

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

>> Please stand by for real time captions.

>> The meeting will begin shortly.

>> Friday, July 29, 2016. The meeting is now in session. Welcome. I invite you to have a seat. Because we have already heard murmurings from the phone, I will ask those members of the Judicial Council who are joining us by phone to please state your names.

>> Patrick Kelly.

>> Justice Douglas Miller and Patrick Kelly. Anyone else?

>> I understand Judge Colleen White also may be calling in at some point and Judge Brian Back and also Assembly Member Richard Bloom. If we hear calls coming in, I expect that it will be those folks. Our July Judicial Council meeting, as many of you know, is by precedent [sic] and this is our budget meeting. This is where we discuss and review our funding and allocation options. Since I became Chief Justice in 2011, many of my early budget years with many of you, as you know, have been an unpleasant and difficult task. What we were doing, like the rest of the state and like all state-funded entities, we were allocating cuts. Later on, midyear cuts, and it was not an easy task. Because of the efforts of all and our focus on continuing to function as best we could, I think those were growing years for all of us and we did the best we could and we came to understand each other's challenges. Now, sitting around this table, thanks to your efforts, we have seen new investment in the branch and the court system. I have spoken about optimism in the past and I believe we have seen some of that in the past years. It is due to our openness and our transparency and our willingness to provide information and answer questions promptly, and collaborate and partner with our sister branches of government to hear their concerns about how we operate, and to do our best to meet those concerns. We have calculated that there has been approximately \$620 million in new investments over the last four years to the courts. We are grateful for the Legislature and the Governor's new investment in us, and the opportunity to continue to show what we are able to accomplish with our funds and in our renovations. There is a continuing emphasis on access-to-justice issues. That is our North Star and always will be. It has included improvements in language access for limited-English speakers and support for service innovations in our court system. All of that has come about because of the work of lawyers and judges and stakeholders in setting forth recommendations, and in implementing those recommendations collaboratively and collectively. We know now that the challenges are still there for finding stable funding for the entire judicial branch. California has a history of cycles, as do all the states, of economic recession and recovery. The judicial branch's full funding relies heavily on the status of the General Fund. We are also trying to move away from

so much reliance on fines and fees to fund state programs, and to find adequate and stable funding for those representing children, and to address the need for additional judges, especially in the Inland Empire, where we have seen the greatest growth of population in California. The need for court services and the need for access, although it has changed in terms of physical access or remote access, however you define access, the need has increased. Filings, as we all know, which is the source of funding for many programs, continued to fall or decline in the last several years. I am told that the prediction for this last reporting year is for a further decline in case filings in all cases. Stable funding for critical programs and services, with the fair and just application for fines and fees, remains a critical role for the judicial branch. The experience here in Judicial Council members passed, the valiant efforts of courts to strive to do more work to do equal with less, in witnessing the struggles of this council to allocate precious funding to courts across the state in different states of challenge. We have seen a wide range of worthy and local programs. We have been listening to trial and appellate court leadership outline their needs. We have heard liaison reports where courts are reliant on Judicial Council statewide services. We absolutely need additional funding. We have discussed this with our justice system partners, our sister branches of government. I concluded, in light of all of the budgetary-type issues that relate to the decisions we make, we need a new branchwide approach to budget. There is no higher expression of our priorities of Judicial Council than how the council and court operates and spends limited public resources for equal access to justice. I asked Justice Miller, as chair of the council's Executive and Planning Committee, to establish a new internal committee, a Judicial Branch Budget Committee. I believe this is not only good governance, reflected in how the Legislature operates, but also sound government practice. Initially, at the beginning of our foray into a new budget committee, the charge for this budget committee will be limited. It will focus on reviewing budget change proposals for alignment with council's goals and for the needs of all levels of the judicial branch for the trial courts, the Courts of Appeal, and the Supreme Court, as well as reviewing and making recommendations on the use of the new statewide reserve funding in this last budget, and also for the new innovations grant funds for the trial and appellate courts. The committee is to be chaired by Judge David Rubin, with Justice Jim Humes serving as vice-chair, and the other members are Judge Marla Anderson, Judge Jeff Barton, Judge Kyle Brodie, Judