, the state budget will be resolved. If it is on time, and we have been relatively spoiled in recent years—I can remember the times when budgets didn't come on time and yet you were starting your operations, but we have no reason to believe it won't happen on time this year. So by the time we meet, this budget for the next fiscal year will largely be set and we will be talking about what actually happened and how it happened. We continue now since the time the budget was proposed, to advocate for it, we've had three initial, I would describe them as legislative hearings. And I want to take a moment to publicly thank the council staff, the team of Zlatko Theodorovic and Lucy Fogarty and their team in the fiscal office have been tremendous. They are coordinating with Cory Jaspersen, Laura Speed, and our governmental affairs office. I think really doing a good job not just on the merits of our arguments and the substance of our advocacy, but really doing a really good job of bringing in the entire group of people that it takes to make something like this happen. Specifically, this is bringing in some of our presiding judges, CEOs and court staff from almost a dozen courts have actually been participating in this. In particular, I want to thank Judge McCabe and Rick

Feldstein, who have been up there on our version of the hill to help make things happen and answer questions and really do a bang-up job for us. Specifically some of the courts that have been out there, Contra Costa, Fresno, Los Angeles, Placer, Riverside, San Diego, Sacramento and Third District Court of Appeal. And then the advocacy, whole lot of partners that are out there, the Bench-Bar Coalition, the Open Courts Coalition, there has been a family juvenile community advocate out there, the State Bar and California Judges Association. I'm really pleased to share with the council that I think it's really been a real harmonious effort going forward. Everybody has their own angle, their own piece they add, their own story, be it individual or specific, and yet it fits into the holistic approach that we are taking up there, and it's going well, and of course lastly, to thank the Chief Justice, who is always willing to take whatever meeting is necessary, and make whatever phone calls are necessary to advance our efforts. So the May revise will certainly happen next month. And now I want to kind of get into the details of what has happened, the written report that you have recaps a lot of this and in a table form, of some of these issues of what we consider to be closed and approved issues by the legislature already. And then I want to chronicle some of the open issues for you and for the folks who may be listening in or viewing in. In terms of the closed approved issues, both houses of the Legislature, as it were, have taken action on our language access proposal, our court security proposal, and a funding shift in our Phoenix Financial System that essentially provides relief for us for one of our eroding funds, that being the Improvement and Modernization Fund. And then we have a small BCP related to control enhancements that was an issue noted by the California State Auditor in many parts of state government to make sure that we find ways to protect our data. And so we have an investment now being made there that begins to go a long way to helping us tighten the security related to our information systems here in California. Now, the fuller part is what we call the open issues or the discussions and the questions that are going on on particular elements of our judges, and I want to highlight them for you. One is the dependency counsel issue, this is very similar to last year so I won't talk a lot about that. You know, that issue I think will, it was in our top three list of priorities as it came out of the council in the fall and headed toward the administration. It was not in the governor's proposal, but nevertheless we continue to advocate for the increase in that particular area and we're joined by our community in doing such. There was a presentation on today's agenda for you on that. It is important because it goes to the issue of having a formula in place in the event that the other two branches of government fund this particular area and we want to let them know that we are ready for that action. There is an issue that's developed, that relates to the equal access fund and advocacy for increase there, this is the State Bar initiative collectively with some other folks that are involved in it, and it has entered the discussion for increases and augmentation in the area of our operations. The Prop. 47 workload is an issue that has been deferred through the initial set of legislative hearings and should come into focus in the next set of hearings which I will give you the dates on before I close. The court innovations grant program, which is the \$30 million perhaps multiple-year one-time investment to maybe expand some of the things that I talked about a little bit earlier, and to make those things replicate and scale them across our different courts for those courts that are willing to try those kinds of things. It's getting questions about how would that actually work, what would be the criteria, what would be the mechanics that are associated with the program, all associated programs. And then of course questions about the

amount itself. Similarly, there's a \$20 million proposal to augment the discretionary funds of trial court operations, and a similar set of questions in terms of the amount and why is it discretionary and if it goes to court operations what in fact will they do with those particular dollars. So that's coming into focus. Another area that is coming into focus is the Immediate and Critical Needs Account; this is the court construction program, referred to as the IMCA, related to our Trial Court Trust Fund as well as our Improvement and Modernization Fund. And other funds because it is derivative of the fines, fees and assessments formula that the judicial branch is so reliant on as part of the budget; roughly speaking, we rely on this system and this model for about 60% of our revenues. And as those revenues decline and those areas for a whole host of reasons, the Great Recession, the criminal justice system changes that have been occurring in California over the last four or five or six years and maybe more on the way, and the increased focus on what is going on in those areas and our own work and our own efforts to reform what we're doing, it actually has a fiscal consequence. And so the decline of the fine/fee assessment revenue that disrupted our Trial Court Trust Fund as well as our Improvement and Modernization Fund has also been disrupting our construction fund. And then there is also disruptions occurring in the civil assessment area. Many of the courts in our system were reporting out that they are having significant impacts in this fiscal year related to that; those impacts may continue in years to come. So we are doing a lot of research analyzing the effects of all of these areas and the causes and tracking the decline. We're beginning our discussions with the Department of Finance on this as well as we'll continue with the Legislature, we're hoping that these can be viewed as solutions maybe related to policies of backfilling some of these things but we also are confronting the reliance issue that the branch has on these kinds of revenue streams. So it's a combination of looking at potential solutions to address that, but also we want to make the council to begin to become aware that we will need to continue to re-examine the programs that we have, the projects that we have, and what are the priorities related to this, should this trend continue, and if we are unable to address the revenue stream piece of it as it plays out, so again a lot more work to follow on that particular area and I think it will be a subject of focus for the council not just this year but probably the upcoming year. But this council, at least the folks that have been around for a while, are no stranger to having to grapple with that. So for the steps forward, what comes next is we have a hearing again, a second round of the assembly, budget committee, the subcommittees, as well as with the Senate committees; the Assembly committee is April 25. The Senate subcommittee is May 5. And then the May revise we expect will be sometime perhaps May 11, 12, 13, because May 15 is a Sunday this year. We do not know the date but at some point the administration will make that known to us. And then when we convene again, this will all move of course very rapidly, the issues I described will probably start as a framework to describe what they were at this point in time, and where we ended up, and what are we headed for next fiscal year. As soon as we're done with that, we will start to actually talk about what to do in the fall in terms of our proposal for the next fiscal year and so, if you tire of this subject, then I apologize, but I do not think it is a subject that abates any time in the near future. So thank you, members, for your attention, and Chief, that finishes my report for this day.

>> Thank you, Martin. We'll now move to Judicial Council internal committee reports, starting with Executive and Planning Committee, Judge Marla Anderson, vice chair.



>> Thank you, Chief. On behalf of Justice Miller on providing the Executive and Planning chair's update on the committee's activities since February. The report will be posted on the public website with the meeting materials. For the role and duties of the Executive and Planning Committee I refer the listening audience to California Rules of Court, rule 10.11. Since the February council meeting Executive and Planning has met twice by conference call—once on March 24, which was an open meeting, with a closed session portion, and again on March 29, we met in closed session. In addition to the March 24 open meeting, the committee conducted an action by email on April 5, and that was regarding an information-only item on this agenda. The committee has also had one in-person meeting yesterday, April 14, and this was to review the 2016 annual agendas with the chairs and staff of Judicial Council advisory bodies that are overseen by the Executive and Planning Committee. During its March 24 meeting and April 5 email action, the committee set the agenda for the council's April 15 business meeting. During the March 24 meeting the committee also conducted additional business, which included a briefing to the committee by myself on request from three courts to defer conversions of subordinate judicial officers to judgeships, and the resulting review of a workgroup of E&P members is conducting to clarify Judicial Council policies as relates to the conversions. The timeline for completing the reviews is by the end of summer of 2016. The committee also reviewed and approved a request from the Superior Court of California, County of Placer, to temporarily defer conversion of one vacant subordinate judicial officer position to a judgeship. During the same meeting the committee discussed preparations for reviewing advisory body annual agendas for the April 14 annual review. The committee discussed the new format for preparing for the annual agendas, which greatly enhanced and facilitated communication between the oversight committee and the advisory body. The chair of E&P, Justice Miller, assigned an E&P member to act as a liaison to an advisory body for the April 14 annual agenda review. And thank you to each and every one of the E&P members and the chairs and staff of each advisory body for the work done in preparation for the annual agenda. It was a more involved review process. The April 14 in-person annual review was a much improved process, thanks to everyone's efforts. During our closed session on March 29 the committee reviewed nominations and developed recommendations for vacancies on the Judicial Council for submission to the Chief Justice, which resulted in four new appointments to the council, three voting appointments and one advisory appointment. This was an unprecedented turnaround process because of the recent elevation to the Court of Appeals of two councilmembers, and that is Justice Marsha Slough as well as Justice Martin Tangeman, and we also had the recent retirement of one councilmember, Judge Emilie Elias. This resulted in three vacant Judicial Council voting member positions, which needed to be filled within a short period of time, to avoid having three of the voting positions vacant. And again thank you to the E&P members and staff for your work to facilitate this process and for completing a thorough review in a short turnaround time—that's in addition to your liaison work for the annual reviews. And we do welcome to the council Judge Boulware Eurie, Judge Brodie and Judge Gordon. And then also as a reminder the call for advisory body nominations remains open through May 6. And finally the Judicial Council directors report for this meeting will be the last update to complete the restructuring directives that result from a strategic evaluation committee assessment in May 2012. While this will be the last update, it does not mean that the work of the council is not

ongoing with respect to the recommendations. And thank you to Judge McCabe and Judge Wachob, for your work on the Strategic Evaluation Committee and for your contributions as a result of your work done for the judicial branch and to the public and Chief, this concludes my report for E&P.

>> Thank you, Judge Anderson. Next we'll hear from Policy Coordination and Liaison Committee, Judge Ken So.

>> Policy committee has met three times since February council meeting and we've taken positions on behalf of the council on 8 pieces of legislation, also approved 10 legislative proposals which will go out for public comment. In our March meetings, the committee considered seven bills. We have supported the following bills: AB 1700 related to trust distributions, AB 76 dealing with child witnesses and alleged human trafficking, SB 1056, related to juvenile dependency, and SB 938, which concerns the use of medications in conservatorships. We've also taken a supporting concept position on AB 1672, which requires the Judicial Council to conduct a study on the impact of veterans' courts, and report to the Legislature. And also we've acted to support AB 2765 if amended, which relates to Prop. 47. At its April 7 meeting, we acted to support AB 2458, which would repeal the 1% cap on fund balances for the local trial courts. Our Judicial Council's sponsored bills continue to move through the legislative process and in future reports I will keep you informed of their progress or other bills introduced to our branch. That concludes my report.

>> Thank you, Judge So. Next we'll hear from Rules and Projects Committee, Justice Hull.

>> Chief, thank you, ladies and gentlemen, good morning. The Rules and Projects Committee has met once, enacted by email once, that's my last report to you since February 26 council meeting. On March 18, the Rules and Projects Committee met by telephone to review the proposals that circulated for public comment during the winter cycle. We also reviewed a proposal that circulated during the previous winter rules cycle and a proposal for technical amendments that did not circulate and two proposals to circulate on a special cycle. The Rules and Projects Committee approved the special circulation cycle request, at the same time, the Rules and Projects Committee deferred consideration of one item and asked the proponent of that item to reconsider part of that proposal. Recommends council approval today of the other proposals, which are items 39, 40, 43 to 45, 48 to 51, 54, 57, 63, 67, and 68 on today's consent agenda, and items 41 and 62 on the discussion agenda. On March 23, the Rules and Projects Committee acted by email to consider the deferred proposal, and recommends approval of this proposal at this time, which is item 56 on today's discussion agenda. The Rules and Projects Committee also met yesterday in San Francisco, since we were all gathering for the Judicial Council meeting, and we considered 26, as I recall, items that were proposed to go out for public comment. The Rules and Projects Committee agreed to the circulation of those 26 items for public comment. We were joined yesterday to our advantage with two of our new council members who had been assigned to RUPRO. We welcome them to the Rules and Projects Committee. I wanted to mention, this is a matter that really is not activity of the committee as a whole, but to bring you up-to-date on another matter that I think as we all agree is of considerable importance. As those of you who have been with us will recall, we had the Mental

Health Issues Implementation Task Force in place for a number of years chaired by Judge Loftus, and assisted by a number of committee members, task force members, who were experienced in the areas of mental health. That task force sunsetted last year and the council received its final report on December 12, 2015. That notwithstanding, there were approximately 75 recommendations that the task force had not been able to turn its attention to before it went out of office, so to speak. But the council and staff recognized the importance of continuing that work. And so Justice Miller and I have had discussions, along with Patrick O'Donnell, his great help on the RUPRO staff, and what we are tentatively deciding to do is to assign the remaining 75 recommendations to six separate advisory committees so that work can continue. Specifically to the Advisory Committee on Providing Access and Fairness, we propose to send 8 of the task force recommendations to the CJER governing committee, 36 recommendations to the Collaborative Justice Courts Advisory Committee, 59 recommendations, the Criminal Law Advisory Committee, 15 recommendations, Family and Juvenile Law Advisory Committee, 20 recommendations, Probate and Mental Health Advisory Committee, 4 recommendations. For those of you who are very quick, that does indeed add up to 175 recommendations, however a number of recommendations are being parceled out, so to speak, to more than one of the advisory committees. We wanted to contact the chairs of those advisory committees and their staff members to determine their view of taking on this additional work, and I'm not sure that we've heard from all six yet. Apparently Patrick is nodding that we have heard from all six and all six are more than happy to take on these additional tasks and consider the recommendations that the task force did not have time to follow up on. I very much appreciate the chairs' and advisory committees' willingness to do this, as we all know mental health matters are of critical importance to the people of California who come to the judicial branch and we did not want this support work to languish. At this point, probably next week I'm going to talk to Justice Miller, I think we've done at RUPRO what we need to do; we determined that this work or these additions did not require any immediate rule changes and so they have not been presented to you. There may be a couple of discretionary rule changes that might make some sense down the road and if that's the case, we will bring them to you. Justice Miller and members of the Executive and Planning Committee will then determine the volunteers who will go to those various advisory committees on mental health issues. I'm pleased to report that in talking to Judge Loftus and he in turn talking to task force members, I believe most if not all of them felt strongly enough about this work that they were more than happy to continue the work as members of the six advisory committees which I have mentioned. And so that work, Chief, will continue. That concludes my report. If there are any questions, I'm happy to answer them. Thank you.

>> Thank you for advising us on the work and recommendations from the mental health task force. As everyone around this table understands, when we go through the big steps of creating task forces and blue ribbon commissions and commissions with recommendations, they don't languish, they come to council, they go to the appropriate advisory committees and we act on them. We really do seek to obtain a return on our investment of time and the commission's work. So thank you for advising us about the future of mental health issues. Next we'll hear from the Technology Committee, Justice Marsha Slough.

>> Thank you, Chief. I will be reporting on the activities of the Judicial Council Technology Committee since our last meeting. We have had two meetings, one by teleconference and another in-person meeting. We have also considered two actions by emails. We have a subgroup that continues to work with a Sustain Justice Edition courts, the topic which you will hear more about in upcoming meetings. On March 18, the Information Technology Advisory Committee, the committee which is known as ITAC and reports to Judicial Council, reported to us on their work streams. They continue to work on important projects including an E-Filing Work Stream, the Next-Generation Hosting Work Stream, as well as data exchanges. The Self-Represented Litigants Work Stream has held an orientation and will be getting rolling soon with their work. And in addition, the Disaster Recovery Work Stream is starting to recruit for members. ITAC has reviewed the recommendations of the E-Filing Work Stream and it's anticipated that they will report those recommendations to Judicial Council at our May meeting and hopefully be able to be on this board's agenda for the June meeting. In addition, Judicial Council Technology Committee was asked to approve two rules by email; these proposals were to implement legislation which was enacted in 2015. They are joint proposals with the Family and Juvenile Law Advisory Committee that were circulated for public comment during the winter 2016 cycle. One is a rule and form proposal implementing AB 879. That bill authorized electronic notice of hearings in juvenile dependency cases. The other is a rule proposal implementing AB 1519, which modified the retention and destruction requirements for signatures by local child support agencies on electronically filed pleadings. Both of these items were approved by our committee. In addition, we were asked to approve the recommended allocations for the jury management system grant program for fiscal year 15-16 and this also was approved. The court was asked by our Governmental Affairs office to provide input as it relates to AB 2244, which is a court e-filing and fees bill, which has been sponsored by Assembly Member Gatto. We convened a subset of our committee as well as ITAC members to discuss this bill and provide our input. We believe that the author largely accepted the recommendations that we made to him regarding the bill. At the March 25 JCTC meeting, we were updated again by ITAC work, including information regarding the telecommunications program, the remote video proceedings pilot program out of Fresno, the budget change proposal for the V3 to replace the case management systems for V3. At yesterday's JCTC meeting we reviewed a report on a request for funding for information technology infrastructure for a seven-court consortium, and that is Sustain Justice—they are all Sustain Justice courts—to help move them into a new case management system as well as a new hosting methodology. Jake Chatters in his role as court executive officer for the County of Placer presented three potential scenarios to assist these small courts. In addition, David Kuhn, manager for Judicial Council information technology, presented two additional scenarios. The committee reviewed these scenarios and actually ultimately adopted or made a recommendation as it relates to one of them and now the proposal will go to the Trial Court Budget Advisory Committee for their input and their work as it relates to potential funding for this change. I have to, on a personal note, Chief, first off, thank you for appointing Judge Brodie to council and to Judicial Council Technology Committee. He will be a great addition to the work that we do. And on a more personal note, I wish to say that Jessica Craven—who is my left and right hand, actually, during all of the work that I just summarized for you all—had the nerve to take off for a few days to go get married.

>> [ Laughter ]

>> So congratulations to her and again, I thank her for her good work. I felt a little dizzy without her for sure. And I also wish to thank the good work of the other folks with JCIT and the other folks we're working with and those on council. That concludes my report.

>> Thank you, Justice Slough. And if you need further proof that Judicial Council members of this council are—it's a working council, I turn it over to Judge Anderson to receive Judicial Council members' liaison reports.

>> Thank you, Chief. There are three trial court liaison reports today: on the Superior Court of Kern County, San Luis Obispo County and Solano County. The trial court liaison program not only enhances communication between the trial courts and Judicial Council, it also increases transparency and promotes accountability. So this morning we will begin with Judge Stout, who will report on Superior Court of Kern County.

>> Thank you, Chief and Judge Anderson. On January 28 of this year, I had the pleasure of visiting the Superior Court of California, County of Kern. And I was warmly received by Presiding Judge John Somers and Assistant Presiding Judge Charles Brehmer, as well as their court executive officer, Mr. Terry McNally. I should indicate when I first requested a photograph of Mr. McNally, I received a photo that had a striking resemblance to Brad Pitt.

>> [ Laughter ]

>> I was able to obtain a more recent photograph. And I would have to say, I think being one of our state's veteran CEOs, he is still quite handsome and holding up very well under all the pressure. Speaking of aging, the first courthouse in Kern County was located in the original county seat in the town of Havilah from 1866 to 1874 when the county seat was relocated to Bakersfield. To keep Ms. Brown happy behind me, I certainly want to credit under the 2007 copyright credit to the photography, David Jordan, this photograph actually depicts a replica built in 1966 as part of the court centennial celebration and now serves as a museum. Coming from Inyo County, I feel very comfortable with this. I see the horse and mule posed there in the front, but my visit actually took place with them in the main court facility in Bakersfield. The downtown Bakersfield facilities are multi-use. They're definitely aging but I think they've been generally very well maintained. The Kern County Superior Court serves a population of about 873,000. It encompasses over 8,000 square miles. Geography poses significant access issues for them. There are four state prisons located within the county: Wasco, Tehachapi and two in Delano. They have 12 court facilities but due to budget constraints, they closed the Lake Isabella-Kern River facility in June 2013. Fortunately however, in the fall of 2015, the Lake Isabella facility reopened one day a week for traffic and limited civil filing. Their Taft facility still remains closed four days a week also. Two of their facilities, Delano and Mojave, were slated to be replaced by SB 1407 facilities, but due to the delay of construction funds both were indefinitely delayed in October 2012. Both Delano and Wasco courts are prisons and their conditions have raised serious security concerns. The Delano court parking lot court depicted here is jammed with California Department of Corrections and Rehabilitation vehicles due to the lack of holding cells. Inmates from the state prisons must wait in the vans, each of the vans

having at least one CDCR inmate, a guard, and driver, waiting for court. The court was pleased that the Delano facility is undergoing remodeling as depicted here, but they have been very frustrated that the project had been stopped for six months waiting for the Office of the State Fire Marshal to approve the plans. I'm very pleased to report that in March of this year, the court received plan approval from the Office of the State Fire Marshal and the Delano project will now be resuming. The project is projected to be completed by early August of this year. The court has persevered through this very difficult time and they are very grateful to Judicial Council staff for their ongoing assistance. I want to especially thank Mr. Hoshino and Ms. Tidwell for their prompt response and assistance in getting this issue resolved. The primary take-away from my visit with the current court was their appreciation for WAFM. They report that the incremental service restorations that they've made were only possible due to WAFM reallocations. Due to WAFM reallocations, they've been able to restore or increase court telephone and counter hours by about 12%. Court reporter services and unlimited civil courts were restored as of March of this year after a three-year budget balancing hiatus. With respect to staffing, the court has made strides towards returning staff to pre-2008 levels but still fall well below WAFM workload staffing recommendations. They report that recruitment has been hampered by uncompetitive employee wages that remain about 12% below market averages and in key areas of technology, legal services, and professional classifications. Through incremental service restorations, again made possible due to WAFM reallocations, their baseline budget allocations remain below 2007-8 funding levels and have not kept pace with increased costs of operation, staffing, and services. The mandated 1% cap on local reserves has stymied reinvestment and hinders future reinvestment in technology facilities and other infrastructure improvements and modernization. Historically, the current court has been able to manage the peaks and valleys of caseload fluctuations by hiring part-time employees from reserves. Not being able to do so now further increases the burden on an already overworked staff. I believe the current court will be pleased with the discussion item on our agenda today pertaining to Assembly Bill 155, the expedited jury legislation. During my visit in late January, they were looking for some guidance and forms to assist them in properly implementing the legislation. AB 155 poses some challenges for their court with respect to workload and facilities. For example, they are currently in the process of converting some existing space into an additional jury deliberation room. With respect to criminal cases, as a result of grants obtained by prosecutorial agencies, they anticipate an increase in state prison cases, otherwise the number of felony filings has decreased as a result of Prop. 47 but the number of jury trials has increased. Their number of Prop. 47 petitions places them at No. 6 in the state in terms of Prop. 47 workload. They still have significant concerns regarding access to justice and family law cases, and huge lines for the family law facilitator and family court services, and due to staff shortages there's still significant delays in getting orders processed. As I reported in April 2014, they remain concerned regarding the ability of the judicial branch on a statewide basis to recruit the best possible judicial candidates. Salaries of well-qualified attorneys, including government attorneys, exceed judicial salaries. In addition, they previously expressed their belief that the percent or amount of mandatory retirement contributions has had an adverse effect on statewide recruitment, and they've also cited the need for JRS II reform. They noted a particular need with respect to judges with a family law background. They're concerned about AB 1058 funding and the lack of new money. They

subsidize their family law facilitator AB 1058 program. On the positive side, through innovations and collaborations, they've been able to improve services and achieve operational efficiencies. Regarding technology, the current superior court is collaborating with its justice partners, district attorney, public defender, sheriff, and probation to convert its antiquated case management system to an integrated case management system provided by Tyler Technologies. They look forward to going live this fall, and look forward to being one of the first, if not the first, integrated system. As I reported in 2014, they recognized a significant need with respect to court users presenting with mental health issues, as we just discussed. Utilizing recidivism grant funding, the court, along with local justice mental health agency partners, now operates a robust, collaborative mental health court known as STAR, Sustained Treatment and Recovery Court. In addition to their mental health court, they're proud of their domestic violence, veterans, and homeless collaborative court. As was also mentioned by Mr. Hoshino, they have an automated jury check-in process. Jurors may now utilize technology to check in for service on the Web and in jury assembly rooms in newly installed kiosks, as you see here, and this program has reduced wait time for prospective jurors significantly. Payment and informational service kiosks are now available for court users at all court facility locations, and that has also significantly improved access. We had discussions regarding increased involvement of the Kern bench and Judicial Council advisory committees and the Judicial Council, and in particular, Assistant Presiding Judge Charles Brehmer has expressed his interest in serving on the statewide level. The current court is grateful for the assistance from the Judicial Council's Legal Services Office and in particular Michael Giden and Linda Nguyen for their responsiveness. And they're also very appreciative, Chief, of the Assigned Judges Program. It was a pleasure meeting with them. I met some very caring, innovative, and hard-working professionals. And I feel strongly that the residents of Kern County should be very proud of their local court. And Chief, this concludes my liaison report and I'll submit a written report to staff. Thank you.

>> Thank you, Judge Stout. The next report will be from Judge Buckley on the Superior Court of San Luis Obispo County.

>> Thank you. Wait one moment.

>> [ Silence ]

>> We need a different PowerPoint.

>> [ Laughter ]

>> Does the court have an ocean view?

>> Create anticipation. Okay. Chief Justice, I'm pleased to report on the San Luis Obispo Superior Court. San Luis Obispo is a beautiful county, as you well know, located on the coast north of Santa Barbara and south of Monterey. It has a population of just over 275,000 people and it covers 3,600 square miles. I met with a number of judicial officers during my visit but spent most of my time with Presiding Judge Barry LaBarbera, and immediate Past Presiding Judge Dodie Harman and the CEO, Michael Powell. Pictures of them were not an option.

>> [ Laughter ]

>> The judicial allocation to San Luis Obispo is 13 judges and two commissioners. They currently have three vacancies. In fact, when I was with them, they had 2, and a third one just occurred. Those were all being covered by assigned judges. I think it's important to emphasize that the Assigned Judges Program is critical and invaluable to this court and many courts, while the leadership believes the allocation of the judicial officers is appropriate for its caseload, maybe a little low, the court could not survive if an assigned judge was not able to cover for any vacancy when a judicial officer is out for any significant time. As a shout-out to the assigned judge program, some may take this program for granted or maybe forget its value. But a small court such as San Luis Obispo is dependent on it, since the loss of just one courtroom out of 15 dramatically impacts the entire judicial system. By far the biggest frustration for leadership and judges relates to their facilities. I hesitate to focus too much on the facility problems, but sadly, San Luis Obispo is a poster child for the inadequate and antiquated facilities. This is one of the three primary court houses; this is the one in downtown San Luis Obispo, which has 12 courtrooms. The other in Paso Robles has two courtrooms. Juvenile and traffic cases are handled in a makeshift courtroom, one in the Veterans Memorial building and another that looks like a mobile home. The court needs more and bigger courtrooms. For example, when a judicial officer who is not downtown needs to conduct a trial in the downtown courthouse, the judicial officer assigned to the downtown courtroom has to give up the courtroom for the entire time of the trial. The courtrooms in downtown San Luis Obispo, which are all the same size, are just not big enough for any criminal trial with more than two defendants. The picture there at the right chair—the jury box, council tables, what looks like some curtains are hanging down, and you can see there's only a few rows back. To quote a judge, when they face a trial with more than two defendants, we are doomed. We have to separate the trials, which causes inefficiencies and delays. The court tried to remodel these rooms and move the bar back to handle more defendants, but they lost too much public seating and also became even more cramped, and unsafe conditions occurred with everyone on top of each other. The Paso Robles courthouse, relatively new at nine years old, is actually quite nice. It has spacious courtrooms, definitely able to take on multi-defendant cases. But it does not have a lockup, so it cannot handle the criminal trials. Efforts to add a lockup have not been successful and no hope is in sight. Unfortunately, they're criticized for trying to save some money at the outset of construction and not build a lockup, and now they are being told they cannot have one added. The ideal courthouse in the county to hear more complex criminal cases is forced to handle civil and family law. When you hear the judges discuss the main courthouse, your heart goes out to them as you hear some nightmares of facility maintenance issues. This downtown courthouse is a shared facility with the county; the county controls most of the building decisions. The air system is not controlled by the court but instead by a county computer. Some days the courtroom and chambers are so cold that the staff cannot work. This is not the new robe being used in San Luis Obispo. But too many times, they are working with the temperature around 55 degrees and unable to increase the heat. As with too many of our courthouses throughout the state, the court endures countless elevator breakdowns and floods. We all know that. But they face more unique yet upsetting problems. No one empties the trash cans in the chambers. This is not part of the maintenance contract. Judges or their kind staff do that. Again, to quote another judge, it can be so filthy it is not healthy. One of the complaints in the courtrooms in the main courthouse is that in addition to being small, they were



built when round courtrooms were the “in” thing. The SLO judges do not think it is a good setup. Furthermore, you can see the courtroom walls are carpeted. So when people have allergies, they are hit bad because it’s a very old carpets, not replaced. They tried to get me to take a picture of the wall behind the jury where you could just see where every head has been leaning on the last 30 years—but my camera didn’t do a very good job on that. There’s also carpet on the floor that has now been replaced since the building was built in the 1980s. The leadership is extremely frustrated that many of the in-house services such as IT staff, family court services, fiscal, and HR must be housed in a rented building down the street. Of course, this setup causes significant inefficiencies, but the primary concern is that this building has no security. There’s a sign to the left of this picture that tells everyone that it’s a San Luis Obispo Superior Court building. The building is not as bad as it looks. I just can’t catch that one by the white wall but it does show that there’s absolutely no security for anyone going into the building. San Luis Obispo needs a new courthouse. But while the court was No. 2 on the list for a new courthouse in the early 2000s, they are now No. 50. The judges feel stuck in a very bad situation without much hope. Of course there are other significant challenges. The impact of Prop. 47 has been huge. They don’t believe the funding is covering all its costs. To say the leadership is discouraged by the inability to maintain reserves, as we heard from Judge Stout, is an understatement. Leadership is convinced it could create solutions to some if not many of its problems if it could plan and rely on reserves to fund those solutions. One simple example came up during the discussion. They could replace some of that 30-plus-year-old carpet if they could work with some reserve money. But don’t be misled about San Luis Obispo—their work in the courtrooms and services to the community are extraordinary. No one does have this view, Chief, but I just thought it could create the nicest feeling as we talk about the positives of the San Luis Obispo court. Sorry. I guess you have to keep that in your mind. I just blew it.

>> [ Laughter ]

>> Close your eyes. The leadership is happy with this new case management system and technology. Efficiencies are found in all case types. It’s not that the court has reduced its staff. Instead it’s able to do more with the limited staff it has. Staff can be more flexible, able to handle multiple case types and therefore cover more types of courtrooms. Given the court size, this flexibility is critical to working with less staff than they should have. One example of the number of success stories is that the court used this technology and efficiency to bring legal process clerks into the courtroom from the back office. That clerk processes warrants and prison paperwork in the courtroom at the time the courtroom clerks work on a minute order. The court is then done completely with that case instead of more word processing in other departments after the hearing. You need to hear some of the frustrations of the leadership, and as judges we must recognize that the talent and efforts by our colleagues in San Luis Obispo is resounding. As we hear with every liaison report, the San Luis Obispo judicial officers have been quite resourceful, innovative, and diligent. They do not sit around when the cuts occur. They created new ways to handle many types of calendars. They worked on revamping the random assignment system, they obtained grants for an EDP court. They succeeded with a new drug court with other collaborative features. Worked out ways to even out caseloads. Moved to a vertical court, which combined misdemeanors and felonies, again with much success. And as already discussed,

moved into the 21st century with a new computer system. To paraphrase one judge, my colleagues rose to the occasion. The ultimate message from San Luis Obispo is they would love to get some fixes, but they accept they have a job to do and are determined to do it well. As you will see them, no doubt, they are doing that job extremely well. Chief Justice, that concludes my report.

>> Thank you. The next report is on the Superior Court of Solano.

>> Thank you, Judge Anderson and Chief and members of council. Let me see if I can work this. I'm not that technologically talented. Solano County is located 45 miles northeast of San Francisco and 45 miles southwest of Sacramento. The county is bordered by Napa, Yolo, Sacramento and Contra Costa Counties. The county seat is the city of Fairfield, and for those of you who do go to Fairfield and you are on your way to Sacramento, I do suggest that you veer off and go to Fairfield because there's the jellybean factory and it is free. They gave me free jellybeans. On February 5 I had the opportunity and privilege to visit the court in Fairfield and in Vallejo. I met with the court's presiding judge, Robert Fracchia, their chief executive officer, Brian Taylor, and some members of their bench. The Solano County Superior Court has four courthouses: three in Fairfield and one in Vallejo. There are 20 judges and three commissioners. The court has approximately 206 employees and it services close to 430,000 people. The Fairfield courts, the first one is the Hall of Justice and that is in the picture. The Hall of Justice is a county-owned building, it is state managed and has three floors, 11 courtrooms, and here's juvenile, family, probate, traffic, civil and criminal cases. It also houses the criminal, traffic, family, and juvenile offices. The building was renovated in 2009 by council. Thanks, Brian.

>> [ Laughter ]

>> Thank you. Thank you, Judge. This is a picture of the Hall of Justice. As you can see, there are sandbags, and I was told by the presiding judge and Mr. Taylor that when it does rain, it does flood. The Law and Justice Center—oh this is the jury assembly room for the court and that is located also in the Hall of Justice. This is the clerks' offices, as I mentioned above, in the Hall of Justice. The second courthouse in Fairfield is the Law and Justice Center. The Law and Justice Center is also a county-owned building and the state manages it [ Indiscernible ].

>> Are you leaning on it?

>> Sorry. The Law and Justice Center is also county owned and the state manages the court portion. It has two floors; the first is occupied by the sheriff's office and the second, it only hears criminal cases and consists of six courtrooms. Two of its courtrooms were also renovated by council in 2006. And this is one of the courtrooms. The person on the left is Judge Fracchia and the person on the right is Mr. Brian Taylor. The third courthouse is the Old Solano Courthouse. The Old Solano Courthouse is a state-owned and managed facility, it has three floors and three courtrooms. It only hears civil cases. The courthouse was entirely renovated in 2014. And these are the clerks' offices. And the person on the left, very distinguished, is Judge Robert Fracchia and to the right, happy-go-lucky Mr. Brian Taylor. And this is the ceremonial courtroom. It is absolutely restored to its original grandeur. And to the left is Judge Tim Kam and to the right is Judge Scott Kays, who presides over that ceremonial courtroom. In Vallejo, there's the Solano

County Justice Center and that is a building that is one story, it is county owned, and the state manages the court's portion. It has six courtrooms and here's traffic, small claims, and unlawful detainer cases. The criminal and traffic clerks' offices are also located in this facility. This slide shows the jury assembly room in Vallejo. And these are the windows for the clerks' offices in the Vallejo courthouse. The court's total filings for fiscal year 13-14 was 68,143; 14-15 was 59,390. And for the fiscal year 15-16, based on the first six months of filings, the court projected out for the full year to be 59,114. As for non-traffic misdemeanors, the total filings for fiscal year 13-14 was 3,510; 14-15 was 3,893; and fiscal year 15-16 with the same projections and formula as above would be 4,306, that is an increase of 10.6% from the previous year and they do attribute that to Prop. 47. The total filings for fiscal year 13-14 for felonies are 3,607, 14-15 was 3,098. And again with the same above projections and formula, the fiscal year 15-16 would be 2,442; that is a minus 21.2% from the previous year. The court's budget for fiscal year 14-15 was approximately \$23.8 million, and for this fiscal year, they anticipate very little change from last year's budget based on what the court's share will be from the governor's \$20 million budget for the branch. Solano County historically has been a court that has slightly gained under WAFM. However, on a comparison with other similar counties, they are also slightly underfunded for WAFM purposes, and with Judge Stout and Judge Buckley, this is a similar theme because of the 1% cap on reserves. It is extremely difficult also for this court to budget, hence they must be spot on, and that is a Herculean task, as everyone knows. They cannot save for long-term projects either. The governor's budget increase does help stabilize the court, nevertheless. The clerks' offices are open from 8:00 to 3:00, and they are hopeful that with additional funding they can close the courts clerks to sometime before 4:30. As for labor relations, the court has an excellent labor relation with the labor unions. As for the Public Employees' Pension Reform Act, the courts' employees are all paying 8% of their pension. As to innovations, this is what the court is very excited about and most proud of. The court has implemented a document management system, DMS, and e-filing for all Department of Child Support Services cases. This does allow the court to go paperless. System went online on January 19 of this year. They are now working on a DMS for traffic and family law and hopefully again with additional funding the court's goal is to expand the above case types. The court has also implemented warrants and probable cause programs electronically. Last year the court expanded language interpreters and all case types. The court developed a local form and insures that an interpreter is available for not only criminal and juvenile matters but also for all family and civil law case types. The court has also translated its child custody recommending counseling program into Spanish and has placed that program on their court website to expand language access. The court also broadened its collaborative courts to now include the integrated domestic violence court and reentry court. The IDVC coordinates all cases involving one family for one judge, which allows the court to coordinate services to assist the family and break the cycle of domestic violence. As for the reentry courts, this court provides for parolees to receive services as they integrate back into the community. Solano court also has adult drug court both in Fairfield and in Vallejo, as well as a dependency court and veterans treatment court. On September 24 of 2014, the court started its first veterans treatment court, which focuses on treatment and targets rehabilitation for veterans. This program seeks to improve public safety; this court works extremely well with local county veterans and state agencies to ensure that the success of the veterans court continues. And I think the Chief

would like this: In collaboration with the DA's office and the sheriff's office, the court established the Real DUI court and school programs in high schools in Solano County, so upon invitation from the schools, the courts and justice partners conduct real young adult DUI trials at the school so they will have real judges, real DAs, real public defenders and they have a jury made up of students. I did inquire about the possibility of video arraignments because I think that should be the wave of the future. At the moment the court is not doing any video arraignments. However, they indicated that Solano County has two jail facilities: one of them is attached to the criminal court building in downtown Fairfield and all arraignments are handled at that facility. The county recently expanded jail several miles from the courthouse and they built in the capability to conduct video proceedings. That jail is not fully staffed at this time but the court is working towards a video arraignments system for their court. Along with 15 other courts, the Legislature has earmarked this court to provide court reporters in all civil proceedings. This court is continuously thinking outside the box with the county, state, and federal agencies to increase funding for their court programs and ensure access to justice for everyone. Personally, I would like to thank Judge Robert Fracchia and Mr. Brian Taylor and Judge Tim Kam for being the most gracious of hosts, and they were informative when I visited both the courthouses in Solano County and Vallejo. That concludes my report, Chief. Thank you. And a written report has been submitted to Judicial Council.

>> Thank you. Thank you, Judge Anderson for coordinating this and thank you to the three judges who went to these counties and had first-hand experiences and brought them back to council. It's very helpful to us to understand what's going on and to know the needs and to know the services that they rely upon. Thank you. At this point then in our agenda, we call to the presentation table the first matter, the judicial branch outreach Power of Democracy Steering Committee interim report. This is not an action item. There aren't any materials in your binder. And I ask Justice McConnell when all are seated to please introduce the panel. Thank you.

>> Good morning, Judy.

>> Good morning.

>> So it is a great honor for me to be here to see so many old friends and new friends. And I appreciate your taking the time to listen to our presentation. I am going to introduce—this is my favorite school in the whole state, Brawley Union High School. And they inspire the Power of Democracy task force. So let me introduce them, I'll start with Mr. Jose Flores, who is the teacher at Brawley Union High School who is making powerful citizens out of his students. And next to him is—let me get it right—Christian Nunez, who is a senior and a student. And next to him is our superintendent out there, Mr. Simon Canalez, who was the principal when we first met and is now the superintendent of this remarkable school district. The Power of Democracy is a nonpartisan, nonpolitical statewide civic learning initiative led by the Chief Justice, and it's driven by leaders that we have from the judiciary, from business, and from education. And I'm very honored to be here with you today. I just want to recognize Deborah Genzer, who is our powerhouse former social studies teacher who provides the chief staffing for this effort. The Power of Democracy was established by our Chief Justice to oversee her civic learning initiative. And I think you mentioned, yes, she does like it when we're all teaching kids about the courts

and about our democracy. The Power of Democracy fulfills recommendations that came originally from the Commission for Impartial Courts that was established by Chief Justice Ron George. Some of you may remember that, you may have even been on that commission. It was chaired by Justice Ming Chin, and in our final report, I chaired the Public Information and Education Task Force. We recommended that the judiciary take a leadership role in bringing together all of the different advocacy groups and stakeholders in California to improve civic learning, mainly at the time—because people didn't understand the court's role in our democracy, they didn't understand that we were a third branch of government, we had a self-interest—as courts and judges—in better educating our youth and the public and in general. The Judicial Council unanimously adopted our recommendations, so a leadership group was set up, and the Chief Justice, Tani Cantil-Sakauye, adopted this mission with a passion which I'm sure you've seen, and established it as Power of Democracy—we like that title. We're talking about our democracy and protecting and preserving the democracy. So the members of that Power of Democracy task force included Frank Damrell, many of you know as a retired district court judge in Sacramento; Deanell Tacha, who's a former 10th Circuit chief judge who is now dean at Pepperdine Law School; the Honorable Stacy Boulware Eurie, whom we are going to lose in a few months; Sonia Gonzales, who is the executive director of the California Bar Association; Secretary of State Alex Padilla, and others. We always have had a student member, our student member is graduating, probably is going to be president of the United States at some point soon. And so we have to get a new student member. The role of the Power of Democracy has been to develop champions for civic learning, to establish strategic communications, to convene leadership and advocacy groups, and to develop resources. And our guiding principles are to bring people together, to elevate civic learning in California. The first activity that we engaged in was—well, first of all, we did the awards, which I'm going to talk about a little bit later. But we did the summit on civic learning in February 2013. The Chief and Frank Demirel talked about it and the Chief said, let's do a summit on civic learning, so we did a summit on civic learning—it was powerful. And it was in February 2013 in Sacramento. We had leaders from every sector of the community that we thought had a stake in this: we had Allan Zaremberg, who's the executive director of the Chamber of Commerce, on a panel with Tom Saenz, who's head of MALDEF, as and the head of the SEIU. I think Stacy, you were on the panel as well. It was an amazing panel, everybody agreed this was important. And at the conclusion of the summit, we actually had four legislators come up and say we're bringing this bill, and the State Superintendent of Public Instruction and the Chief Justice announced the formation of the California Task Force on K-12 Civic Learning. And the task force, which I co-chaired with Dave Gordon, Sacramento County Superintendent of Schools, was charged with coming up with a report and recommendations of things that can be done to improve civic learning in California, and if you don't have a copy of the report—and, by the way, the student on the cover is from Brawley Union High School; she's now a senior at Cal State San Marcos. If you don't have a copy, I've got a couple extras and I'm happy to get one to you. Anybody can have one and we have more. And I urge you to take a look at it.

>> Pat Kelly, you were on the task force.

>> I was indeed.

>> One of the major findings is that it's not just the courts' concern about this but many stakeholders are concerned about this. The task force was very diverse. We had representatives from the PTA, the California PTA. I think they had presidents of all these organizations, the Chamber of Commerce, I mentioned Allan already; the California School Boards Association, the California Teachers Association, SEIU, Mexican American Legal Defense and Education Fund, the president of the State Bar, Pat Kelly; and then we had a number of advisory members, and they came to many of our meetings—they were not formal members and they were on their own nickel—and they included Junior State of America; Constitutional Rights Foundation; Center for Civic Education, which was originally established by the State Bar of California; and a number of teachers, including Mr. Flores; and the California Council for the Social Studies. Our final report came up with these recommendations, and I'm not going to go over the recommendations—they are posted there and I want you to look at them in the report. This is such a great report because it is written in language that I can understand. And it's like a cookbook and you can go through and say, what can you do if you are a parent, if you are a teacher, if you are just a caring citizen? The report was released in August 2014. And the Chief charged us with implementation of that recommendation. So that came back to the Power of Democracy, which, by the way, oversaw all the work of the task force at the time. And I don't believe in doing things just for form, so I don't want this report to just sit on the shelf. We've been distributing it widely and working on implementation. On a state level, the English language arts framework has been modified. The framework is what tells the teachers, tells them how to teach English language arts, and we got a lot of civic learning incorporated into English language arts, thanks to Debbie Genzer and others. They can learn how to read by reading the Constitution, for example, or the Bill of Rights, and they can learn a lot from reading important founding documents. We're continuing to partner with the state Department of Education, the state superintendent, and we're now focused on history, social sciences, and assessment, because some of you may have read that testing was dropped, and we think that there are other ways of assessing student success and how much they've learned. In addition, because so much was transferred to the local level, the governor wanted the local school districts to work on improving education. We set up six pilot counties: Alameda, Butte, Fresno, Los Angeles, Sacramento and San Diego. And in each pilot county we established a civic learning partnership—you're going to see Carolyn later on; she is on the civic learning partnership in San Diego. Juvenile court judges are fabulous at this because they already know everyone in the community like Stacy, and each of the civic learning partnerships is approaching the subject in a different way, meeting with school boards. In Butte, for example, the presiding judge there has got all 13 school boards in Butte County to adopt civic learning resolutions. In San Diego, we got the San Diego Unified, which is the second largest in the state, to adopt a civic learning resolution, and they have hired full-time staff and they are working on improving civic learning in all of their schools. We also have six more counties that want to have civic learning—and by the way, these partnerships are a judge, usually a P.J. or a judge who is really committed to this work, a business leader, and an educator. So each of the partnerships—and then they are pretty broad based—we invite people to come, and if they come and want to work, we put them to work, and we have them working with the local school districts. There are a number of other counties that have asked us to establish partnerships: Humboldt, Imperial—Mr. Flores is pushing on that—Orange, Stanislaus, Yolo and

Ventura—we have judges from all those counties who are interested. And I've met with a leader of the tribal courts who is very interested in establishing a partnership and we're working with her in connection with Humboldt County to get something going. We established the awards program, the civic learning awards, to recognize those schools that are already doing a good job at teaching their students. And Justice Hull and Judge Rubin recently attended the awards ceremonies that we had in their school districts. The Chief goes to the top three schools in the state, we got her out to Brawley. She didn't know you could drive that far east in Southern California and still be in California.

>> Three hours.

>> From San Diego to Brawley. Right. And many of you by now have visited the award-winning schools, or written letters of commendation for the schools. And we use those schools to model good programs so that other schools can learn from them. This year we had 87 schools, which is a program that's building; the first year we had some 22 applicants. They were all high schools. The next two years we did elementary schools only, now we're doing all. So it is K-12. If you have a school that's doing a good job, and we can use that as a model for other schools, have them apply for the civic learning award. And so I've mentioned already today that Brawley Union High School is one of our top award-winning schools, it's won the award twice. The first time was—I can't remember the names of the different awards but it was Distinction. And then the last time was for the top award. And we even took our court out and held oral argument in their gymnasium; the auditorium has been condemned for seismic—makes you think of all these courts that are collapsing around the state. And it's my great honor to introduce the superintendent, Mr. Canelez; a teacher who is a great leader, Mr. Flores; and our outstanding student, Christian Nuñez. They will take over with the microphone.

>> First of all, good morning, it's a pleasure to be here. And if you don't know where Brawley is at, it's the desolate, barren, uninhabitable place. I just happened to go to the gentleman's room up here and there's a nice picture of our courthouse, which I did not know was established in 1907. Right below it, in captions it says, it was deemed desolate, barren, and uninhabitable. So that's where we're from.

>> [ Laughter ]

>> We're still there.

>> Still there. [ Laughter ] I want to show my appreciation for the vision of the blueprint to our Chief Justice in conjunction with our state superintendent of public instruction, Tom Torlakson, which I see practically on a monthly basis. And everywhere he goes, he mentions that the blueprint is not—we want to do it in our schools, it is a must do, so strong emphasis there. In appreciation for having the leadership of running the task force meetings. And as far as the blueprint, and the impact, and in a few seconds I'll go through real quick a PowerPoint of the impact on students, but also I wanted to impact the impacts on adults and teachers as myself. It's great capacity building and empowerment. I've been teaching now for 25 years, quarter of a century; five years has been civics, and it even has transformed me, to the form that not only I will I have the pleasure of being on a task force for the blueprint, but last year, due to the hard

work of our students, the governor appointed me as a quality instructional commissioner, so I am now flying, as my superintendent knows, once or twice a month, for four years, to Sacramento. And that puts us in a unique situation because this past month I was able, with other colleagues in the commission, to embed. We just finished the framework on social studies, so it is a strong emphasis on civics across the board. We are currently working on the science framework, and I'm pushing that there, as well, we have a strong emphasis, because one thing people need to understand, scientists, science teachers, they are adamant about subject matter and I'm trying to get them to understand that if it is so important, the concepts that they learn, once they learn it, the students have to do something with that knowledge. The relevance, the application, so the little tweaking of civic engagement is the students know there's a need for environmental literacy, environmental issues, and once they get engaged with the community, city council, county supervisors, whatever the county might have issues with, that's the civic portion. It's a very little minute tweak and you get civics across the board, across all curriculums. So now going to the slideshow here, what we see here is a lot of local engagement. This is mirrored in the new framework for social studies. The social studies framework—I think that was last established in 1998—was a little bit outdated because it had a strong emphasis on federalism, which is also important, but I think the students need to get the bottom portion of government first, beginning with themselves, their family, their school, their city, county, state, gradually growing towards federalism, pushing for relevance. So here we have a strong commitment and we have students that donate time above and beyond my classroom. We have between 50 and 100 students showing up to school board meetings. We had one 12 days ago. We should sell—charge for admissions because people were waiting outside in the hallway. And the students are well versed on the etiquette as well, so they are engaged on what the school board is doing—it's their community, they need to be engaged. Along the same lines they are also heavily involved in city council meetings. So much so that, again, large contingents of students have been showing up, used to be five and 10 people permitting, now we're having, again, at city council, between 40 and 60 students showing up. And one thing that transformed them drastically, the involvement of this, has been getting away just from simulations. Simulations are okay, but if you make them tangible, it's even better. So our kids decided, why not have someone run for city council, so my 150 students helped with campaigning, voting drives, registrations, et cetera. And in the picture there, you see them, there's one city councilmember missing. The young lady to the left is Ashton. Her grandma wanted to her to run for city council. In this past November, she won by 17 votes and she is now on the city council. Talk about reaping the rewards and seeing democracy in action not just by simulation but actually going out and doing it. Last one there, also, we take it to the county; our county seat is El Centro and they go out and our students—more importantly these people know my students. They know every single school board member, every single city councilmember, and the mayor, every single county board of supervisors, our assembly member and our senator have also visited my classroom. There's strong communication and partnerships across the board. As you know, lately, not this past year, there was the drought in our state. So our kids took it upon themselves and we have a project where we track—I had to teach economics to make it tangible to them—we do mathematics and we learn about economics, but we learn about local economics before we go to the macroeconomics. So one thing we do is the students bring in their water bills, and they track the



consumption of water month by month. And this past year in the Imperial Valley—as you know there were some cities in the state that got fined. I don't want to mention them but they got fined for over usage of water. In the Imperial Valley, some of the cities did not get fined but they did not meet the goal that the governor wanted them to meet. Brawley was the only city that met the goal and it goes back to the interaction of the students. To the right there also, besides the classroom, our superintendent gives us a lot of support and we have formed not only an athletic partnership with the students but academic and civic partnerships where he purchases nice little civic patches that say Civic Scholar, and for graduation, nice little graduation sashes for Civic Scholar. But they have to fulfill a portfolio that has to do with outreach to the community, giving back to the community, to the younger kids and to the elderly, and different mentorships that have to be done across the board with our Superior Court, et cetera. And you see one there, one of the strongest supporters there is Honorable Judge Ruth Montenegro; she does a lot of outreach to my classroom. She opens the court for us to go, literally, on a monthly basis, so they learn not only the civic part but then they are great because they do the college and career aspect as well, when they interact and partner and are mentored by them they know exactly what it takes to become a judge. And then the honor of going every year, it's been a tradition, we are invited by Justice McConnell and we take groups of students and we see her in action, and not only that, but then we have like an hour and a half luncheon where these justices mentor our students. I could not teach that from a book with that much relevance. This past year we've had plenty of success. We had students—mind you, these are not AP students, these are regular students; the majority English language learners new to the country—but we had three top 10 finalists for this competition on community engagement by the youth. So we were invited to come up last month to Sacramento and we were there at the Senate floor being presented with the award for the students. They do a lot of partnerships with nonprofits giving back to the community. There, you see the kids giving out food; they do this every other Monday the entire year, one of our biggest partners, is Comite Civico Del Valle, obviously going back to the civic portion. We have a strong relationship because they are strong on the environment, so we get the environment through them, but that our kids get involved and help craft and write policy with them in conjunction with the representatives. So when they write an assignment, they don't write it to me. I'm not the ultimate authority. Their audience is the people of California and the people who can make the change through policy, so much so that we have a strong partnership with the EPA, Region 9 EPA locally, a couple blocks down. I meet practically once a month with a woman who goes down to Brawley to mentor our kids and staff through civics. They have open communication with Gina McCarthy from the EPA. She wrote a letter to the kids right there, and No. 2 from the EPA, Janet McCabe went down to Brawley two months ago and met with our staff, our students, our council, our members, our county as they consider the big issue, as you know, of the Salton Sea, air quality, the border issues that we have; our students get involved with that. So there I'm presenting to Janet McCabe the coexistence; there's also an environmental literacy blueprint, so I'm showing her how it could blend in our classroom, and how we use both the civic blueprint in conjunction with the environment. They are one in the same if you do it properly. To take it to a further level, to promote what these fine ladies had established, providing awards for civic engagement and civic excellence, our students and our superintendent, myself, what we have done is to kind of further civic education for the kids that

are below us, elementary, we have begun our little Brawley civic awards ceremony. And we go out and we visit these schools, and visit with these students in different grade levels are doing, and due to the money that we get from nonprofits like Kiwanis, Rotary, Soroptimists et cetera., they donate money and they buy those very patriotic trophies for these winners and a nice certificate which has the emblems of the people that donate to the clubs, that donate money to us. And this has year has grown to the point where we're trying to take it countywide. But I always do it—my deadline is October because the state deadline for their awards is November—I do that for a reason, because now you did it for me, now forward it over to the state. It takes a couple little tweaks here and there and you have a couple weeks to get it going. So we're trying to further what the state wants the schools to be doing, but first getting it at the local level. And the visitations are not done only by myself but we get our dignitaries from our county and our city, our mayor, police chief, et cetera. They also visit as a delegation, obviously not as esteemed as when our Chief Justice visited Brawley, but we have our little delegation that visits these schools—elementary, kindergarten, junior high—and we visit and push it towards eventually the state competition. So there's our contact information. And now I'm going to leave the floor to my superintendent. Thank you very much.

>> Good morning. Chief Justice, members of the council, Justice McConnell; thanks for having us here. And my purpose here today is putting flesh to the body, so you understand what we're doing and how this initiative began, and who we serve. And I think with that, you'll find that it's very replicable model that you can use back in your home school districts and counties of residence, especially in a county like Imperial County, which we've noticed is a deep, southeastern part of California. We are in close proximity to the Mexican border. Very rural, agricultural community. The school district that we serve is a high school district, over 2,000 students. Of those 2,000 students, 90% of those are Latino. Over 75% of those students are socioeconomically disadvantaged. And over 50% of those students, their first language was a language other than English. So, that's the student population that we serve. That being said, we had a significant number of those students who were struggling academically and we know that something needed to be done differently, to inspire and enhance opportunities for that clientele. A large portion of those students were students who were new to the country, especially with our close proximity to Mexico. With that, we began to focus on an educational initiative to enhance opportunities for those students in a population that had been traditionally underserved. And we wanted to focus on enhancing opportunities for them to be educationally successful, and make it to college, so we focused on increasing opportunities for them, in A through G aligned courses, and through courses in their native languages, which culminated in a senior experience with Mr. Flores a number of years ago when they went to him and I said, this is where we need to start to make a real difference. So I said I need you to be the impact as these students transition from high school into the real world. And he was like, well, what are we going to do? And basically we're going to flip the script. The textbook is going to go by the wayside and it's going to be all about real world experiences. And we're going to focus on infusing, especially this clientele first and foremost, into our school community, which then in turn would make an impact in the community that we live in. And so our effort and the emphasis was all about introducing informed, active and engaged citizens. We wanted our students to claim their voice and actively participate in making a difference in the community that they lived in, and doing that through the

relevant real-world experiences that Mr. Flores talked about. Ironically, the last couple days here in San Francisco, listening to the debate last night, you know, in light of the national political landscape, it's so important for our students to become informed and actively exercise their political voice, and so that's what this initiative is all about. So on our way over this morning we're walking from the hotel in Union Square to this area, we passed and encountered a monument to the United Nations. And ironically, it embodies a lot of what we focus on. And so I'm going to paraphrase some of those words that pertain to our initiative. The civic initiative of Brawley Union High School recognizes the inherent dignity and equal and inalienable rights of all members of the human family. We understand this is the key to the foundation of freedom, justice, and peace in this world. And as a further example of what we're doing and what those words are about I'd like to introduce a senior at our high school who came to us four years ago as a new immigrant to this country, without any English as a skill set, and he's going to talk about his experiences, Mr. Christian Nunez.

>> Good morning. What an honor to be here today. First, I'd like to talk about how civics has impacted my life. It enhanced my leadership skills—being out there, to help others, being involved, and participating in those events that sometimes seem boring to our community or to the class that we're in in high school, but they are not really that. Things that bring up your self-esteem, because you know you're doing the right thing. Public speaking: When I came to this country, I never thought that I was going to be in a place like this, speaking English when I only knew Spanish. And so with that I would like to share this speech with you. When I was in high school I always knew that I wanted to do something great. It all got more interesting when I met my United States history teacher, Mr. Jose Flores. The first day I entered his classroom, he started teaching us about the Bill of Rights, and we even learned the preamble and we presented it in front of the class. With those experiences, I knew that I enjoyed politics and government, and that I needed to get involved. Since Mr. Flores has established a partnership with a nonprofit organization called *Comite Civico Del Valle*, I started to participate in their activities. I also joined the Key Club as vice president. When last school year was about to end, I decided to run for student elections for associated student body president, where I unfortunately lost the election. However, I also ran for Civics Club and Key Club, where I was fortunate to win. Also, I was chosen as the English Language Advisory Committee president by the students, which is a great honor for me. When the school year began, I was enrolled in one of Mr. Flores' civics classes where we learned about journalism, government and economics. As one of his students, I had the tremendous honor of meeting Congressman Juan Vargas and Assemblyman Eduardo Garcia. Listening to the story of these great men and how they became where they are now, brought in me that desire to help my community. I began volunteering at our local Chamber of Commerce and the farmers' market, every month. I also volunteer with our mayor Donald Wharton and Councilman George Nava their reelection campaigns. All those hours helping them made me decide that I could achieve something great in my life. It led me to get more involved in public service. I began attending city council meetings, which helped me meet very important people in my community. We also have a partnership with the local county courts system and our mentor is Judge Ruth Montenegro. At times it was hard to keep up with all my schoolwork, swimming season and all these outside activities. As a result of these experiences, however, I have been able to help my community and accomplish personal goals. In October 2015 I

acquired an internship with Comite Civico Del Valle. At first, it was challenging to get things done, since we were working on an environmental summit that was going to take place in our local school. Along with the Luis Hormel, executive director, I learned how to organize the summit and all the hard work that goes into producing a successful event. Overall, I will say that my experiences in civics class have changed the path of my life and that I now know that the law and politics are the careers I want to pursue. To conclude, I would like to recite our class motto, which is: We make a commitment not to be spectators. We get involved by becoming more civic-minded individuals, to contribute, to improve our community. Thank you.

>> [ Applause ]

>> I want to say that this civics initiative, which has been spearheaded by Justice McConnell, in my view is truly not only just civic education and civic learning, it is civic engagement. And I think the shorthand term that I used to describe it to people is, it's leadership training. It's teaching people, it's engaging our young people. I've had teachers and principals tell me that their civics programs have changed the culture of their campuses. I had one in particular recently tell me that on our high school campus we have no single law enforcement officer because our students are so trained in problem-solving per court and other matters, and understanding and critical thinking and two sides of debate, that it's changed not only their environment but how they treat each other and how they view the world. So there's so much I could say about the noble work, but it truly starts with the leaders. It starts also with the faculty. It starts with you, Mr. Flores, and you, Mr. Canalez, to change and train people to understand the world we live in, the importance of a judicial system, and our future leaders will come into the Legislature and then that Chief Justice and 3.0 will not have to explain what the judicial branch does.

>> [ Laughter ]

>> Thank you so much for your work. We are admirers, and may you go forth and replicate this model to all of our school districts. Thank you.

>> [ Applause ]

>> We call on Justice Slough and Assembly Member Bloom.

>> Thank you. I just wish to say to you, sir, that you referenced the Bill of Rights. And you referenced civics. But what you truly are is the flesh and blood and the heart and soul of the Bill of Rights, and the concept of civility in civics. So I want to say thank you, because you remind us of why we do what we do. And you remind us to do it better every day. So thank you.

>> Assembly Member Bloom?

>> Chief Justice, thank you. This program is truly inspirational, and it follows your leadership. This is the program that you inspired. It was really great to hear about the program from the top to the bottom; this is a young man who's not on the bottom obviously, he's rising to the top, rapidly. And I just have one request for him, as someone who's followed a career, as he says he'd like to do both in law and politics. My request is that you stay away from my assembly district—

>> [ Laughter ]

>> —at least for the next 10 years.

>> [ Laughter ]

>> Judge Lyons?

>> I have three words for you. Bravo, bravo, bravo. I want to commend you for an excellent presentation and very inspirational. Please continue to do what you're doing and take it, hopefully, throughout California.

>> [ Applause ]

>> Next on our agenda is our pretrial risk assessment at the Superior Court of California, the County of Ventura. Also this is not an action item; there are no materials in your binder. And we welcome Judge Brian Back, Superior Court of Ventura County, and to introduce your panel presenters.

>> Wait—timeout. This thing is smoking from the energy that just came from here so it's going to be a little bit difficult to follow that presentation. We're going to give it a shot, and just to give you an idea of what we're talking about, it says Pretrial Assessment. We're talking about the very first appearance in a criminal court, when the likes of me—because I am a car thief—shows up, and we're going to tell you what happens. There's three people who were supposed to be here from the probation department, but one of them fell ill and did not want to get anyone here ill. I was going to introduce her as Patricia Olivares. But I can introduce Terry Hart sitting over here. And I can introduce Michelle Larson—it's just the way she talks, that is one sweet young lady. Not that Terry isn't. But I am a car thief—I'm a really good car thief. I have stolen cars all over the United States. The reason I go from state to state is because the states don't have a real good case management system that connects so that they know who I am. And I like to get partners with me because somebody's got to be salvaged here and I don't want it to be me—I mean, I want it to be me. And so I met a young lady, her name is Jody Jones, she's sitting right here. And Jody is down and out. She's a good worker and she got laid off several weeks ago. Nothing that she did wrong, it was just the economy. She's a single mom, she has two children, and she's doing a bang-up job, except she needs a job. The rent comes due in a week. She's been told, after her latest interview, that she's got the job as long as she passes background, and that's not going to happen until May 15. I know she's got no record; she is a model citizen. She was this young man, except now she's a little older. She's a model citizen. So I tell her—you know, I have a heart—I say, Jody, look, you need the money, right? You've got two young children there and you've got to feed them. And I explained to her that I'm a car thief, but you could make some quick money if you join me. And I convince her that it's a victimless crime, because the people get covered on their insurance anyway. And she is desperate. She says, okay, what do I do? I said, meet me down on the wharf. That's where the tourists park their cars and we're going to get one. We will unload this thing real quickly. We'll get you some money so you can cover your rent so you can get the job on May 15. She says okay. A little trepidation there. I'm down there, I got my Slim Jim out, I'm working on this car. Jody in the meantime has said, this is

stupid, I can't steal a car. But she has also a very big heart so she actually comes down there to tell me that she can't help me out. While I got the Slim Jim on the driver's side, she comes up on the other side and says, Mr. Car Thief, you know what, I can't do this. And I said, Jody, come on. Remember, it's a victimless crime. She says no, and who's that lady coming up right now? Well, that lady is the car owner. And she comes up and she gives me a little push because I'm trying to get into her car. Things unwind, it just happens that there's a police officer there. Jody and I get arrested. We get taken before the Superior Court the next day, where bail is going to be set. And I don't care what the bail is because, like I told you at the beginning, I am a car thief, and I'm really good. I got more money than I know what to do with. And I've got to deal with the bail bondsman anyway. I've been making 3.5% for a long time because it's steady business and he knows he's going to make his money, so I'm out. Jody doesn't have two nickels to rub together. So the crime is actually the license plate of the car I own, there's a potential 245(a) because I had a deadly weapon—I had that Slim Jim. I actually touch the lady—there was a touch—so at a minimum it's going to be basic battery, and Jody saying I didn't do anything wrong. Lady saying, she came over and tried to help me, when in fact what she was trying to do was help that lady from me doing any harm to her. So what is the bail? \$20,000? It might get kicked up because there's a potential 245. So maybe it's \$30,000, maybe it's \$50,000, because as we know, PC 1269b-c requires us annually in the courts to update our bail schedules. Everybody loves to sit on the bail schedule committee, right? So exciting. Also, rule 4.102 says, in general, bail is used to ensure the presence of the defendant. That's what our rule says, the opening language, which is kind of interesting, "in general." We know when we're setting bail, you read about bail—that's the primary reason, but public protection is also in the back of our minds. Public safety. She sits in jail for how many weeks; we know how long it can take, because she cannot post bail. In the meantime, the landlord serves his notice because there's been nobody there to pay the rent. In the meantime, her two young girls, she doesn't have anybody to take care of those young girls, the CPS shows up potentially—because she's in jail, she might be looking at assault with a deadly weapon. Child Protective Services doesn't like that. By the time she gets out, possibly those two children are in foster care. Can that happen? Yeah, it can happen. But, if you show up in Ventura County, and some other counties that have adopted the program, there's a possibility that her good record is recognized, and she will not be squatting in jail waiting for the next court appearance. Terry is going to tell you how that works. And then Michelle is going to give you the statistics. Remember, in Ventura County, 29 judges, a county of less than a million people, so the numbers we are going to see are going to be reflective of two years of statistics in one courtroom because we tried this out in one courtroom. Everybody around here knows that one of the challenges that you have in adopting a program like this are our own colleagues, because nobody wants to release somebody that they are kinda unsure of, with the possibility that the person might go out and do something terrible. And what we all have to do as judges, we know, get over it. Because we're going to release somebody OR, or somebody that doesn't show us any type of potential for violence. And they are going to kill somebody. It's going to happen. The reason is because we're dealing with humans. We cannot make orders that make sure that everybody is in fact protected from people that come before us in the courts. Go for it.

>> Thank you. Chief Justice and members of the Judicial Council, thank you very much for the opportunity to share our pretrial program with you today. Thank you to Judge Back for always being an advocate for our programs and an advocate for the services we provide to our clients. So how did this all come about? In Ventura County it came about because of some early planning due to the Public Safety Realignment Act. We needed bed space in our jail: 65 to 70% of our jail population were pretrial inmates. So basically my chief deputy went to a big pretrial conference for jail administrators, got a bunch of information, and while she was there she started sending us information—hey, we need to do this; you need to get it started; come up with a mission statement—and just started sending emails left and right. I know my chief deputy, Pat Olivares, when she says I need to get this done, you need to do this, you need to get it done. You need to go in with a passion, as much passion as she has. So basically, at that point, we looked at what could we do—CCP, the Community Corrections Partnership—basically we obtained permission from them to start the pretrial services program. And it actually quickly became a goal of theirs for us to do this. So we got a team together that included our judge, district attorney, our public defender, probation. We already had a very strong collaboration but we worked real quickly and worked together to develop an eligibility criteria of who we were going to work with to try to get the low-risk offenders out to make more room for the high-risk offenders. So with that in mind, I'm going to leave it to Michelle here to talk about the nuts and bolts of our program and our outcomes. It's in one courtroom but we do have some fun numbers to share with you. I'm going to come back at the end and talk about fun things about unintended benefits about this program. Remember, the goal initially is to free up beds for the high-risk offenders due to public safety realignment. And that was one of the goals, although there was a lot of other great goals and benefits that came out that I'll share with you towards the end. I'm going to let Michelle talk about the nuts and bolts and some of our fun outcomes.

>> Good morning, everyone. We typically take this program kind of on the road. We present it in other counties. This is very much an honor to be here before you today to present our program. In Ventura County we developed a pretrial mission statement, let's see here—there we go—with two goals in mind. We want to provide our court with a validated pretrial assessment tool, to help them No. 1, determine the likelihood of a definite period in court and No. 2, reduce the risk of a defendant in the community reoffending. Our pretrial committee came to a consensus that we would screen defendants with non-present eligible 1170 offenses. That's what the district attorney agreed upon and the public defender. We have a great collaboration in Ventura County. This is what we came up with: the defendants would need to meet certain criteria, so they would have to live in our community so we could supervise them, and they could not have any type of hold that would prevent them from being released. So each morning the district attorney's office would email probation the pretrial referrals for defendants that would be appearing in court for arraignment. We run the rap sheets and obtain the circumstances of their arrests. And the probation officers and my unit interview defendants in custody that morning. They obtain their statement, they make a recommendation to the court, and we use the Ohio pretrial assessment tool. We ask the seven questions in the assessment to base our recommendations. Four of the questions are self-reported, such as employment, residential stability, drug use, and issues with severe drug use. There are an additional three questions, such as age, FTAs, and history of prior jail incarcerations that we look at. If a defendant scores low on the assessment tool, we do not

recommend that they have any type of supervision, so they are basically released on their own recognizance. They are very low-level offenders. If the score is moderate, we recommend OR release with supervision, and if they score high, we do not recommend that they be released into the community. So in the past two years we've completed 778 reports and pretrial assessments; 339 have been released to our pretrial program. What we do, in a nutshell, we have a senior deputy probation officer who appears in court each afternoon. And once our judge makes an order for an OR release with supervision, they are given an intake appointment right there in the courtroom to meet with probation upon their release; they come in for a check-in appointment weekly. We test for drug and alcohol, per the court's order, if needed. And we send reminder notices to them reminding them to come to court. We send notices in the mail, and we've gotten advanced in our county—we can text message, which is what everyone does nowadays, we are kind of with the times—we text message the offenders the day before the hearing to remind them to appear in court. Some defendants do violate their terms of pretrial supervision once in a while and they return to court—in our county, our particular judge wanted a zero-tolerance policy, they felt they were getting released and any violation, the judge wanted them back before him in court. So we do that. We do a status report, we have them back in front of the judge if they were to test positive for drugs or alcohol. And it is up to the court to decide. Sometimes they are given a second chance. Sometimes they are remanded back into custody depending on the type of violation.

>> Before you move on from this one, the evidence-based practice actually doesn't suggest zero-tolerance, but to get it started, that's how it was going to happen or wasn't going to happen, so the statistics you'll see, you have to factor in, it is zero-tolerance.

>> And some counties to use like the Three Strikes model—they are given a couple chances with positive tests to go to treatment and so forth, but we do let the judge know of any violation. So after 10 weeks of success on pretrial supervision, we send them back to court for successful termination. We also send them a survey, which is new for our county to survey this population before, I don't know if we really—if it mattered what they thought when we were supervising them, but we do want their input—what is working and what's not, and we take that into consideration.

>> Let me comment here, this is a customer feedback document that a lot of the probation officers were not real happy with thinking about doing, but in fact it's been extremely valuable for probation.

>> Right. In a couple minutes we're going to share a video with you of two participants that participated in the program that had great success. And so let's see here, some of our statistics we've released 339 defendants into the community in the past two years. Let's see, 83% of them have been male, 17% female. And 318 have remained arrest free. So we have 21 defendants that were arrested for new crimes—19 new misdemeanors and two felonies. Some of these, the charges ended up being dismissed, but that was their rate on supervision. All right. So of those released on their own recognizance, 86% returned to court for each of their hearings. We recently obtained stats from our courts, we want to know how those that posted bail did. Did they do better than we were doing with our program for nothing? So the courts provided information,



and if someone posted cash bail during the same two years that we were running our program, their appearance rate was 81%. We found out just a couple days ago, Judge Back, that they only track the first appearance, so that was an 81% chance of appearing for their first arraignment. We track every court appearance until they plead guilty. And our success rate is 86%. So, we think we have a gauge now of how we're doing with our program. Go from here? Ms. Hart will take it over.

>> So the bail decision is a monumental task which carries enormous consequences not only for the pretrial defendant but also for the safety of the community and the integrity of the judicial process. So that's a pretty powerful statement and Judge Back alluded to, nobody wants to release somebody that's going to go out and do something bad. So one of the unintended benefits of this program was that we were able to get the judge a lot more information allowing him to make a much more informed decision. He didn't have to rely on his gut and his intuition anymore. He could rely on the science of the risk assessment tool and make a much more informed decision because he got to know the defendant a little bit better and their situation. So the other unintended benefits of this program were that it kept families connected. With that in mind, it kept youths in their home—she didn't lose her two children, kept youths in their homes, not in the foster care system. It also provided financial stability for a lot of homes. The breadwinners were allowed to remain employed and remain at home, remain funding their households. So with that in mind, we would like to share with you two testimonials of two participants that shared, and it was really their statements that kind of gave us that, oh, that's another benefit that we weren't recognizing because we were just focusing on jail bed space. So it brings the human aspect to our program.

>> [ No audible content ]

>> [ MUSIC ] Hi. I just wanted to say how this program helped me being able—when I got arrested, instead of posting bail, I was able to work on my case from the outside instead of from jail because it was so difficult, me not having a job financially, and it just gave me—you know my case went on for a year or so. And it just helped me financially being able to take care of what I have to take care of for my 11-year-old son and being able to explain to him what was going on. And I just want other people out there to know that it does help, this program does help, especially if you are doing good, you have nothing to worry about. And yeah, just—it just helped to be able, this program helped to be able to work on your case from out here, instead of being incarcerated.

>> And if you had had to stay in custody, what might have happened?

>> It would have been so difficult because like I said, I don't know if I mentioned, but I don't work. And it would not have happened. I would have had my housing taken, my son would have been lost, because he is an honor roll student and he is school smart, not street smart. He would have just lost it. Yes, it definitely helped in that area.

>> Any other areas where it was beneficial?

>> My family, they were there for me from day one, giving me rides, and from jail I would not have been able to make phone calls, call attorneys, make arrangements—oh, man, I just wouldn't have—it would not have been possible at all. And to leave you, I just want to say how much this program really helped and benefited me, to all the people out there that are going through what I went through, just know that it really did help. From being the pretrial, being able to work on it out here instead of in there, this program really does benefit, if you work it, it will work. That's all I have to say. Thank you very much.

>> My name is Sam. I got myself in a little problem in Halloween of 2013 and I was taken into custody by the Ventura County sheriff. And I normally take care of my invalid father, who is now 84, and I am an in-home supportive service caregiver. And I didn't realize at the time, the ramifications of what I had done. And I didn't know if I was going to end up having to stay in jail and my father not having anyone to take care of him. In court, I was given this opportunity; I wasn't aware that it was a new thing to be in this pretrial release. I was unable to post bail. It was absolutely financially impossible. Even if we had gone to a bail bondsman, it would have pretty much been undoable because we live at or near the poverty line. And it just would not have worked. It could not have happened. And my father—my mother and brother were deceased. And so there really is no family here left, except for myself. And he would not do well in a state facility even if he was able to get in one. So, it was really a concern of mine that I was going to be stuck in the jail. And so when I was given the opportunity to do this program, I was 100% for whatever needed to be done. And I was allowed to get out on my own recognizance. And I was looking at 240 days in jail. And what I needed to do, I did. I took care of my father. I have to be there pretty much 24 hours a day. I did what was asked of me by the probation department. I went into recovery. I now have two years clean and sober. And I complied with everything that they asked from me. And I made sure I was at the probation reports at the office, on time, you know, all those things that were necessary. And during the course of my going to court, I was told that they were going to delete the possibility of jail time. So that was off my mind. And I just continued to do what was asked of me. And it really enabled me to physically and emotionally care for my father and myself and to look at things differently than maybe I had, especially that one particular evening. And it really has been a great thing that they have this program. I don't personally think I'm a great candidate for jail. And the opportunity to get out of there—I would have done anything. So this was a godsend. And if it can be provided to other people in similar situations or—that should be—and they are compliant and they do what they need to do, then I think it should be available to people that need it. And it can only go to help people. The situations in the jail are less than desirable and a lot of times, some people don't need to be in there. And I felt that in my situation this worked out very, very well.

>> Do you feel that there's any other areas of your life that benefited from—

>> Well, probably, you know, getting into recovery, I gave up the drugs a long time ago, but I continued to drink and that's what partially led to this little incident. And I just made a choice, a decision to not drink, and not to use, and to go to meetings, participate in it and I still am—I go to the same place that I did two years ago and I go several times a week. And all I can say is that—people need to give that a chance because there's a lot to be gained from it. I know that it's

a major problem in society, just drugs and booze. People don't realize that you don't need to do those to have a good time.

>> Is there anything that you would like other counties and probation [ Indecipherable ]?

>> He said, we would like you to get the bail presentation. If you've done it, Beyond the Bench, that's all about kids and family. We go, oh yeah, kind of makes sense, doesn't it? Then they got these things. And it's like, wow, we can't say it any better than just listening to the circumstances of their lives and how they were impacted by the ability to be out—remember, I'm never going to spend any time in custody because I'm a really good car thief because I've got the money. That's all it comes down to. So Sam—two years, two months sober—last time he drank, he was sitting on the front porch shooting off a gun. And he kind of realized that that wasn't a good thing to do. And another unintended consequence, I mean, it was interesting enough to hear the emotion and the potential inability of him to take care of his father on a day-to-day basis. But then to find out he's also been clean and sober, which I think points to one of the reasons a program like this is so good. We have to make public safety decisions all the time, but public safety decisions are not made just for the moment. Not just made for what might happen the next couple of days. They're made for what is going to happen for the next months and years and et cetera. This is not a program where probation comes back and says to the judge, this is what you should do. This is a program which says here is the information, judge, your bail deputy has already worked up the bail so you know what the bail is. Here is the additional information. You do what you want to do. Our first judge to handle it, he fesses up and says, there are a couple of them where actually thought that they should be released so I went against the recommendation to keep them contained. That went on for several months and we ran his statistics and he had to admit they were worse than the statistics which are the result of the program. Now, what happened in our court, which is really good, this particular court that has been doing it; has had a change in there right now but the two that have been there, they are sold. The judges throughout our court are seeing the value in doing this. And of course the sheriff is ecstatic. What's interesting and I think is interesting is if necessity is the mother of invention, we didn't need AB 109 to do this. Really didn't. But AB 109 and all those other changes to the criminal law have certainly created that necessity to do something and I think we're a whole lot happier about the ameliorative effects about reducing the jail population. I kind of like to think of it as that's the tertiary consequence of getting jail beds available. The primary good of this program is addressing public safety appropriately and addressing it in the future. I think Justice McConnell made some comment about those in the juvenile court, a lot of the things that are being implemented at the adult level were things that have been done in the juvenile court for 15, 16 years. Because you are dealing with a kid, you are looking forward there. And so this is a wonderful program. Any questions? We'll bring it to your county if you want it.

>> Justice Hull?

>> Thank you, Chief. Very interesting presentation, very innovative. And I think it's the wave of the future, it probably should be, as we all know the question of bail and pretrial release is beginning to be a very important issue. Especially or most importantly for people come into the store who are low-income people who probably cannot post bail and I think this is an excellent

program. I just have one question—it's more of just a curiosity, I suppose—as I understood it, you make as a condition of this type of pretrial release, that the defendant or the arrestee has to abstain from alcohol and drug use. And I was curious as to the alcohol use, that is otherwise legal activity for a pretrial defendant arrestee. Has anybody ever challenged that requirement? Is it something along the lines of, as we all know, when the trial court grants probation and has reasonable conditions—that it's sort of the defendant can take it or leave it—but has it ever been challenged that the people who benefit from this program have to stay clear of alcohol?

>> We are all cognizant of the fact that we're dealing with people who are not convicted of anything. Everybody is fully cognizant. Why don't you comment on that.

>> Sure. We have not been challenged on that issue yet. But it is very difficult to test for alcohol, when they have the breathalyzer and all those sorts of things. And actually the one offender that we had that did go out and do something pretty bad afterwards was a four-time DUI offender that did go out and consume alcohol and hit a pedestrian in another county—not in our county, but that doesn't make it any better—so with that in mind, we are actually looking at using a new device called SCRAM that is an immediate continuous alcohol monitor for those particular types of cases. I'm pretty sure we will probably get challenged, at least by the public defender, but this is a voluntary program. They have to agree to the terms of pretrial and I think they would much rather abstain from alcohol use than sit in jail, especially if they have families to care and provide for. So we at this point have not been challenged on it. And they agreed to the terms.

>> Okay. Thank you.

>> We do not recommend alcohol terms for someone that doesn't have a history of alcohol abuse. So it's not standard; we look at the history and unless they have DUI priors, or drug offenses, we don't recommend those terms. We tailor it to stolen property terms if they are thieves, that sort of thing. So, they have to have a nexus to the crime they've committed with their priors.

>> Very interesting.

>> Probation doesn't rule out, because they're not on probation at this time—the only time that there might be a check is when they come into a kiosk or to a check-in to let them update probation of where we are.

>> What's the overall ballpark cost of the additional responsibilities that come with your pretrial program?

>> I don't know it offhand because I didn't bring my budget.

>> We can find out.

>> But the pretrial program by itself is very small. One senior DPO and two DPOs that write the reports and then Michelle, who has oversight of them, along with a bunch of other duties and responsibilities, but it's relatively small. And as we in Ventura County know, I will obviously need to grow the resources in that unit, but it's relatively small and it's a very small piece of our realignment dollars that is doing this pilot.

>> Yeah. I have the budget but I don't have it here with me.

>> Try to find out.

>> I think that would be of some interest to counties as they think about what they are capable of performing with their resources. But thank you—excellent presentation. And I think it was surprising for all of us to see and hear about the other benefits that come from this program. Thank you.

>> Thank you.

>> Going to turn it over to Judge Anderson for public comment before we take our 30-minute recess.

>> Thank you, Chief. At this time, members of the public have an opportunity to provide general comments on aspects of judicial administration. The Judicial Council welcomes public comment because the process enables members of the public to express their ideas and state their concerns on policy matters. There are two opportunities for public comments. The first involves general comments on issues remaining to judicial administration. These are comments about matters not specifically on today's Council agenda. The second involves comments on a particular item on the agenda, which will be heard at the time those specific parts of the agenda are called. Before we begin hearing from members of the public I pause just for a moment to note several important features of the public comment process for those unfamiliar with the Judicial Council. The Judicial Council is the policymaking body for the judicial branch of California. The council addresses issues of statewide importance, such as developing the budget for the judicial branch and the courts, seeking funding for sufficient judicial and administrative staffing, achieving court efficiencies and savings, and adopting rules and forms to enhance access to the courts. As you can see from the agenda today, that these are the measures that the Judicial Council is concerned with and we do invite public comment on those types of matters. The council is not an adjudicatory body. The council unlike the courts does not make decisions in individual cases. And it does not become involved with nor does it ever intervene in these cases. That is outside the scope of the council's authority and responsibilities. Therefore in the public comment process, the Judicial Council does not receive comments and suggestions about individual cases, nor is staff authorized to distribute materials related to any individual case. Please keep this in mind, if you are presenting comments today, today we do have listed here 12 persons, two that have not yet checked in. I want you to just keep in mind that your presence is very welcomed, your comments are very welcomed, but we do have a limitations of time so that each person presenting will be limited to three minutes. I will give you a one minute reminder and then also a 30-second reminder. I ask the first person to speak, step up to the podium. I will also call out one other name, if you would also come up and sit at the first row so that you are prepared and ready when you hear your name called. Again we welcome you and your presence and your comments but we do have time limitations. And I will be calling that here. I do have listed in here, has not checked in, I'm going to call his name just in case, Jeff Siegel? He does not respond. So our first speaker will be Joel Rubert. Right behind him there was a name of Lori Lynn. Lori Lynn, not

present, so that the second speaker will be Connie Valentine. If you are prepared to go right after Mr. Rubert, you may begin.

>> Good morning, Chief Justice and members of the council. I am the CFI freelance unit and I represent contract court interpreters throughout the state. We will refer to them as a CCIs. Today we respectfully urge this council to adopt and implement new revisions to the payment policies for CCIs last revised by the recommendation of the Court Executives Advisory Committee in 2007. And we do so for the following reasons. We believe these policies have resulted in unintended consequences which in turn have impacted the ability of language resources in the judicial system. Presently, many contractors are not interested in serving the courts, and view the opportunity in the private sector as the more lucrative source. This factor has caused an exodus of qualified interpreters to the private and federal sectors, has diminished the ability, the court's ability to attract and retain skilled contract interpreters, and created unnecessary shortages of providers. I believe that these practices have probably dissuaded many contractors from becoming employees, directly contradicting the mandates of SB 371. In addition to stripping the court of its competitive edge, and this industry market, this inflexible policy has produced two compensatory scheme, differentiating between employees and contractors while both sectors have continued to provide services under the same professional and ethical standards. By setting lower fees for the same services, contractors have been marginalized, thus giving the appearance of the differential treatment to this group. Chief, with your permission I would like to deliver signed petitions we have collected throughout the state, contractors, hope our voices will not be shelved or forgotten. Now we're eager to engage with you in an ethical—in a dialogue to accomplish the regulations. And lastly, I would like the council to educate me, who should I contact directly to direct further comments to you, the Court Executives Advisory Committee, and any other pertinent committee? Thank you for the opportunity.

>> Thank you.

>> And I have attached a letter directed to the Chief Justice. Thank you for the opportunity.

>> Thank you, sir. The next person is Connie Valentine. After Connie Valentine we have Catherine Campbell Raffa. Stand in the ready position. Ms. Valentine?

>> Thank you. Connie Valentine from California Protective Parents Association. Madam chair, thank you for speaking to us at the Yolo County luncheon for women's history month. You mentioned then that you believe that the litigants who speak during this public comment section wanted the Judicial Council to intervene in their cases. I'm sorry, I apologize if we've given you that opinion or that understanding. Litigants are not here seeking relief. They are here as living, breathing examples of the documented pattern of judges placing children with convicted or accused offenders. The Family Court comprises about 5% of the filings. And they comprise probably 95% of the headaches for your branch. We've spoken without success to your advisory committees for the past 15 years which is why we come to you as the Chief and basically the board of directors for the court system. We are here solely, solely to ensure that children are safe in family court. We sent out a 2016 Sacramento Court Watch report to every member, showing that safety is clearly not the highest priority in this one court, over a quarter of the domestic

violence and child abuse cases the court orders contact with a victim with their offenders. We don't believe Sacramento, we're not picking on Sacramento. It's an anomaly. We believe that this may be a common practice so we're starting Court Watch programs in other court systems. April is Child Abuse Prevention Month. There are multiple ways that you as a body can help child safety as a public safety measure. One, you can issue a public directive, a policy directive stating that safety is the first and highest priority in all custody decisions. You can develop an advisory committee on safety of litigants to seek solutions. You could implement a statewide study on children who have been taken from their safe parents and placed with their dangerous parents. You could use domestic violence and child abuse advocates and victim impact statements in your training of judges. You could end the questionable practice that of recommending mediators, also known as CCRCs. Judges should not have a recommendation prior to going to a hearing. It makes the hearing into a sham hearing. You could ensure a level playing field where one party has an attorney and the other does not pursuant to section 2030. You could have a forum for the mediators to gather information to present to the judge, not recommendations. And you could lastly use the pretrial assessment method that was presented to you prior to my talk. That screening would be the very, very helpful for Family Court litigants. Because when contested custody in dispute happen, mostly they are domestic violence and child abuse issues. Thank you so much.

>> Thank you. The next speaker we have is Catherine Campbell Raza and in the ready position is Roberta Fitzpatrick.

>> Thank you so much. As mentioned I am Catherine Campbell Raza and I'm from Santa Clara County. Chief Justice and councilmembers, I'm here today, I am a litigant but I'm just here to just give you an overall picture. I have heard so many beautiful things here today, and I'm so excited about what's happening in California. And on the other side, I hate to be like kind of, to bust the bubble here. To listen to a student like Christian Nunez was just so moving to me. But I realize there's another side of what we're teaching our children. If you are a child who has been sexually abused, and you have to go through the court system, you learn that you are invalidated, you're not listened to. And I understand how it's so hard to listen to and I understand, I've been in here before where I've seen many of you just hang your heads because it's something nobody wants to hear. And I realize we've gotten comfortable with just letting it go and invalidating it. And just moving on because we don't want to look at it. But what's happened to these children is there not going to become Christian. They've lived here or maybe they've just moved here or maybe they don't need English—maybe they don't know English. But what I do know is that they know that whatever language they speak, it's not heard. And that's what's really upsetting is that these children are learning that the system doesn't work for them, that they don't matter. I mean, it's the complete opposite of what we want. They're not going to go into law enforcement. They're not going to go into being lawyers or maybe they will because they want to change the system and they've been so hurt. But we're not giving them the chance like we're giving these people who are on probation or pretrial, we're not giving the children a chance. And I'm asking that there can be—that the judges are actually held accountable for this. I've had to look into the eyes of these children and I don't want us to be comfortable, that we just say, hey, this is just a contested custody—it's not that. And I don't want you to think that of people that just because

they have a problem that happens to so many people. And this is a problem that happens to so many and—they don't come forward. You have most of your attorneys in the state telling people, if your child has been abused and you mentioned it in court, most likely you will lose custody. That's not what our court system is for. So I ask you to hold judges accountable and I ask you to next time someone brings up sexual abuse, just know it's a real problem and it's hurting our children. We need more Christians. And we're not actually creating that in our family courts. Thank you.

>> Thank you. Very much. We have Roberta Fitzpatrick and then on deck is Angie Birchfield.

>> Chief Justice and members of the council, I am Roberta Fitzpatrick from San Jose. And I want to assure you I'm not asking anybody to intervene in any litigation, not even the seven years of criminal proceedings because of the death of my niece. Still no trial, still no verdict, and I go at least monthly on a long trip for the trial hearings. I don't want you to intervene in that. Cognitive dissonance, defined as a mental conflict experienced when new experience interferes with long-held beliefs, was a term I first heard as a young college student, then I had not had enough life experience to really understand it. By now in my 73rd year, I have had a few significant struggles with cognitive dissonance. A most distressing and ongoing mental conflict centers on the glaring disparity between the constitutional promise of equal justice under the law and the actual execution of justice in our courts, especially in Family Court. Excuse me. Family Court is a hotbed of injustice. Why did the hundreds of children in my classrooms over many years have clearly defined protections, while children under the jurisdiction of Family Court judges essentially have none? Your law allows judges to ignore facts of child abuse and refuse to protect children. Is that equal justice? In my written comments to you earlier this week, I described the danger that children are subjected to in homes where there is domestic violence. Domestic violence and child abuse are a lethal combination, as I can tell you from personal experience. Still, judges are given the discretion to send defenseless abused children to live with batterers. I beg you again, you are the policymakers, take the moral high road. Find the humility to correct the dangerous errors of the Family Court, which you and your colleagues perpetuate. Thank you.

>> Thank you. And we have Angie Birchfield. Next would be Mr. René Garcia. Andy Burchfield?

>> Good morning. Chief Justices, your honors, ladies, gentlemen, and colleagues, I am here today to express some concerns that we have regarding AB 2370. This law is very near and dear to my heart, since I have been advocating for it since 2003. When this law went into effect in 2015, and we would like to say thank you to CFI for helping us sponsor this bill, we were grateful to the Judicial Council for its support in requiring that the courts have interpreters identify themselves for the record along with their certification numbers. It is in the civil arena that this law was most needed and most useful. In civil attorneys and parties, they provide their own interpreters and before AB 2370 there was no explicit and consistent control over certification compliance for interpreters appearing before the court and in civil depositions. Recently, we have received reports from a number of colleagues and court staff, in the private sector as well as in the courts, that noncertified or administrative hearing or even medically



certified interpreters are still covering civil matters. We have received complaints from courts in Santa Maria, Bakersfield, Fresno and Los Angeles, to name a few. These noncertified interpreters, primarily in small claims and in unlawful detainers, are still hanging in the courthouse hallways where they continue to solicit clients, give legal advice, and offer the interpreting services to non-English speakers for court appearances on the record. This activity is extremely worrisome especially since the courts seem to be unaware that this is going on. Some judges feel no need to follow through with the requirements of AB 2370 and consider compliance to be overly cumbersome or time-consuming. Some certified interpreters have been turned away in civil matters and told the noncertified interpreter would suffice, since the non-English speaker is entitled to whomever they wish to interpret for them, irrespective of certification. California certified court interpreters have all worked very hard to become state certified to work in court. As such, we feel it is unfair that after finally having a law on the books that safeguards compliance with state certification mandates, this law is being only selectively applied and at times even being contravened. We respectfully request that the Judicial Council look into this matter and undertake an investigation into AB 2370, compliance around the state so that we can all have confidence in its fair and consistent implementation, and the safeguards that protect compliance with certification mandates and fair language access in our state courts. In closing I would like to also add that IGA, Interpreters Guild of America, I and the unit chair, is sponsoring a similar bill, SB 179, with the same language, but for the workers' comp system. And with that, I thank you very much once again, Judge Back, a pleasure to see you again. And thank you.

>> Thank you. We have Mr. René M. Garcia and the speaker after is Marci Patera. Marci.

>> Good morning. I think it is still morning. My name is René Garcia, California court certified interpreter. And I'm a unit cochair of IGA, the Interpreters Guild of America we represent certified interpreters, here in California, and independent interpreters around the country. On behalf of our members that work for California courts, we urge the Judicial Council to raise the independent contractor rate for court interpreters to match the current federal contractor rate of \$418 for the full day and \$226 for the half-day along with cost-of-living adjustments. The last time California freelance interpreters saw a raise was September 2007. At that time the Judicial Council raised the statewide rate for certified and registered independent interpreters to \$282 for the full day and \$156 for the half-day. That was a 41% raise from a fee that was established back in 2000 so that 41% took seven years. And now we are nine years past that point in time. This is the same rate that is currently being paid today without increase, nearly nine years later. It represents a staggering 48% difference in the rates paid to the very same California certified and registered interpreters by the U.S. courts. This is despite the fact that the work and skills required for interpreters in federal and state courts are identical. As the members of the Judicial Council know, provision three of the budget act states that the Judicial Council shall set rates and policies for court interpreters not to exceed the rate paid to certified interpreters in the federal court system. It is on this basis that we call for the Judicial Council to raise the court's per diem rate to match that very standard, the rate paid in the federal court system, that is. California independent interpreters understand that the compensation for interpreters in the private sector is higher than in the state court system. California independent interpreters understand that their colleagues

working in immigration courts in California administered by the U.S. Department of Justice were also paid in line with the federal contractor rate of \$425 for the full day. Independent interpreters in California understand that if they continue to accept employment from California courts at the current rates, rates that are far below the norm, they are not only harming themselves but their profession. In view of the additional interpreting projects with the Language Access Plan under study, now is the best time for Judicial Council to take up this issue and raise the per diem rates. It was over a year ago that we delivered a petition, IGA did to the—similar to the one Mr. Rubert just did, on CFI's agenda for this year, and we're still waiting to see progress along that agenda item and thank you very much for the time.

>> Thank you. We have Marci Patera and then Kathleen Russell.

>> Members of the council, thank you for hearing me today. I volunteer with an access to justice organization and their advocacy of legislative policy including civil Gideon and other policies affecting the courts. We also encourage new legal aid centers and support existing centers. Most importantly however, I'm a witness to the obstacles impeding access to justice and fairness in the family courts. One of the issues I'm here to talk about was the lack of court reporters in our Family Court. Transcripts are a critical component of an appellate record and a voice in the courts. Most importantly, the lack of transcripts becomes a due process issue. Those without attorneys ultimately have no voice. The strong public policy in California is for the welfare, care and support of our children, that is the utmost importance. And a transcript record of those proceedings, whether it be custody, child support or other policies, is important. The lack of court reporters disproportionately impact those with limited means and often without counsel. Many of those are single mothers. As an example, I recently noticed a hearing short in time, four days' notice. I contacted the court reporting agency that I typically use and they had no court reporters available. I then called around to several reporting agencies, and again there were no reporters available because of the caseloads they had with attorney—with law firms and those were given priority. One of the few court reporting agencies that actually had availability charged \$2,000 for a retainer because I wasn't an attorney. The fee was \$350 if I would have been. This particular hearing was one I knew would be the crux of an appeal. Fortunately I did find a reporter. Beyond the economic obstacles is the procedural obstacles and the technical process to hire a court reporter and present them to the court. It requires a stipulation be 73 days in advance. On a four-day notice, that's nearly impossible. It's then up to the discretion of opposing counsel to approve the reporter. If that happens which cannot happen if you were pro se on the other side, then the stipulation goes to the court the day of the hearing. At that point the judge can actually deny the court reporter that they appear in. This is not a voice for those that have no voice. It's important to continue to bring back court reporters in the family courts, for those that don't have the means to do this.

>> Thank you. Kathleen Russell? After Kathleen Russell, we have Ralph Kanz.

>> Madam chair, members of the council, good afternoon. The Judicial Council has long said one of your top priorities is public trust and confidence in the branch. Yet you've devoted little money, time or resources to fostering this public confidence in the branch. So now we're at a point where there is none. There's a major disconnect here between what you say you want and

your behavior. Mr. Hoshino reported this morning on the \$20 million trial court discretionary funds request that's currently before the state Legislature. This request, when we were at the hearing, was rejected for lack of specificity and vagueness. And the LAO basically sent it back saying, if you don't come up with more specifics, it's not going to be granted. As the state auditor reported back in January to the governor and the Legislature, questionable fiscal and operational decisions by the Judicial Council and the AOC have limited funds available to the courts. On average, the courts reported they use only 55% of services that are being provided by the AOC. So 45% of your current budget is spent on services that are not being used. The auditor also slammed this body for not having a specific plan in response to the auditor's concerns. Now the LAO is slamming you for the same: lack of detail, vagueness. Our organization has proposed that some of the \$20 million in trial court discretionary funds be earmarked for judicial performance evaluation pilot program in at least three counties including Marin and Sacramento. The public is clamoring for accountability. Judicial performance evaluations offer that and you all know that they exist in 17 other states and D.C. They work well and the judges in those states like them. The CJP is a joke. It does not serve the public. Less than 2% of public complaints result in discipline. That is an abomination. Other states like Arizona have higher rates of discipline. Next week our nonprofit will celebrate its 10-year anniversary. That is 10 years of California children needlessly being killed and put into abusers' homes, 10 years of rampant judicial misconduct that goes unchecked. You all have the power to turn this ship around. You need to stop behaving like a bunch of drunken sailors, spending public funds carelessly and recklessly and ignoring the harmful impacts of your behavior. There is a pattern here, folks. The Judicial Council is in deep denial of the chronic disease and dysfunction that's ravaging the branch. The LAO, the Legislature and the public are all here; there is help available. Awareness of the problem is the first step toward recovery.

>> Time.

>> We invite you all to our event on Thursday as a first step on your road to recovery. Thank you.

>> [ Captioners transitioning ]

>>My name is Ralph Kanz. I am from Oakland. Thank you for your time. I did send you a letter last month as an example. I did get your form response yesterday saying that we don't deal with indigent cases. I detailed my individual case simply for the reason to show you where there are some serious flaws in the system currently regarding judicial disqualification. Probably the single biggest loophole that we have is the one that threw me out of court. That is section 170.4 subdivision b of the Code of Civil Procedure. That allows a judge who has received a statement of disqualification under 170.3 of the Code of Civil Procedure to strike that statement. In other words, the disqualified judge can say, I don't like your statement. I am throwing it out. Therefore, you are not disqualified. The judge is not disqualified. Under 170.3, if the judge says I might be disqualified, let's have an independent judge look at this and let that independent party look at it, then you do get at least a semblance of a fair hearing. Under 170.4, in my case, the judge said there was no evidence. The judge never admitted or denied he was disqualified. The document that proved he was disqualified was the Form 700 that he signed under penalty of

perjury. So he struck my statement of disqualification. I went to the appellate court and they summarily denied it. No written explanation. No detail about why they would deny it. So I never got a day in court. I never got a fair day in court. And then when you see that some of the judges involved in it are involved in things like the Association of Business Trial Lawyers, and there is another loophole. Section 170.9 of the Code of Civil Procedure puts limits on the amount of gifts members of judiciary candidacy. There is one big loophole. If you want to go to a training session put on by business trial lawyers, they can pay you to fly to Hawaii or wherever. It is all on their dime. Not many of us have jobs where we can get a free trip to Hawaii by anybody. I wrote you a letter with two specific things that can be done to help clean up the judiciary and at least make it look better on paper. Right now, on paper, those two issues don't look good. They don't function well. They do need to be cleaned up. Thank you for your time.

>> Eve Sutton?

>> My name is Eve Sutton. I am a curriculum designer. I have been involved with the foreclosure crisis as material for my curriculum design for high school students and colleges. I have a website. Years into my research on the foreclosure crisis, my own home was sold illegally. But I am not here to argue about my own particular case. I am here because I understand there is a continuing foreclosure crisis despite the fact that the media seems to think that it is all over or at least that it is so routine that it is not worth reporting. Elected officials, financial experts and foreclosure victims report that fraudulent foreclosures continue and will increase throughout California. The reason for this crisis is a breakdown in the courts. California has strict foreclosure laws, many of which have been on the books for more than 100 years. During the past decade, our courts have failed to enforce these laws and have ignored their duty to enforce a basic social contract: Thou shalt not steal. Every judge should know by now that most foreclosures are illegal attempts to steal property from homeowners. Audits, spot checks and civil grand jury investigations in many counties have discovered the same pattern described in the audit that Assembly Member Phil Ting released in 2012 when he was Property Recorder. The San Francisco audit examined 382 foreclosures from January 2009 through October 2011 checking for violations in six subject areas, assignments, notices of default, substitution of trustee, notice of trustee sale, suspicious activities and addictive—indicative of potential fraud, conflict relating to MERS. The auditor found that 84% of the foreclosures had documents showing one or more clear violations of the law. 99% of the foreclosures had irregularities that suggested fraud. If the courts are too rushed and understaffed to consider each case carefully, they should keep the homeowner in the home. That decision will be correct 84% to 99% of the time. No matter how many fraudulent robo-signed documents are generated by criminals trying to steal our homes, we should be protected by the same laws that have worked for more than 100 years. We have Civil Code 2920 through 2944.10 and well-established case law that goes back to the 1800s. In this document, which I believe in the front, there is a list of references and links including some of those laws. Let me show you my example. There is a document with a notary stamp from Texas for a document signed in California. The proof of service looks like a plain white paper. There is nobody who could mistake this for an accurate proof of service. Yet, this was used to sell my house. Thank you.

>> Thank you.

>> Chief, that concludes public comments on the names that I have.

>> There are some folks that are still there, but that is the list that I have. I don't know if there was anyone else on the list. I can ask Ms. Carlyle to double check you. Ms. Sutton was the last person on my list. If there is another person, then we will get that cleared up. Is there?

>> One more.

>> What is the name?

>> I will have her introduce herself when she comes up.

>> Thank you. My name is Kim Robinson. I had my colleague sign in with me this morning. I am not sure about the glitch. Good morning, Chief Justice, and other members of the Judicial Council. I will not take the full three minutes. I am going to speak quite honestly. I know you have heard a lot of people come in and talk with you about the crisis in the family courts, and I acknowledge that it is a huge and very ugly problem that it is easiest to turn one's head away from. There is no one simple solution for it. I do think that perhaps your request for \$20 million to \$30 million is something that you will take some action on before the assembly and the rest of the Legislature. I have two suggestions and recommendations. One is, please put a line item in there that will require every single family court in the state of California to have a court reporter. We know that without court reporters, a party has zero chance on appeal. Judges even teach that in their seminars. They know that if there is no transcript of the hearing over which they have presided, whatever they do in the family courts will be affirmed on appeal. The second and final suggestion I have is please accept the proposal of the Center for Judicial Excellence to this body that you have judicial performance evaluations. They are sent out statewide. Thank you very much.

>> Thank you. That concludes the public comment. There are no further names.

>> Thank you, Judge Anderson. I thank you for your comments today. We will stand in recess for approximately 30 minutes. We will reconvene at 12:55 PM.

>> [ The event is on a 30-minute recess. ]

>> We have 17 items. As you know, when you read through the 17 consent agenda items, many of them are responsibility to the Legislature in a report or they are the adjustment and modification of forms and rules to conform with new laws passed by the Legislature signed by the governor. Given these 17 items, I will entertain a motion to move the agenda.

>> Judge Nadler moves and Justice Humes seconds. All in favor, please say aye.

>> Consent agenda passes.

>> Next on our discussion agenda we have trial court allocations adjustments to the workload-based allocation and funding methodology.

>> We have one speaker. His name is Robert Garcia. It is a public comment.

>> Welcome Mr. Garcia.

>> Please step forward Mr. Garcia. You have three minutes.

>> As you know, my name is Robert Garcia. I am an attorney from Ventura County. I belong to a group from dependent family advocates. We are a group of attorneys who handle dependency parents in courtrooms. Dependent family advocates have been representing parents in these proceedings for 18 years. The group of attorneys that we have assembled would most have at least 18 years of experience in dependency cases. Over the last four or five years, the county has experienced, as I'm sure you are aware, an explosion of the dependency cases. The numbers that we are handling has been staggering. Each attorney and each ongoing caseload represents 250 to 300 cases. Although we are proud of the service we have provided to the county, as I indicated, the numbers are staggering and the workload is unimaginable. We spend a lot of time in evening hours. Fortunately we have recently received increased funding and we were able to hire two additional attorneys as a result. We are hoping for additional funding, although we have these two new additional attorneys, we are in serious need of additional attorneys as well as support staff. The distribution formula used the past year did provide us with some relief, but we have always been an underfunded county and in critical need of additional attorneys and support staff. We therefore support the April 1, 2016 court-appointed county workload and funding methodology report and the April 17 report. We believe that the proposed formulas and distributions referred to in those reports will help fund additional attorneys in our county and help our clients with the needed attorneys who will have the time and energy to deal with their legal issues. Thank you.

>> Thank you. That is the only person listed for this subject matter.

>> Thank you Judge Anderson. I invite the presenters to the table. Judge Jonathan Conklin, chair of the Judicial Council Trial Court Budget Advisory Committee. And Mr. Zlatko Theodorovic, our Judicial Council, Finance and Mr. Colin Simpson, Judicial Council, Finance.

>> Good afternoon. Thank you for your time. We have three items on your agenda this afternoon. The first is the funding methodology item. I intend to keep comments on this item very brief. I do not intend to present or make you think that we are not trying to answer questions. It appears that these items are rather clear. I am not going to drill down on the details of WAFM. The purpose of this is to delineate updates and clarity to the WAFM formula. This is not an attempt in any way to advocate for a change in WAFM or insinuated that it was not thought out. It is and it wasn't. It is effective because it is implemented. With that, I will turn to Colin for his technical information behind these refinements and updates.

>> You have four recommendations. These four recommendations are doing two things. The first thing is clarifying and formalizing WAFM update processes. They currently exist whose processes are not formally approved. There is an additional one that does not have an update process that we are proposing to you. Recommendations two through four are basically doing the same thing in different ways. What they are doing is clarifying the WAFM operating expenses and equipment expenditures, which affects the WAFM per FTE tabulation, which is used in calculating the funding needs for the trial courts. For recommendation one, you can see the items

that are being updated. They are referenced. numbers one through five in attachment B on page 11. The sixth item, which is the new process is number six. It is a three-year average based on the fourth quarter QFS information from the three prior fiscal years. This is consistent with rows and the BLS methodology. I need to explain the acronyms. We have the resource assessment study. It is what is used to determine the FTE need or the full-time equivalent need meaning the number of positions that the courts need based on their workload. That is based on weighted filings. The BLS refers to the Bureau of Labor Statistics. They evaluate or collect data at a very specific level on the salaries for local and state government employees. We use that information to adjust the cost of labor for these positions that are calculated using RAS. Recommendation two is to clarify the OE&E three line items that were included and excluded previously in the WAFM for operating expenses and equipment. To clarify whether or not they are included or excluded in that calculation Recommendation three clarifies the line items that when the OE&E were created in 2013, these items were not previously reviewed because they did not exist at that time or there were no expenditures that occurred in the fiscal year that they were reviewing. Finally, item number four is to exclude OE&E expenses from funds that are not considered the equivalent available WAFM funds. I can quickly go through the attachments for you just to identify those things, but I just want to identify as it relates to recommendation two and recommendation three that the take-back basis recommendations on expenses that would be consistent with other categories of expenses that were included and excluded and it is consistent with what is considered RAS-related workload. Since we are running behind on time we e won't go into further develop expect I would like to clarify that these recommendations were presented to the FMS, which is the funding methodology subcommittee of TCBAC. They were unanimously approved by the committee.

>> Justice Hall?

>> I have one question. I seem to recall—I was not involved in the intricacies of the WAFM formula, but I recall that at the time the question of the use of the BLS statistics as far as local labor costs was discussed. I think it was Mr. Chatters at the presentation that said there were other potential measures this seemed to make the best fit. I do also recall that it was designated as one of the so-called parking lot issues that we put in place that would be looked at as experience with the formula. One of my liaison courts is Glenn County. A year ago, when I was up there, they said that they had a BLS rating of 0.69. This put them at quite a substantial disadvantage. They were wondering, and I will ask myself, is there any plan to revisit how the BLS statistics operate, especially in the small counties? I understand from discussions that the small counties often times are having some difficulty getting the funds they need that they lay at the feet of the use of BLS statistics for their labor costs. Is there any thought about looking at that again one of these days?

>> Do you want to answer that?

>> Mr. Simpson can address the statistics. We did look at the BLS. I will address that specifically.

>> There are some review being done related to the calculations to the BLS. As it relates to utilizing the BLS, there has not been any discussion currently to utilize another metric to make adjustments related to the cost of labor. BLS was trying to adjust to the statewide average down to the actual local cost of labor. Unless—if they choose something, they need to use something as a cost of labor adjustment. They need to have some kind of a replacement alternative provided before we switch out. Currently, it is not being discussed.

>> I just ask on their behalf and on behalf of others because they seem to think that, they are not challenging uses of the statistics themselves. Maybe once you accept the BLS statistics, maybe the numbers that are in the attachments fall out from there. I don't know. They seem to think that they are not getting any better, financially speaking, in part because of the use of those statistics. I just wanted to bring that up to see where we were on that.

>> Justice Humes?

>> I have a quick question. I did not see anything in the materials about any controversy about this and I wanted to confirm that you do not have any objections to this or there was not any fight about this.

>> None at all. It was well presented. It was thoroughly researched. Numbers are numbers and judges are sometimes difficult with those. Based on the information we got from staff—I should speak personally, not as a generality.

>> [ Laughter ]

>> To answer your question, there was no controversy.

>> Judge McCabe?

>> My question is a follow-up. The WAFM formula initially had an anomaly with cluster one courts. That seemed to be apparent. There were exceptions made in its initial application. We had parking lot issues. What is the view of the cluster one courts regarding the amendments today? Do they have any concerns, comments, issues?

>> None that I was made aware of.

>> Okay.

>> The methodology has not changed. There are exceptions that are made for the cluster one courts there are adjustments including one of the things that is made for the WAFM FTE. There is a different amount for the cluster one courts then there are for the cluster two courts. Those numbers were updated based on more current information.

>> The quick definition of the cluster one two court is the smaller courts which is typically the two judge courts.

>> I believe we have some members on the committee.

>> Yes.



>> I make a motion to approve the recommendation of the Trial Court Budget Advisory Committee.

>> Seconded. Any further discussion? All in favor of the recommendations found on page 2 under this number, please say aye.

>> Thank you.

>> Next we have trial court allocations. Trial court reserves held in the Trial Court Trust Fund. I invite all the presenters to the table. Note that certainly Judge Winifred Younge Smith and Mr. David Yamasaki have been on the other side of the table listening to these presentations in years past. Welcome.

>> Thank you. For that reason, I will be brief. [ Laughter ]

>> As will I. I will turn it over to the judge and Mr. David Yamasaki for that purpose. This is to address the 1% fund balance and the steps that are taken to create transparency and accountability for the use of that fund process, so that all parties that are involved in the process can be comfortable and confident with the way that the statutory scheme is being implemented and the integrity that is being provided to that scheme. I have a couple comments at the end to address that, but the most appropriate folks to expand that are Judge Winifred Younge Smith and Mr. David H. Yamasaki.

>> Good afternoon. Thank you for letting me speak on this topic. Last July, Judge Lori Earle, chair of the Trial Court Advisory Committee asked me to chair an ad hoc working group to develop a fund or a savings program for courts that needed to complete projects that would exceed the 1% or cannot be done in a budget cycle. We talked a lot about that among our committee thinking, well, how would we approach this. We know that we needed to have a transparent process, that courts needed to be accountable, but it needed to be flexible enough for courts to be able to actually use it and be productive. We also knew that we did not want to appear to be doing and end run around the 1% rule. We also did not want to appear to be conceding that we had problems with the 1% rule and perhaps wanted to end it. We knew there was a real problem among the courts and how they were going to be able to function and to complete projects that they could not save for anymore. In a series of meetings during the summer and fall, we attacked what we considered to be key issues and how would the funds would be held, should there be a cap on the amount the courts would be permitted to save, time limitations and the use of the reserves, the criteria for the process for requesting the use of the reserves. Then, what mechanism could we put in place for making sure that the reserves would be available when the courts would need them. In terms of how the funds would be held, we knew that it needed to be at a state level. Our first consideration was seeking legislation to develop a new fund. I think that was our only flight of fancy. We then quickly realized that we needed to work within the current system and figure out how to do that within the Trial Court Trust Fund. We laid out a basic framework and began to explore categories under which courts might seek these funds. We decided on some basic ones which are what we wound up with at the end. They are technology, capital projects, replacement costs, facilities upgrades that are not covered by Judicial Council, some efficiencies that courts are going to realize and that is not

really in our final proposal because we could not articulate clearly what those might be. Also, project that extend beyond the original three-year process. We developed eligibility criteria, which we refer to those as in your materials. We have an application process outlined in the materials and reporting requirements that we all thought would pass muster with the Judicial Council as well as the Department of Finance. In the process of developing all of this, what started out as theoretical became a real issue for many courts who are currently involved in technology projects, mostly case management systems that are running beyond the contract period they thought they would but they can't carry over the funds to deal with them. It accelerated our timeline, but we stayed on task in terms of an overall process that all the courts could access for a variety of projects. We asked Zlatko to give us some feedback about what he thought and what he thought the Department of Finance would think about this. He was very helpful and went to the Department of Finance with a proposal and floated the idea. We were pleased that they were supportive of it and that they felt that because we were not holding funds at the state level that it would be a viable program. They had some suggestions, but blessed it, which we were happy about. Going forward, we refined it to the document that is before you today for consideration. While we made a few tweaks, we think that this is a good proposal, we feel that the courts will be able to access money that they would otherwise not be able to save for, we feel it is transparent and that the courts will be accountable. This is an overview of how we reached the final proposal before you. I will pass it to David Yamasaki to give you more insight into how the courts will probably respond to it or what some of the special needs are. Before I do that, I want to say thank you to Colin Simpson who helped us articulate all of our ideas into a working document and kept us on time and on task and gave us advice. Thank you, Colin. I would also like to acknowledge Mary Beth Todd who was cochair but retired. We asked David to come on board and he hit the ground running. He has been tremendously helpful in getting us to the finish line. Thank you to all of them.

>> Thank you very much. Madam Chief Justice, members of the council. This particular item is something that we are very pleased to bring forward for your consideration. A lot of issues that many of the trial courts were facing are going to be the issues that are before you. I want to start by expressing the headway that we were able to make with the Department of Finance. As we all know, a few years ago, there was tremendous challenge with our ability to retain resources to plan for future endeavors. It stifled our ability to plan effectively for growth. This is something that was improved over time, but also with the involvement of Zlatko and his communications, making sure that we were mindful of the concerns that existed at the Department of Finance, as well as some of the responsibilities that we all have in ensuring that we have a thought-out plan and we have a process that could withstand levels of scrutiny that all of us should be mindful of. As Judge Smith had indicated, I had been involved with this particular subcommittee at the beginning and was able to understand some of the challenges that we were facing. I have also been able to understand, because I am in the trenches along with my colleagues, the court execs, about the challenges that they have been facing in trying to address a major issue that was before them. That relates to the case management systems that they all have acquired and have saved money for, and have contractual obligations to pay for these particular items, but were faced with a June 30 deadline to pay for those services. The issue with that, of course, is that the three-year encumbrance liquidation obligation ends June 30. Many of the courts would find themselves

either defaulting on a contract or paying for a service that has yet to be delivered. This particular proposal addresses many concerns that trial courts have expressed about what they are to do on June 30 without a particular product that was being delivered. This is one of the very key instruments that will help many courts ensure that the product that is delivered is precisely what they had asked for and what they will be paying for. The other issue relates to other provisions in the proposal that allow courts to plan for capital expenditures. As Judge Smith had indicated, it covers a wide array of areas. Many of these things take a bit of time to put together. As I can attest, the three elements of a successful project are having a plan, having time, and having resources. In its current form, the 1% cap prohibited many courts from saving the resources for projects that may be off in the distance but very important for the function of the different courts. The restriction limited the amount of time that they had to be able to save the money. Things are very tight right now from a fiscal standpoint. It takes us a bit of time to assemble some of the resources to replace perhaps a case management system or to replace server equipment or hardware and to support a case management system. Another category that I am very familiar with is the planned move into our new Family Justice Center courthouse. One of the biggest expenses that we are going to be experiencing is the installation of our phone system, which was baked into our project budget. Even the move—we are going to be moving six facilities into this new courthouse and that is a big-ticket item that we would have loved to have saved over a period of time but we did not have that. For courts considering moving into a new court facility, this would give them a lot of planning and ability to save resources to execute such a move. Those are very, very important aspects of this proposal. There are some additional details that Colin Simpson will be able to provide you. I will turn it over to Colin.

>> Thank you, David. If you look at page 4 of the report, you will see that if you were to look at anything in this report, I would first focus on the middle of page 4. I think this encapsulates what we are trying to achieve. It identifies the structure that has been provided to allow the courts to meet their operational needs. What the guidelines provide is a criteria for eligibility. As Judge Smith said, these are expenditures for projects that cannot be funded within a court's annual budget. Some of the examples would include projects that extend beyond the three-year contract term, technology infrastructure, facilities improvement. These are significant operational costs that occur on a regular basis and they currently do not have the means to address them. The submission review and approval process: This consistent with the supplemental funding process. It will go to the administrative director and they would generate a report for a TCBAC subgroup who would then make a recommendation directly to the Judicial Council. There is a deadline for submittal, currently it is 40 business days. A report is due almost 6 months before the JC meeting. In order for the JCC staff to review the report and review the information and create a report and submitted to the TCBAC subgroup and recommend to the JCC, we feel at 40 business days as appropriate. There is allowance for additional terms and conditions. This is also consistent with the supplemental funding process. There are internal controls to ensure that funds are used for the purpose approved by the Judicial Council. If a court changes the amounts that will be spent by year, the total expenditures related to the project, or if there is a change in any of the expenditure categories, that is 10% or more of the total expenditures. The court would be required to submit an amended request. Their plan changes require submission of a new request. I will go back for second. We are going to make a small tweak to the plan changes to require

submission of an amended request if the total expenditures decrease. The court can submit an amended request that is informational only. Therefore, there is no concern about the project being denied. They would immediately forfeit whatever that savings is to the trial court trust fund. They could submit at the same time a new request to utilize those funds. That would be at their option. Plan changes that require submission of a new request, post completion reporting requirements within 90 days of completion of the project, audit review as part of the normal audit cycle. All of these things are to provide that structure that allows for transparency and clarity as it relates to the use of these funds as well as providing the internal controls to ensure that these funds are used as approved. That is all I have.

>> Each of these were presented to TCBAC and were considered. I think there was a considered vetting of this proposal by TCBAC. We recognize that it would be critical to be true to these components when we have other entities that are looking at this by the department of Finance. So far so good is the best way to present the Department of Finance perspective on this. Think that it could should be acknowledged that it would have an impact on JC staff as you have been detailed. This will require significant paperwork. That will indicate staff and may create a call from people close to TCBAC for additional resources so they can complete those tasks. I just want to be as candid as I can. This was unanimously approved by TCBAC. I think it is a very effective proposal and ask that it be adopted.

>> Are there any questions?

>> Justice Humes?

>> I have a question. It is basic. I am not understanding how this new process changes the flow of money from what is currently available to the judiciary. In other words, is this just a process by which the courts can access this money in a more transparent way? Or are they accessing money that was not available to them before?

>> They are saving their own money. The courts would be saving from their own budgets. They would just be able to hold money in a restricted fund that they might not otherwise be able to hold because of the 1% except they would be able to access it for a longer period of time.

>> Money would be reserved and earmarked for whatever county it came out of.

>> Correct.

>> The council is authorized in 6085 to allocate trust fund revenues. Because of the 1%, if there are monies that come from the courts allocations and are in excess of the 1%, that money can sit in a trust fund for your allocation. That is what the law provides. What we are creating is a process that provides some level of Judicial Council oversight at a statewide level as compared to the prior process which was monies that were not spent in any particular year were kept locally and only at the local level indiscretion. Here we have an issue of statewide perspective, statewide fund, statewide transparency, audit and accountability. This is establishing a process that the trial courts can feel some comfort with in understanding that they can join with the council in planning for multiyear costs. It really is within the law that we have and establishing a process that provides them the necessary oversight and assurances.

>> Is it accurate that this process, by earmarking the money from a particular trial court, reduces our discretion as a state body to allocate that money or not?

>> You could always disagree with the requests and have the money revert. It can be used for other purposes that the council deems fit. It is a voluntary plan. There is no requirement that any court do this. I just want to make that clear.

>> Justice Slough and [ indiscernible ] and then Judge McCabe.

>> It seems to me that in this time when so many courts are attempting to purchase new case management systems as you mentioned and move into new buildings, which is very expensive and a lot of expenses that you can't account for until you are in the middle of doing it, it provides a method by which the court could hold some money and use it and not have it revert back. As it relates to the case management systems, those are some of the most expensive purchases that a court will make once every 20-plus years. It is not the kind of thing that you would want to lay out all the money before you get your product in and get it up and running. I really think it is a great plan and I commend you all for the work you have done.

>> Thank you. Thank you.

>> I also want to say thank you. I know this is very important and critical to the court. Thank you for working on it. I did have a couple of questions for clarification. Section 1 of the recommendations, through each of the numericals, one through five, you use "such as." Is there a reason that we did not put "including but not limited to" so that it is crystal clear?

>> We reference above all of them stating that for each individual item we stayed at the top but not limited to.

>> Thank you.

>> Judge McCabe?

>> As I understand it, these are funds that are being put into an account at a statewide level. You said they were restricted and attached to the court that is contributing. The dollars themselves are not restricted for a specific project. Those are unrestricted funds put into a controlled account that notes how much was put in by a particular court. There is a process involved where they have to seek permission for what they want to use it for. It can be accepted or denied. Is that a fair Reader's Digest version?

>> Colin's staff will have to amend this. We will be tracking it. It will be within the trial court trust fund. It is a single fund. He will have a master spreadsheet that tracks it. It is not as if there is some separate accounting function that will be created. The trial court trust fund is structured that he can track it just like we track interpreter funds. We manage all of these within our own a staff. In terms of it being earmarked, it is identified against all those things that you approve. These are then set aside for those purposes consistent with the policy directives and objectives of the council.

>> The second in subpart is that we cannot the local level earmarked funds and pay in advance on certain items. We conduct more money in to health benefits, et cetera. There is a limitation on that. Is that accurate?

>> Are you talking about the other postemployment benefits on trust?

>> I pulled that out, but not limited to that is that there are certain things in order to rule dollars over from year-to-year, you have to spend it or not. Everyone is in a rush to figure out what they can use those funds for in June. I can't purchase something that services have not been delivered for. I don't think the code allows us to do that. There are certain items that are pre-existing. We make contributions every year to them, however, Oh, I think I can make an advanced contribution this year because it exists. I am a judge, not a CEO. I will tip my hat to the CEOs who have their boots in the ground, as the field general, I am driving around in my Jeep enjoying the sight. You are the ones who know and are down in the weeds and understand the minutia. I am trying to get a handle on that and to differentiate it from this statewide count.

>> One of the subtleties of this program is that it is to cover projects. It is a one-time item rather than a recurring expense, perhaps for benefits. Right now, we have a mechanism in place that looks at increases from year-to-year for those types of labor related expenses. This is more targeted at one-time money for a specific project, which can really be pretty lofty to try to cover. Some courts will find that they have to replace a system right away and they don't have that money. This gives them the ability to save for it and have a plan and earmark specific money for that. As was stated earlier, this is really not an effort to circumvent the current 1% cap restrictions. Right now, none of the courts can save money in big volume if they have it to replace key capital projects that are very expensive, but we certainly have to plan for it. It is not for the multiyear expenses that a court might experience, but rather for specific projects.

>> Hopefully there is not a downturn in the economy, and what we experienced was our reserves at the local level were swept because we had an accumulative of half a billion dollars. Here, it is much different. There is state control all in one pot. It is being earmarked so to speak. We want to save for these projects. Most of it is technology laden. What happens if the economy does turn down?

>> Anything can happen when the economy turns. We had the prior uncapped \$500 million in that structure and it was taken. You can't—what we are saying is that with a thorough, vetted, council-prioritized effort that you put a better safeguard and a fence around it, but if the budget turns, there are no guarantees. If we don't have fund balances sitting, we could turn to the Department of Finance and give them the volumes of each individual application approved by the council for those expenditures that we did not have before.

>> Judge McCabe, I think the word you used, earmarked, is one of the differences. This will not be a general fund. These funds will be required to be earmarked for specific purposes. There will be clarity as to why they are being saved and not just to develop a savings account.

>> One other point. Knowing that a court has money to pay for a particular item will enable them to actually sign contracts. There is actually an obligation that those monies that are set

aside would be used to fulfill that portion of the agreement. It is not theoretical. It is contractual that the courts can enter into which they can't today because they don't know how long it will take to save the money or how long it will take to execute the terms of the contract.

>> With that, Chief, I move to approve the recommendations.

>> Thank you Judge McCabe. I want to hear from Judge Buckley and Judge Nadler.

>> I will second.

>> Second by Judge Nadler.

>> I was hoping to do one of those.

>> I appreciate all of those.

>> All in favor of the recommendations under this item, please aye. Any opposition? Any abstentions? Matter carries. I want to say one thing. I think this is really important. Bringing together the minds of the CEOs and Judicial Council staff and the P.J.s really finds a way to make this work. I am also grateful to Judge Conklin that you recognize that when we do have these inter-processes that it is attacks on Judicial Council staff. That is something that all of us have to remember when it comes time. If we take that economic downturn, as is inevitable in the history of California, it is about services to each other and services to aid one another. I am glad you recognize that and I appreciate that.

>> Thank you.

>> Our next item is the juvenile dependency court-appointed dependency counsel workload and funding methodology. I invite Judge Anderson to bring our speakers forward for public comment.

>> Thank you, Chief. For the public comment for the court-appointed dependency counsel workload and funding methodology, we have 15 speakers. Because we do have 15 speakers and we would like to reserve enough time for the speakers who are going to present on this matter, I will call the name up of the first speaker and the next name I call, will you step into the aisle way so that you are ready to speak. Your time period for this is one minute. Each speaker will have one minute to present what they are going to present to the council. The first speaker is Judge Shawna Schwartz. She will be the first speaker. Please step forward. The speaker that will be second is Michelle Gilleece.

>> I am Shawna Schwartz, the supervising judge of juvenile dependency court in Santa Clara County. Chief and members of the council, thank you for hearing from us today. You know we are in a crisis with the current funding issues that we are having. I am here today to urge you to do a couple of things. First of all, if you could adjust the workload model, I know we had a work group who worked very diligently looking at the caseloads and they agreed that they don't have enough information to do the work that they needed to do to adjust the workload model. I also urge you and I understand that this is a very difficult issue but to request the full amount of funding needed from the governor to fully fund all of the courts in the state of California. That is

the \$195 million that is needed so that we don't lose the programs that actually work for children and families. We are poised now to lose things like the dependency wellness court which is proven to help families stay together. We are poised to lose mediation.

>> We have Michelle Gilleece and Jennifer Kelleher Cloyd will be next.

>> Good afternoon members of the council. Thank you for this opportunity to address the council. I want to thank you for giving the topic of dependency counsel funding such attention as you have been for the last year. I know you have all put a lot of work into it and it is an important topic. I appreciate the amount and the effort and time that you have spent. My name is Michelle Gilleece and along with my partner Bob Friedman we provide dependency counsel to parents and kids in San Bernardino County. I am here to urge you and the entire council to adopt the recommendations of the joint subcommittee of TCBAC and the Family and Juvenile Law Advisory Committee. I have not come here to criticize the counties that have been forced to reallocate their historic funding levels to counties like ours. I think as this council is aware, along with thousands of attorneys, judges and court staff are aware, all of the counties of California are underfunded when it comes to dependency counsel. It is Judge Anderson who said, last time we were here, that was about a year ago today, we were like seagulls arguing over scraps at the dinner table. I think that is still the case, unfortunately. I do hope the governor will fully fund the funding levels. Thank you.

>> We have Jennifer Kelleher Cloyd who will be speaking. After her is Julie Traun.

>> Good afternoon Chief Justice and members. Last year, you voted on a reallocation plan based on two primary reasons. The first was widespread concern that the governor would not give additional funding and the second was that crisis counties needed dollars urgently. The fact that other counties were disabled in the process was a side effect, not a goal of this body. You faced essentially a classic Sophie's choice. The new methodology makes one thing clear. All counties are underwater. It is simply a question of depth. If you look at the spreadsheets you will see if new money is allocated, our county, Santa Clara County, will lose \$750,000 regardless of whether or not new money comes in from the governor. Other counties like Los Angeles will receive \$5 million through reallocation but \$20 million through the budget. All counties will drown. We have to decide if the side effect is larger than the disease.

>> My name is Julie Traun on behalf of the Bar Association of San Francisco. Our entire association has weighed in on this issue because of our commitment to access to justice. While our letter points out jurisdiction specific funding needs, I want to make sure that you understand that this should not be construed as the voice of one county pitted against another county but an example of why we need to do more work, to fund accordingly. We know that we need approximately \$80 million, not \$20 million. I see, as a director, the pipeline that we are creating by not addressing families in need when they first come into our dependency courts. Stay the reallocation. Understand the cases waiting. Things have changed since this study was last done in 2002. Thank you

>> My name is Roger Chan. I am the executive director of East Bay Children's Law Offices in Alameda County. The reallocation plan must be revisited. It is too aggressive and it moves us



farther from the Chief Justice's goal because it decimates providers in many counties [ indecipherable ] This could not be what the council intended. In contrast to WAFM, in which we adopted the five-year implementation plan in which this council acknowledged that it was important that time was needed to adjust. We got \$11 million last year from the governor. That went to where it was needed. Thank you very much.

>> We have John Passalacqua.

>> I am the executive director of Dependency Legal Services. We represent children and parents in six northern counties. Today I am asking the council to consider the needs of smaller and remote courts. One issue is inaccurate case counts. For example, in Humboldt County, one of our counties, council estimates place the current caseload at 529 cases. Due to a change in the local CPS culture, filings have gone up dramatically, resulting in an actual caseload of 800 active clients. This cuts Humboldt's funding when it needs additional funding and will plunge it into crisis. In other smaller counties, as little as 25 or 50 cases being off makes a huge difference. There is a second consequence, which is that remote counties have great challenges finding not just qualified attorneys to handle dependency cases, but any attorneys willing to handle dependency cases. My nonprofit has had success in staffing these courts by paying a fair but hardly lavish wage. We consider establishing a funding for smaller, remote counties. This action would require a fraction of the overall budget and would allow the families who live there to have the same access to justice as our counterparts. Thank you.

>> Chris Unruh. Then Barbara Brand.

>> Thank you. My name is Christine Unruh. I am a Court Appointed Special advocate, a volunteer for foster children. I have been a CASA for 10 years. During that time, I have been there for three different foster years. Each case was extremely complicated and each case would have ended very badly if it were not for the time and attention that the dependency were able to give to the cases. I can't go into each different case, but I want to tell you that during these 10 years, I have seen that an attorney may be the only consistent adult in a foster child's life. Increasing their caseloads and reducing their funding will ultimately harm the children we are supposed to protect. An attorney who cannot come to all the team meetings or cannot collaborate with team members and who can't address the complicated legal matters is not giving adequate legal services to these kids. Foster kids are our most vulnerable members of society. They need and deserve competent and consistent legal representation. I urge you to support proper funding for dependency attorneys. Thank you.

>> Barbara Brand. After Barbara Brand, Candi Mayes.

>> I am Barbara Brand. I have the contract for dependency representation for the eastern end of Riverside County. It is Palm Springs to the Arizona border. We are a large and diverse geographic area. The 2015 recommended allocation of dependency funding was fair and properly measured. It allowed for gradual adjustment to the change for those counties with over funding yet it helped the underfunded counties like Riverside County to experience some needed relief. It is a good start. We are now working on lowering caseloads for attorneys. Thank you for the start. We urge you to continue the course.

>> We have Candi Mayes. After Candi, there is Michael Burns.

>> Good afternoon. My name is Candi Mayes. I am the executive director of the Dependency Legal Group of San Diego. We are the nonprofit that represents all of the youth and parents in San Diego County. I understand that there are counties in crisis and they need attention. Over \$1 million and a half has already been taken from San Diego. I did not come here to ask you to take that off my plate. I did not come here to complain to you when that happened. We made those hard decisions. We did a close of a division. We did a layoff and a reorganization. We learned to economize. We learned to do more with less. We did our part. I am asking you today to slow down the reallocation and not do the year two cuts. Destroying us this year will have short-term goals on your spreadsheet, but it will have very long reaching, negative impacts that will not be able to be undone once they are lost. Please don't ruin us in your effort to help the rest of the dependency bar. We are now in a position where we are trying to snatch dollars away from each other. That is not the promise of draft. That is not why we got into this. Please make sure that you don't kill our firm by trying to help everyone else.

>> Michael Burns. After Michael Burns is Robert Garcia.

>> Good afternoon Chief Justice, members of the council. I am Michael Burns. I am with the Riverside County juvenile defense panel. I am one of the administrators. As a society, we would never look to someone that put in 40% of an effort and consider them a success. If you were doing a case plan to get your children back, 40% case plan compliance is not enough. Passing 40% of your drug test is not enough. Going to 40% of your classes is not enough. We were being funded at 40% before we got the additional funds last year. You cannot expect us to be successful when we are only receiving 40% of our allotted budget. I am very thankful and grateful to the council for allowing us the additional funding. It has made a huge difference in our office. We are able to do many things that we would not have been able to do before. I am asking you to continue the course. Please do not stay the additional funding. Thank you.

>> Robert Garcia. After Robert Garcia, there is Christine Ton.

>> I wish the council to continue the course. There is absolutely no question in my mind that our county is in desperate need of additional funding. Our attorneys are seasoned and have a great deal of experience and have swallowed a great deal in terms of the workload that we have. We need additional help. We need support staff. We urge you all to continue the course. Thank you.

>> Christine Ton. After her is Leslie Heimov.

>> Good afternoon, Chief Justice, Honorable members. I am the supervising attorney for the Childrens Advocacy Group in San Bernardino County. We represent 5,400 children. Before the recent budget increase we had four attorneys. We have doubled our attorney load, but our caseloads are still triple what the recommendation is. In the dependency system we often focus on the most immediate safety risks to our kids and have very little time to put into chronic educational deficits, mental health services, medical services that our kids need, focusing on independent living and college and immigration issues. We have little to no time to get creative

about problem solving and to make a true difference in these children's lives. We are urging the adoption of the reallocation and the full funding of the recommendation. Thank you.

>> Thank you. Leslie Heimov. After Leslie Heimov, Kenneth Krekorian.

>> As many of you know, I have the unique distinction of being here on behalf of the recipient county and a donor county. In representation of the children of Los Angeles County, we had the greatest benefit from last year's decision. We also suffered a cut in Sacramento. Despite the cut in Sacramento and despite the great benefit that we received in Los Angeles, the single most important point to me is that you have to stay the course. You made a plan last year. It was a good plan. It was a well-thought-out plan. There was notice provided. We knew what we were doing. It was a reasonable plan. If you abandon that plan now, you will completely cut us off at the knees in our efforts with the governor and in our efforts with the Legislature. We have been partially successful and we need the ammunition and the tools and the track record and the consistency and the credibility to finish what you started last year. I urge you to adopt all of the recommendations of the methodology and to stay the course on the four-year reallocation plan.

>> Kenneth and then Danielle Butler Vappie.

>> Good afternoon. I am the executive director of the Los Angeles Dependency Lawyers. We are in agreement with the committee's recommendation for reallocation and for the workload matter. We feel it is a matter of fairness of equity for all of the California families that are in our dependency system, not just for some. We would urge you to go forward with the reallocation as recommended.

>> Thank you. Danielle?

>> Good afternoon. I am also with Los Angeles Dependency Lawyers. I am one of the law firm directors and we did greatly benefit from the reallocation funding in the additional funding from the governor. We were able to hire 12 additional staff. Our caseloads went down from 246 on average to 215 on average. If you look at the materials today from the committee, there were still significantly above the recommended amount. The subcommittee took a very significant amount of time to come up with the information that you have in your materials. Many of the same speakers were at those subcommittee meetings giving input. This was the recommendations that we urge you to adopt. I think it was well-thought-out. We lost 23 lawyers this fiscal year as a result of not being able to provide additional raises. We have been behind for far too long. We ask that the reallocation that was set up in 2015 continue. We ask you not to hold or freeze or suspend any of the reallocation and to adopt the recommendations. Thank you.

>> That concludes the public comment on this topic.

>> Thank you Judge Anderson. I invite to the table the presenters on this matter. Once you are assembled, please introduce yourself.

>> Good afternoon. I am Jon Conklin.

>> A good afternoon. I am Jerilyn Borack.

>> I am Sherri Carter.

>> I am Don Wells.

>> Thank you.

>> A good afternoon. Madame Chief Justice and members of the Judicial Council, I am here to address the issue of the workload methodology for court-appointed counsel. That was that this report that includes the major recommendations from the joint subcommittee on court appointed dependency counsel workload and funding methodology. As we have seen from the comments here today, it is hard to separate the workload methodology from the allocation methodology, which is why we are all sitting appear at the table. I would like to be able to ask you to hold your questions and comments until all of us have finished our parts of this presentation. The subcommittee that addressed this issue included members from the Family and Juvenile Law Advisory Committee and the Trial Court Budget Advisory Committee. I appeared in front of you at your last meeting to give you a sneak preview of the recommendations that we were going to make to you today. Last April, after extensive discussions, the council charged the subcommittee with reviewing and updating the methodology used to calculate workload for dependency attorneys. The council recognized the important services provided by court-appointed counsel in dependency system and how successful attorneys effect the outcomes of children in foster care. The subcommittee took on its task and hit the ground running. We met seven times, heard extensive public comment, and conducted a number of research activities. We had two 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. The report also incorporates related public comment from the February 2016 Judicial Council meeting and subsequent Family and Juvenile Law and Trial Court Budget Advisory Committee meetings. The recommendations include changes to the basic attorney caseload standards, to how salaries, overhead, and local cost variances are calculated, also to how the total parent and child caseload for each county is calculated. Attorney salaries are based on the statewide median salary for the entry and secondary salary ranges of county counsel. We figured that people sitting on this end of the table should not be seriously underpaid versus the people sitting on that end of the table. Overhead and other costs are based on the statewide survey of providers. Case counts are based on a weighted measure that incorporates both the child welfare foster care caseloads, what is referred to as CWS, CMS, child welfare services, case management system counting, reported by California Department of Social Services. Juvenile dependency filings, which are reported to our JPSS by the courts. Attorney caseload is based on one of the measures recommended in the original Judicial Council workload study and methodology in 2007. That is 141 cases per attorney. I will remind you it is still higher than the American Bar Association recommended caseload for attorneys in these matters of 100 cases per attorney. Our report also includes a recommended process for compensating small counties that has setting caseload increases. This report also includes a table which is your attachment D beginning at page 29; that table helps you to see the calculations used to sum up the total financial need for court-appointed counsel statewide based on implementing the new recommendations. As you have heard from those who have reviewed

this document and made comment from the public today, all counties are underfunded somewhat. We estimate that total funding need under this new model will be \$195.8 million. That is in contrast to the current total of \$137.1 million. The subcommittee feels that much work remains to be done by the Judicial Council in looking at effective practices for court-appointed counsel and incorporating those into the workload methodology. As I pointed out, as an example, the lowest salary range or lowest two salary ranges of county counsel may not answer the problem of being able to retain competent lawyers using this methodology and would need to be perhaps revisited. Incorporating those into the workload methodology, we also make a recommendation that the Family and Juvenile Law Advisory Committee consider a more comprehensive update of this workload model, one that might take a little more than the breakneck pace of approximately nine months within which we presented this workload model change to you.

>> Thank you very much. I want to clarify that each of those recommendations were submitted to the Trial Court Budget Advisory Committee for consideration. There was a spirited discussion concerning those recommendations which I think was very appropriate. After that spirited discussion, we voted and decided unanimously to adopt and approve every one of those recommendations. Candidly, as our report details, there was some discussion about presentations and requests today, which we heard as well. They were to delay or not move forward. The discussion was thorough on that point. The vote was 20 to 5 that it was necessary to move forward for good reason. As a prior speaker stated, I think we will have other entities looking at the action ultimately taken and the methodologies that have been previously approved, vetted and move forward. This is one of those. I have asked Sherry Carter here because as I have admitted before, numbers are not my strength. Sherry is not only very knowledgeable with numbers, but very skilled in presenting those. I have asked her to do that. The decision that came back to TCBAC was looking at the methodology to determine what was needed and how we divide up that impossible pie. What I would like to emphasize that I do not believe we heard today was there was not a single member of our committee who believed the funds were appropriate or close to appropriate. Every one of us believes and understands the critical nature of this service to the court throughout the state and the steps we are taking to allocate these funds should not reflect a lack of sympathy or understanding of the important nature of those services.

>> Thank you.

>> Attachment A to the Trial Court Budget Advisory Committee report reflects what the council approved last year. What I would like to cover briefly is attachment B. It is a complicated spreadsheet. I am going to keep it at a high level and then answer any questions that you might have. Column A reflects the new workload model that includes the updated workload model that Judge Borack presented. That reflects the total of \$195.8 million. Column B is the current workload model that we use this year to do our reallocation. A-1 and A-B show the percentage for each county of the two workload models. Column C through column F show how the money will be allocated at the existing funding level of \$114.7 million. Column C shows what we did this year. D, E, and F show what it would look like if we use the current workload model. Since we are all recommending that we use the new improved workload model, I would ask you to

look at G, H, and I. Those columns reflect how the current level of funding, the \$114.7 million, would be reallocated to the courts over the next three years. The last three columns, J, K, and L, would reflect how the \$114.7 million plus \$22 more million more would be reallocated. That \$22 million, Chief Justice, is based on your request for an increase of \$22 million in dependency Council funding as part of our budget priorities for next fiscal year. This spreadsheet shows how the money would be reallocated under the new workload model, both at the \$114.7 million level and at the \$137 million for the columns after that. I want to point out that at the existing level of funding, under the new workload model, it is 58.6% of our need. If the governor and the Legislature do provide the \$22 million more in dependency Council funding, we would be at 70% of our new workload model. I am happy to answer any questions or I can go into more detail. That explains how that spreadsheet works.

>> Judge Buckley.

>> Did you say B as in boy or D as in David?

>> It is which one for you?

>> D.

>> D as in dog.

>> There is D to the report from the joint committee. That is a different report. This is from the family juvenile report. We are looking at the trial court budget. That is B.

>> B as in boy.

>> I would look at B in the trial court budget advisory report.

>> What is the title?

>> Phasing of Reallocation of Court-Appointed Dependency Council Funding: Current Versus Recommended for Fund Model.

>> Ours is different.

>> We have a different one.

>> [ Indiscernible—multiple speakers. ]

>> There are two different reports. The B that you may be looking at is the B that is attached to the family subcommittee report that has to do with the workload model. What Ms. Carter was addressing was attachment to the trial court advisory committee report.

>> There is no letter A. There is just a B.

>> It is entitled Court-Appointed Dependency Counsel Funding Reallocation.

>> [ Indiscernible—multiple speakers. ]

>> All we have is an attachment A, Reallocation Assuming Constant Funding Levels and column A through column E. After that, we have appendices that are not consistent with yours.

>> [ Captioners transitioning. ]

>> In Moodle, you click on that and then you will get into the document that has a draft B, attachment B, the document that was being referenced by Ms. Carter.

>> That is why he is vice chair of [ indiscernible ].

>> First of all I want to thank the committee for all of their very hard work. I think the fact of the matter is this has been a striking day for a lot of us here. For those of you who weren't here this morning we had a presentation for the civics folks that was very moving and then we came this afternoon and see how our children are being funded and the most vulnerable kids are being funded and it's not adequate. San Diego in this model but—they won't be able to afford to do this and in other counties we will see they are getting relief that is much sought after. This is not unique. This is going on all over. This is hard work and it is thankless. Because no matter what we do, we are not able to do what we want to do. It is just an observation.

>> Yes, Judge Stout.

>> Thank you and I want to thank you for your ongoing efforts and those of Judicial Council staff to obtain more funding. I think your significant comments during the State of the Judiciary address were very powerful, and I know they have resonated well with the Legislature and I trust with the governor's office as well. I want to thank the Judge Borack and Judge Conklin on their tremendous amount of work in this short period of time. I think it is remarkable work, although I have my soon-to-be-stated concerns. I think from all I have gathered, the committee has been thorough and asked to write questions and open and transparent, and really have done a remarkable job with a thankless and probably impossible and certainly very difficult task. As we have acknowledged, we are woefully underfunded and everyone is underfunded, and as one speaker said it is a matter of depth. Some courts are showing as overfunded and most of them are smaller courts. In my opinion, that proves an anomaly pertaining to small courts, much like we saw with the WAFM workload. I do think, I can't with all due respect support recommendation 7. I think we need to drill down deeper as we did with WAFM we have to adjust the methodology to appropriately address that anomaly with small courts. With all due respect to the staff, the recommendation 7 pertaining to small courts I think is inadequate to meet the small court needs and frankly, I don't understand the rationale. The subcommittee on page 16 I think indicated that a minimum flooring level was discussed, but basically did not need to be provided because most small courts are currently able to establish contracts or pay agreements for dependency counsel. That is true, but it begs the question whether we can afford to pay those obligations. This is under the new allocation. The purported distinction between over and underfunded courts is somewhat meaningless if the overfunded courts simply cannot afford the reduction. As has been said we don't want to build up some by destroying others. I appreciate very much that the subcommittee acknowledged the caseload fluctuations of greater than 10% and that it can be absorbed within the budget of some larger courts but may not be able to be handled by a small court representing such a large proportion of the small court's entire budget.

However, the proposal to establish a relatively smaller contingency fund of, I think of \$143,000 and change, from which small courts can apply for additional funding, based on increased filings, is not the answer. This would not be sudden or unexpected necessarily. We have a structural defect from the beginning. Also, I think the amount of money is so small. I don't know if it would meaningfully address the potential fluctuation issue in any event. The problem here is not potential caseload fluctuations. It is inadequate funding in the first place. Again, I think much like we did with WAFM we need a small court minimum flooring or some other appropriate adjustment and methodology itself. Like everyone else, we need to budget and we have to provide quality representation for children. It is our priority and we will pay that obligation, and I know looking at the draft, the spreadsheet, there is no way in the world for \$20,000 that I can have at least three competent attorneys that you are going to be in court 40 miles away for a retention hearing. But when we pay that bill, it has to come from somewhere, and that meager budget that we have left in the underfunded court, it will have drastic effects. I think if Judge Kaufman using the analogy of small rural post offices, they are expensive but they are needed for access to justice. I am very concerned, frankly, with the recommendation number 7. I hope that it is not adopted. I would recommend strongly that it has been acknowledged that the joint subcommittee needs some more time to review and address some of these issues. I would urge that we reserve jurisdiction, so to speak, on the smaller court issue, refer it to staff for further research and investigation and recommendations back to the joint subcommittee, and that the council address the issue at our June 23 and 24 meeting. This is before the new fiscal year and when we have information from the May revise. I think staff members can hopefully drill down on this issue in that very short timeframe. I think the amount of money we are talking about, and I am deliberately not defining small court or even smaller court, so I don't want to create some arbitrary limitation here that might create inequities. Just looking at the numbers, how much the small courts are contributing is not much to the reallocation, but it is huge consequences to the smaller courts. If my math is right, if you take the 11 smallest courts, this year with a 10% reduction, we are contributing about \$73,000 or maybe 1% of the total dependency counsel budget here. If you look at—it's really a very small amount but has huge consequences, we adjusted the WAFM methodology and we had a separate subcommittee to address the anomaly in the smaller courts, and I should say smaller and remote, I appreciated that comment I one of our speakers. I don't think we received any pushback or complaints from Sacramento by addressing that anomaly. One size doesn't fit all, and I would feel pretty confident that we could address this anomaly and this situation with dependency counsel funding and have the understanding of Sacramento with the necessity of that process. Again, I would urge that we retain sort of jurisdiction on what I am calling the small court issue and refer it back to staff with a report to the joint subcommittee and bring it back to the council in June. The larger issue is staying—this is a very, very tough issue. I think even if it is not stayed, I think we have to be sure that we have accurate data in place. We have to figure out how to get the real numbers. I understand we don't even know how many parents there are. We have to drill down and we have to get it right. I don't want to be in a situation where years from now they are looking back on this and say we have to correct these historical inequities. I don't want to be in a position where some courts are woefully overfunded and are we going to take it away from them, docking them in the next year. I don't think so. We have to somehow create an opportunity to get it right and



make sure our data inputs are accurate and be able to verify our case counts to audit and I really think that going back to the joint subcommittee for more thorough analysis and the data inputs and figure out ways we can audit the report and case numbers on a statewide basis and maybe look at some improvements around JPSSS child welfare and reporting numbers, and I think there are some enhancements we can make. Thank you.

>> Just briefly and I may just address one of your concerns but we did have a discussion with the subcommittee about the necessity of having immediacy of funds for the courts that you stated and \$100,000 fund in the discussion perhaps of increasing that \$200,000 and rather than out changing the methodology, creating a procedure that can be considered by Judicial Council staff within a day from those courts, to make a request and to have a criteria set aside where staff can apply the criteria and the factors to the request and immediately provide the funds as we recognize the analogy was one of an arraignment, and we recognize this is not an arraignment, but it has the same immediacy. So we are hopeful that rather than change the methodology, with that alteration we can move forward with and address that same concern.

>> A good example is if you look at Alpine County, their allocation is 400 something dollars. Obviously if the first case comes in on July 10, they won't be able to have counsel for the amount of money that is allocated to that County. They would have to apply and as Judge Conklin pointed out, if children are removed, the case must be in court 24 hours after the filing of the petition, much like an arraignment. Constitutional rights of parents to have their children are at stake and that is why. In terms of accurate counting of cases, that is a little bit more challenging. It is really a moving target. Just when you think you have counted every case absolutely accurately, something happens in your county, a child dies, unfortunately, and your caseloads will go up dramatically within the next eight weeks. And the count you made eight weeks ago is no longer going to be an accurate count. I don't know what I would suggest to address that problem, but I know that I don't think that it is realistic for us to think that we can ever get an absolutely accurate account, moment by moment and day by day in any court in any county.

>> So Judge Stout, my understanding is you are retaining your objection to recommendation number 7, correct?

>> Yes.

>> At this time there are a number of questions from counsel. I will start with I believe Judge Buckley and then Judge Back and Judge So and Judge Anderson.

>> I will defer to the others who have questions and I will have a motion. I will wait for the questions to be asked.

>> I don't have a question, I am just commenting on the enormity of this issue I wouldn't be surprised if other jurisdictions are the same as what we are finding. When we do year-over-year comparison amongst all case types, everyone has a flip and misdemeanors and felonies because of Proposition 47. We had a slight increase in delinquency in clearly the exploding cases is dependency. And I wouldn't be surprised if the majority of jurisdictions would come up with the

same type of case comparisons. This issue is obviously bigger than what we are discussing here. We are talking about having to think way big out-of-the-box for that—go back and have your chief executive officer run the numbers and check those case types. I am betting your dependency type cases are up and you have to include guardianships in there with it because as we know, guardianships are family law with no rules basically. [Laughter].

>> I just want to be sure that everyone understands the process that your committee went through in analyzing how the small courts were going to do this and the discussion that was had at your committee. I think the council wants some comfort that this was fully discussed and vetted. Is there a way that you can quickly share how that was done and the discussions that were had?

>> The subcommittee discussed the small courts and whether there should be funding adjustments to it, probably from the very first meeting. We heard a fair amount of public comment on it and we also had numbers from small courts such as Judge Bottke from Tehama who spoke to many of the issues that small courts face and then we did a data analysis that is referenced in the report where staff looked at caseload fluctuation for small counties and kind of the subcommittee did definitely get behind the idea that a bounce in the county the size of Sierra of five cases, one family possibly, is much bigger than a bounce that size in a larger court. So at that point the subcommittee talked about establishing a floor and decided that the amount that was coming through the workload methodology, which would be provided to each county, was adequate as a floor. And there should be a way to assist counties with the caseload bounces. So then that came about with the process that we described in that report.

>> And that's the safety valve?

>> Yes.

>> Judge Anderson?

>> This is a quick question to help clarify any motion that would come as a result of the question. Would it mathematically alter the overall formula if we were to excise number 7, the recommendation number 7 out for review on a revise and return. That is what I am hearing from Judge Stout where there would be a motion to adopt recommendations 1, 3, 6, 8 through 10, and with respect to 7, a review and revise and return. What would be the impact on your mathematical formula and is there a way to excise it without mathematically impacting 1 through 6 and 8 through 10?

>> We are trying to do shorthand. Feel free to jump in. I think that the only way it would change it is the amount of money that may go into the pot, and I think you can approve all of the recommendations except for 7 and the adjustment would be that of the amount of available funding, it may be reduced by whatever is held.

>> And with that, and if that is the case, I would have Judge Stout make a comment, then it would not be a challenge or difficult for there to be a motion of adopting 1 through 6 and 8 through 10 with item number 7, review, revise and return. I give the floor.

>> So we had this similar and very difficult discussion and analysis last year. In the absence of substantial more money we will have this very similar, substantial, difficult decision next year. We do not have time to wait. We don't have time to slow it down. We don't have time to put the pause button on. These families are on a clock that is dictated by the Welfare and Institutions Code. We must continue to go forward and make the hard decisions that impact some in extremely negative ways and admittedly to the benefit of others but to the benefit of others who have been in great need for a substantially long time.

>> Thank you.

>> To Judge Anderson's comments, questions a moment ago, if item 7 were excised out and it was sent back to your committee, would you do anything differently in analyzing the impact on the small courts and what you have already done?

>> Frankly, I don't mean to [ Multiple speakers ].

>> There are many members on my committee and as you know, often judges are very opinionated. And they hold their opinions very strongly, so I would not be able to answer, Justice Hull, for all of the members of my committee as to whether or not they would have the same thoughts if it was sent back to them.

>> I appreciate that very much. I am trying to figure out whether or not taking item 7 out of this proposal would be an exercise in futility and if it comes back to your committee.

>> We are certainly willing to give a closer look to this, and I think that given the anomalies, even if we don't come up with a different recommendation, I think everyone will probably feel like they have been heard in that area. And there is a possibility that we could do something a little bit differently.

>> Thank you.

>> I appreciate the candidness and I appreciate that this is an impossible task and as our speaker said if the pie that is not big enough for everyone in dividing it. I appreciate the hard work of all of you and hard discussions that you all must have had over this issue. I believe then, Judge Buckley or Judge Anderson?

>> I believe we have the same motion.

>> If we have the same one then I will go ahead with it. It's a little conflicted in the sense for the sake of delay is not efficiency but delay for the sake of change is efficiency, but nonetheless the motion is to adopt recommendations 1, 3, 6 and 8 through 10 with number 7 with a review, possible revise and return.

>> With a friendly amendment.

>> Correct.

>> I see Judge Borack, that is doable. You can return with 7 vetted by the June meeting?

>> Yes. As long as I have my joint subcommittee to work with, yes we can do that.

>> That is what we were clarifying. It would be a joint subcommittee consideration.

>> Correct.

>> Yes.

>> However, we would once again, as we did before, the joint subcommittee would report back to both family and juvenile and both TCBAC and it's a word I haven't heard before today and then we would try to present to the Judicial Council our joint recommendation.

>> Much appreciated. Judge Buckley, do you second?

>> Any further discussion? All in favor of this motion please say aye. Any opposed or any abstentions? The matter carries. Thank you very much.

>> I will point out the obvious and that is that we have at least three more matters and I am going to prevail upon the presenters to give us the facts and nothing but the facts for purposes of us making a vote, and I am concerned simply because we need 11 for the vote and we have now 15. At one point we had 14 and I keep having to count chairs. I put that out there. Second item, juvenile law recommendations—psychotropic. One speaker, Roger Chen. He has one minute. I will notify you when you have 30 seconds.

>> Thank you again and if I could speak about some substantive areas of work we do with our children. My office represents nearly 1,800 foster children of Alameda County and I am here today to speak in support of the recommendations and to thank Judge Borack and the committee for the tremendous work they did to implement a fairly complex new law to the extent that the chief complaint about it is it will cost too much work for social workers and probation officers and physicians, I would say that this is an issue in terms of medicating our children that we shouldn't shortchange on either time or effort. Our goal is to get medications to children who need it and only to those children who need it and it should be based on the same information that any parent would receive and would rely upon in making these important decisions. I urge you to accept the recommendations. Thank you.

>> That concludes the public comment.

>> Thank you.

>> You may proceed.

>> This is Judge Borack and I am the chairman of the Family and Juvenile Law Advisory Committee and it is my pleasure to present to you on this very important issue of overmedication of foster children has gotten much attention. Recently, too much medication too long and too many and too long before it is delivered and too long after it is delivered, the Mercury News in San Jose had a five-part investigatory series including a documentary. There were three California bills signed in October 2015 and I believe there are four yet in front of the Legislature this year. It is an important quality of life issue for foster children in the state of California. If they need them, it can save a life. Suicide is the third leading cause of death in 15- to 24-year-olds in our country. 50% of students under the age of 14 have mental illness and drop out of high

school. If they are not administered properly, they could destroy a life. The Office of Inspector General provides federal oversight and some of the statistics are on the PowerPoint presentation that is being given to you. They looked at seven quality of care concerns that were expressed to them. This was in 2011 that they did this. The seven criteria related to quality of care, found that for 17% of the youth, they were being prescribed at too young an age; 34% were being prescribed for too long a time; 23% had the wrong dose and 41% were improperly diagnosed and being given the wrong treatment; 53% had poor monitoring; too many drugs being prescribed at once, 37%; and 7% for side effects.

>> Eighty percent of the drugs that are prescribed have not been FDA approved for use in children. That is not to say that they shouldn't be prescribed. That is just a fact. The FDA has not yet gotten into this area. As a result, the California guidelines were established by the Department of Health Care Services in April 2015 for psychotropic medication for children and youth in foster care. Many of those guidelines have been kind of incorporated into the law that was passed and upon which we got our marching orders from the Legislature. That is Senate Bill 238. Senator Mitchell. It mandated that we consult with the State Department of Social Services, the State Department of Health Care Services and other stakeholders, county Welfare Directors Association of California and County Behavioral Health Associations et cetera in coming up with forms and rules that appropriately implement the directive. It was signed by the governor in October 8 of 2015 and we had until July 2016 to carry forth the directives that were mandated by the Legislature. That was an extraordinary task. The woman who is sitting next to me walks on water. I don't know how she did it, but she has a very keen mind and can type fast, I think. We were in the public comment phase by December 11 of 2015. It went out on January 22, so everyone had at least one month to look these over. We held a stakeholders meeting on February 29. I got good feedback from that. We did follow the law in consulting with our stakeholders and a RUPRO meeting on March 18 was held and here we are today. There were five topic areas that we have addressed through these forms and rules. It was an opportunity to provide input by the child and caregiver process so we created two new optional forms, we don't want to mandate children, to give us their input by using these forms. They can write a letter or come to court or they can talk to us; they are supposed to talk to us. We amended a rule to allow input the easiest possible way. The second item was information regarding the child's overall mental health assessment. Generally, these topic areas relate to the court's responsibility to approve these medications for children. The way I look at the court responsibility, I have a little bit more than 500 children, and I have the responsibility to say, should they take this drug or should they not take this drug. I don't know if all of you have children or you remember raising your children, but I am certain that none of you who have, when a doctor said your child needs this procedure or your child needs this medication, that you just said, okay, doctor, whatever you say. Am I correct? Okay. So that is what we need to know, kind of in loco parentis, and the law now requires us to know—the child's overall mental health assessment and the treatment plan and information on why these children need this proposed medication. Is there something else we can do other than giving the medication? All of those kinds of questions we have tried to address in these forms and in the rules. So we have revised the existing forms. We had this form already but what we did was add the information mandated by the law and we broke up some of the compound questions so that they know they have to answer each of the questions and they can't

just choose a few. We were supposed to provide guidance to the court on how to evaluate, including what you do when you don't get all of the information that you feel that you need. You are stuck between a rock and a hard spot. Should you allow the child to be medicated, even though you don't have all the information you want? Or should you delay a little bit the giving of the medication to this child while you get all the information that you want? So it's hard to provide guidance, but we did the best we could to provide that guidance. We amended a rule and we revised the order form for the court to have some flexibility and some discretion. Some of my kids I know better than others, and I feel more comfortable about going forward. Some judges are more conservative and some are not. So we have revised this in order to allow judges the greatest discretion that they feel that they need to have. There should be periodic oversight by the court according to the new law, so we amended the rules to require progress review hearings. This included this information at each of our six month review hearings and not just the children are taking these medications. It has to be something more informative than that, a mandatory form for the social worker and the probation officer to include with the six month review report to the court. And we clarified the rule and that the child and caregiver and the cost that can provide input on this particular issue at every hearing. A copy of the order has to go to the caregiver. If the caregiver doesn't know what is going on in can't communicate with the doctor, this is not going to work, so we revised the forms of the information that is important to the caregiver he or she doesn't have to go through all of those forms. It's all attached and it makes sense in terms of what is given to the caregiver and it is very clear. Those are the amendments we made in terms of that one. Did this generate a lot of comment? Absolutely. You will see as we go through the slides, all of the groups that were very much involved in giving comments to us, we were very appreciative of the comments we got. Everyone who looks at these forms, it's very valuable. I look at it 100 times and all of the sudden I can't see anything anymore, but you look at it one time and you say, oh, look at this. As a matter of fact we will point those out to you today. We had all of these people who are on the slides look at them, including one retired judge, and it wasn't Judge Edwards, which you all thought, right? It's the other guy from Los Angeles, who is still very much involved in child welfare. , So let me walk you through just a couple of clarifying or clerical changes we are going to make because of the import that we received late. One is on the form JV-220, revised form JV-220. Down at the bottom of the form, we thought it would be clearer if we put a couple of other boxes so that we would know it was the child welfare services staff who was signing the form or the probation officer who was signing the form. It was right on the front, so we will put that back on the front. It was on the front and we moved it now we are moving it back to the front. We noticed that we had made a clerical error in the form JV-220A asks for the nonpharmacological treatments and it asked for it again so we will cross out the word non, if that is approved. Also, there was a request to clarify the form, the optional form, that is filled out by the care provider and the child. It says that—the rule says that they have to provide that within four court days after receipt of notice. This is so the judge can have that, because the judge has to act within seven days. However, it wasn't clear that if they didn't get it in in four days that they could even bring it to the hearing and the judge would read it at the hearing, and it was certainly not meant to preclude that. So we have added another sentence that says you can file it late or bring it to the hearing with you to make sure that everyone knows that that comment is very important and there is no cut off beyond which we

won't hear from these people. One other small clarification, when—whenever we say days, people always ask is it court days or calendar days, so there was one sentence and we put in that it is court days instead of calendar days. With that, how did I do, Chief Justice?

>> You did it briefly and quickly and you gave us deep insight. Thank you. I expected no less, Judge Borack.

>> Briefly, amazing work on an incredibly important issue. There are a number of juveniles who are certified to adult and the adult system having similar requests made at some point. This wonderful work should be looked at by CLSCK or other people for those children.

>> I appreciate that.

>> It was 15 years ago that I realized not only that I got a J.D. but I got an M.D., because that is what we were doing when we were approving medication 15 years ago. This progression is needed unless there is some glaring—it creates more work because, it's not just good for the kid. Let's face it, it's good for the judge to have to review that an assignment and be confident you are doing the right thing. Unless there is something I would be missing, I would approve for this.

>> I second for that with an amendment hopefully with the corrections that have been proposed.

>> For your clarification it is items 1 through 6 and on page 5 the committee recommendations effective July 1, 2016. With the motion made and seconded are there any other comments? All in favor please say aye. Any abstentions or oppositions? None. Thank you very much. Matter carries.

>> Next we will hear about juvenile law, the sealing of records, an action item. Judge Borack presents on the table and we welcome Judge Carolyn Caietti. And we welcome Tracy back.

>> You will get tired of hearing from me so I will turn this over to my colleague Judge Caietti.

>> Thank you for the opportunity. This is a project I have been working on through the family/juvenile law for the last two years. What we are asking you today is to set forth on page 2 of your handout for this agenda item to approve items 1 through 8 amending a rule of court on sealing of records, and another rule of court that implements the new statute that I will talk about in a moment, and 3 through 8 are the much-anticipated from our juvenile colleagues on the Judicial Council forms on informing use about their rights to seal records. At certain points in the proceedings giving them notice, which was optional and not in any statute at the time, the petition was filed at the future date to potentially have the records sealed, and also the dismissal and sealing of records, which is item number 7. Very briefly, there have been a number of—this is a very hot topic, if you will, in juvenile justice, the desire to have our youth learn from their mistakes and put them away and hopefully not ever have them resurrected. In the old days, before two years ago, youth that wanted their records sealed did it in one of two ways, one of which we won't talk about and that is under deferred entry of judgment. The other is what we call Code 780(1)(d) and they would have to wait until they are 18 years of age or if under 18 wait five years and then bring a petition to have the records sealed once jurisdiction terminated. So hypothetically you could have a 12-year-old who was on probation and got off of probation at 12

and wait five years to age 17 and bring a sealing request and once they are 18 they can bring a request. If the court granted that, the records were sealed. That statute has a provision in it when the records that are sealed can be destroyed, both the court records and records of agencies such as law enforcement probation departments. The new sealing statute doesn't have that and I will address that in a moment. In that case, someone under the age—that is still in effect and records that are sealed, the court records are not destroyed until the person becomes 38 years of age. On the other records, such as law enforcement probation, they may seal their records within five years that the court ordered the records to be sealed. The longest time arguably that a youth would have a record sealed but not destroyed by an agency could be in the hypothetical I could give you about the 12-year-old and it could be 10 years from the time the court took jurisdiction or from the arrest up to the point of five years after the sealing order was made, it could be—the records could be destroyed. So two years ago, there was a desire to have more immediate sealing of records and 786 came to life and the statute came in effect in 2015 and 2016 there were a number of modifications made that I won't go into for purposes of this discussion. One of the challenges is in this new sealing statute is there is no date of destruction of records set forth in the statute, unlike the other sealing statute I just mentioned to you. 786 allows a youth who is on probation to seal the records if they satisfactorily complete probation under certain circumstances and it is basically an immediate dismissal and sealing of their case. There are exceptions. The 707 are the most serious offenses, and as long as the court makes a finding that the youth has satisfactorily completed probation or some term of informal supervision, so they go to court and do well and we make the finding and as of that date we order a dismissal and sealing of the records. We are also supposed to, under the statute, it is written into 786 that we have to get a date of destruction, that they gave us no guidance on how to determine that date. Also, keep in mind, and I have had examples of kids who have their records sealed. In one case and they come back relatively shortly and hopefully we'll never see them again. Unfortunately that is not always the case, so they may come back before they are 18 years of age, and one thing to keep in mind in juvenile court, we have jurisdiction over youth under the age of 18 who violate the law and if we put them on probation, for most cases, if they are under our jurisdiction and potentially until the age of 21 with one circumstance and that is a circumstance and that is when they end up going to our juvenile Department of facilities for very serious offenses, formerly the Youth Authority, and they would be under our jurisdiction, arguably until the age of 25. So a youth that comes into the court gets the records sealed immediately and we are left with trying to figure out how to set a destruction date, which resulted in very robust discussions in our committee and most recently that I think are important to put in perspective to, that we have presented to you folks today. The area that I am talking about, if you want to look in your material, is in page 16, subsection D of the Rules of Court There are a lot of other issues as a part of the sealing but this is the point I was told we should talk about or put on the table. Everything else we had discussions in public comment and there was always a consensus on what we have asked you to adopt. Rule of Court 5.84 is a new rule of court that our family/juvenile law proposes to try to fill in the gaps that Welfare and Institutions Code 786 does not, in terms of sealing in particularly setting a date. And that is on page 16, subsection D. We had originally, as a group for a couple years and it went out for public comment, decided it made the most sense to have a bright line approach, which is not what we are presenting today, but to have a bright line approach similar



to the older sealing statute that I already mentioned, that said the court's records that you get their records are sealed under 786 under the original proposal we had that is not before you. We propose that the court's records would be the destruction date would be at the point just like 781, the child would be turning 38 and we would destroy them. The agency records would be destroyed within similar to 781 destruction date, five years or at least they have to be 18 years of age. So remember the first hypothetical the, 12 years old and at 17 their records are destroyed—ordered sealed, excuse me, we felt as long as that you could come under the court's jurisdiction we wanted to make sure those records could at least be subject to view because we know that sealed records can be viewed, because sealing is different than destruction. So we had adopted and had public comment and we had one public comment, not so much on what we discussed or today, it was a request that, why can't we have immediate sealing concurrent with the destruction? And there are a number of reasons why. One of those is some of the people that provide services to our youth, they are subject to audits by governmental funding streams or whether it's the state or feds. I understand the record retention for that is at least three years. There are also that our youth can become non-minor dependents up until the age of 21. There are you are facing LWOP as adults and their juvenile records could arguably be reviewed for mitigating circumstances and if the records are destroyed that could be a problem. Those are just examples. So, until a few months ago, we had gone the route I just mentioned, and it went through RUPRO and there were some concerns that wanting more judicial discretion because some kids have very minor offenses that don't require their records to be available or not destroyed, if you will, until the age of 38. So we got that information back from RUPRO and decided we needed to be look at this and it was really—we weren't really able to reassemble as a group and have a conference call or a communications, we did it all by email, and we came up with this particular subsection D. It is sort of a compromise, if you will, and at this point, the group voted and it was unanimous, but there are some concerns, I will tell you, but the group felt that this was kind of a compromise in light of the concern raised in RUPRO that the court records, judicial discretion would be placed where the court records could be destroyed from the minimum age of 21 up to the age of 38. And for all other the records, which would be law enforcement and probation departments as examples, it would be no earlier than the age of 18 and no later than what was allowed under the other sealing statute, meaning five years from the date of the sealing order, whichever is longer. So this now is more of a discretionary rule. It gives the judicial officer the ability to set a different date, that there are concerns and pros and cons as there are for everything. With a discretionary rule, the judges can make individual determinations and some counties may have people that want to order the records destroyed earlier than other counties. It will allow most likely speedier destruction and it may cause problems though from a court operations point of view, where one judge may be more liberal, if you will, and ordering the destruction date, versus another within the same court. But the idea was to accommodate judicial discretion in this particular area, given the lack of guidance that is set forth in that statute. The bright line approach is consistency throughout the state, but then at a cost of eliminating judicial discretion, and obviously, on every case, it's hard and set fast that the records will be destroyed by X date based on the age of the child. It's easier for court administration. I am going really quick, but I am trying to give you the thumbnail view of all of this to let you know there was a lot of discussion on this area. Rest of the items, though, we have

all worked very hard and I want to commend your attorneys who worked for CFCC and all they have been doing on this and as well as the subcommittee and our family/juvenile law because it has been a two-year work in progress. I will add, Judge Borack was going to talk about how we got to this point and why we had not done this sooner. We knew the law was changing at the point when Judicial Council was tasked the first year 786 was going to come online, if you will, and we knew the law was going to change, so it didn't make a lot of sense to develop these forms only to know there were still bills that were in the process of being passed and we didn't know how it would look in the end. Also knowing that if we did develop forms we would have to go back and redo some of them. That is why it took longer than probably some people would have liked, but I think it was for good reason. I don't know if anyone has any questions?

>> Quick question relative to the questions we have been having about discretion as it relates to sealing or destroying other counties' records. If you have the flexibility and the discretion suggested by this, how do we deal with, we will destroy your records and I might have taken a different position, or there's an intercounty issue.

>> That's a good question because that is one of the things that we didn't that this new version into that scenario. The law does not—the Welfare and Institutions Code does not require us to seal records from other counties and they actually sent out an email to all of our juvenile presiding judges to ask, does anyone actually order records of other counties to be sealed where they have been transferred from one county do another. I learned that for most of them we are not ordering other counties' records to be sealed. However, in transfer cases we are. There were some exceptions, though, in the Northern California area where some of the courts were sealing others' records and the courts are honoring those records. That is one area where we can't—didn't think through. The other issue is for the issue of restitution. Even if we feel there will be outstanding restitution orders, we have an obligation to ensure those are enforced and abstracts are issued four to 10 years. If the youth had a VOP for 10.851 and there were \$20,000 left that could take them another 10 years but if you destroyed that record then what is the ability of the victim to enforce that underlying unfulfilled order?

>> That could be a problem as well arguably. When a user gets off probation there is usually a JV-790 that can be turned into a judgment by the victim. If that happens, it is out there and that is an exception to the sealing under 786 but not necessarily on the destruction. If there is any dispute about that document and that document exists, but the basis behind that document are in a court file or in an agency file that has been ordered destroyed, that can arguably be an issue.

>> Thank you.

>> I am concerned about the inconsistencies that will arise when we have a statewide system, and I think that is a real problem. I am not sure why we would want to endorse that, because there will be this inconsistency.

>> I am not concerned about the inconsistency. I think in the most serious crimes what we are talking about here is academic because it won't apply. The serious crimes and the records on them will be retained. In terms of the monetary and restitution, we know we have a couple of cases, and this came down last year, that say we can convert that money into a civil judgment at

the time we are terminating, in any event and that will survive and it's a civil judgment. It's almost as if the backup documentation wouldn't be needed, but I think that's—I think the issue you raise with regard to referencing the other court's records, doesn't 786 talk about other agencies? I don't know if it's court records but it may be on the language.

>> It's on the rule of court that the ability to seal other counties' records is in the current rule of court under 781. It's 781 rather than 786.

>> One of the reasons I am not upset about inconsistencies is that we are all inconsistent with each other in any event in the things we do in the cases we have because they have to be tailored to the specifics before us. I think everyone except for Judge Caietti and I know from numerous sources, she just did fabulous work and this is a lot of work and there were things coming in on the pipe all the time, including people on RUPRO who wanted to give her a bad time, as I understand it. Those are my comments.

>> I will entertain a motion.

>> I move that we adopt what has been put forward and, understand that this has morphed even more in the last 24, 48 hours just because of the clerical corrections, so with those corrections that you talked about—okay, I move just as it is put out there.

>> Is there a second? Any further discussion? All in favor please say aye. Any opposition? Any abstentions? Matter carries. Thank you for your hard work on this. We appreciate your attention to detail.

>> Thank you.

>> We welcome to the presenting table for Civil Practice and Procedure, Expedited Jury Trials. We welcome Judge Mary Thornton House from Los Angeles County, often called the mother of expedited jury trials, and also Anne Ronan, and is Judge Cadei on the line?

>> I am.

>> Thank you for being here.

>> Thank you and I know we are on a fast track given the time of day. Let me just make a brief introduction and I will pass the torch to Judge Thornton House. She is clearly the guru of the area and by way of background I am the chair of the Civil and Small Claims Advisory Committee and we are recommending rules and forms to implement legislative mandate which actually is already in the code and it is set to go operational July 1 so we will—are under the gun to get a set of rules and forms ready to go. This dates back to 2010 originally and it was a group of stakeholders literally representing all areas of the civil bar and business groups and insurance industry et cetera. We've had a voluntary program since 2011 and the observation was that the expedited trials are being underutilized and they were voluntary and it was last year, I think, that under the lead of the Chief that we were asked to see if we could come up with a different approach and as a result, we have a more robust approach. It is going to be mandatory, the Legislature passed AB 555 to become part of the Code of Civil Procedure and we have a set of rules and forms that we are recommending and, as I said, to be brief, I will hand this off to Judge

Thornton House and she is a member of the committee and headed up both working groups, the first one in 2011, in the more recent one in this project and she has done great work and is recognized statewide as our expert on this. So unless anyone has any questions for me I will hand this off to Judge House.

>>All right. I know it is 3:15 PM so I will expedite my comments about expedited jury trials. Permit me to start off by expressing my thanks to you, Chief Justice. You have made from what I have been thinking of as a sleeper film or an independent film to a blockbuster with this legislation, and you were the one who got all of the bipartisan groups together and encouraged this expansion of the program. So for those of us, and there are many of us who have been working on this program since 2009, and know the value of it by having tried those cases, even in a smaller format, you have done something really phenomenal for access to justice and for all of the community. And I want to thank you personally on my behalf and everyone who has been involved in these projects. Many of us ask why this is an important mechanism, and I will tell you, and I say it without qualification. Every single member of our community and our justice system will benefit from the greater usage of the expedited format for jury trials. Now the voluntary, we call them EJTs, utilizes an eight-person jury, no alternates or peremptories, and limits the rights. The new mandatory expedited applies to all limited jurisdiction cases except when a party chooses to opt out, and I will talk about that briefly in a second. It is slightly modified from the original format and is still an eight-person jury but there will be an alternate and there will be four peremptories and they will have full appeal rights to the Appellate Division of each Superior Court as it now stands. It is fast and efficient and less costly and the parties will be able to promote confidence in the justice system by jurors who are willing to serve for shorter periods of time. Now, I know it was said that these were not used as much as we would've hoped. But in certain counties it did comprise almost 29% of all limited jurisdiction cases that were tried in any given year, and in other counties it also involved at least 10 to 15 general jurisdiction cases on a voluntary format. So the more this is used, the more people get confidence in it and the more the insurers and the other parties involved, we will see it be used on a more regular basis, not only in the limited cases but in general jurisdiction as well. With the passage of AB 555 we were asked to provide information to you to adopt certain rules and forms. I feel a little bit like the interior designer in a major, large building, because the architect is sitting right next to me and that is Anne Ronan. Within a few months of the passage of this bill, she was able to pull together and change the Rules of Court and modify and amend them and come up with forms for which the committee then added their touches and their inspiration, which we hope you saw in the materials provided to you. Now, what we are particularly asking you all to do today is to approve and adopt changes to the California Rules of Court and forms that will go along with the new mandatory expedited jury trial and also tweak the voluntary expedited jury trial. The thing that has changed the most with respect to voluntary expedited jury trials is that instead of the 45 minutes for voir dire and three hours for each side to try their case, each side in both mandatory and expedited jury trials will get five hours each to try their case. Now, a very anecdotal survey for about 30 cases shows that neither party under the old system tended to use all of their time. But the lawyers have been afraid that they didn't have enough time and this was one of the compromises that was made with the legislation. And the big controversy that we felt and sort of sensed in the comments was the opt-out provision—and you

will find that in 3.1546, page 14 of your materials—that is, when a party in a limited jurisdiction case needs to opt out. There are nine categories, basically, and it is damages in excess of insurance policy limits that are being sought, and punitive damages are being sought, and a defense is being provided with a reservation of rights, and the case involves a claim reportable to a governmental entity, and the case involves a claim of moral turpitude that affects a person's professional license, and the case involves intentional conduct, or the case is reclassified as a general jurisdiction case, or the case involves a claim of attorneys fees not sought pursuant to section 1717, and then the catchall provision for any good cause. Now many people have said what is left? What is left is what is actually being tried in that is the fender bender or the trip or fall or the breach of contract case that is under the \$25,000 limit. When we base this particular format on other formats and other states, that was the predominant group of cases that were being tried. This is not the ones in this opt out provision. Anyway, the rule we have provided for allows for a party to opt out at the 45th day of the date first set for trial. That coincides with Code of Civil Procedure section 96 which relates to economic litigation in limited jurisdiction cases. There was one comment that thought this was too late in the process, but overall everyone agreed that this coincided with the law that was already in place and allowed for the parties to work their case out and to see whether it should stay in or out and allow more flexibility overall. The only other thing we have changed that was not change that we have been able to maneuver it through the new rules that was not contemplated in the legislation and that is, what if a party wants to opt back end. They opted out at the beginning and they want to come back in. Well, if for some reason the reason for the opt out is eliminated, for example, punitive damages are taken off the table, then it can be opted back again into the expedited jury trial format and of course, the amazing part of all of this is if the lawyers would just sit and talk with one another, they could agree with it and go forward without any elaborate procedure that would we have set forth. We have it for them if for some reason two lawyers can't agree. That can be kind of funny at the end of the day. But there we go.

>> I got it. [ Laughter. ]

>> On page 3, those other recommendations we made and again I promised you an expedited version. I would like to say, in conclusion, that the benefits of an expedited jury trial whether it be voluntary or mandatory and are grounded in the terms as follows: access, economy and excellence. The original hope of this legislation was that those who couldn't otherwise afford a full-blown 5 to 10 day jury trial could take advantage of this. They had and they will continue to do so, particularly now that it is mandated and in limited jurisdiction cases. With fewer jurors to be called in, that is less money for the courts, and I can tell you from personal experience having tried these cases, the juror satisfaction is huge. We get in L.A. County, we get lists for financial hardship, and I get the jury list and I saw on my first case I have 18 jurors with seven financial hardship requests. Once I told them it was a two-day trial and the lawyers were going to get to the trial and the lawyers would get to the heart of the matter and deliberate not one asked for a hardship excuse. If those eight people tell another eight and so on, how their jury service has been so improved by this product, they will have greater confidence in our system. It will be a very wonderful ripple effect. Finally, trial lawyers will be required to cooperate with another and get to the heart of the case quickly and use innovative methods to present evidence. Here what

we will do is foster excellence in lawyering. All I can say is it is a win-win for everyone and I appreciate being able to be the mother and not the stepmother of this. And I present to you what I believe in the long run, because of all of the efforts of many people, the continued and greater use of this we will have a much more efficient and less cost-effective system. Thank you.

>> Thank you.

>> Judge Fang?

>> No.

>> I want to point out that Los Angeles benefits from Judge House being a guru and I don't know if I call him of everything, but at is the first time I have seen you do a presentation without an acronym.

>> I know. I had access and excellence and economy but EE sounds like an insurance company and that wouldn't be right.

>> I will move to accept the guru's report and recommendations as a trial lawyer, I think quite frankly this is a process we needed more of it for a long time. We need to spend our judicial resources on the cases that really need the time, not those that don't.

>> I will second.

>> I couldn't have said it better. I am enthusiastic to see the numbers. It is also something that can only come together with collaboration. Thank you to all of you and your committee. I am not seeing any more hands; all in favor, please say aye. Any opposition? Hearing none, matter carries. Thank you very much.

>> Thank you.

>> We conclude today's meeting as we often do with a brief remembrance of judicial colleagues recently deceased: Judge James Luis Browning, Jr., of the Superior Court of California, County of San Mateo; Judge Harold Cherness, Los Angeles County Municipal Court; Judge Leon Ermerson, Los Angeles County Municipal Court; Judge Hugh Gardner of the Superior Court of Los Angeles County; Judge Richard Hanscom of the Superior Court of San Diego County; Judge Harry Loberg of the Superior Court of Santa Barbara County; Judge Richard Marsh of the Superior Court of Riverside County; Judge Loren McMaster of the Superior Court of Sacramento County; and Judge Robert Roberson, Jr., of the Superior Court of Los Angeles County. All were retired from the bench, and we honor them for their service to the courts and communities and the cause of justice. That concludes our April business meeting and we look forward to seeing all of you at our next business meeting on June 23 and 24. Safe travels.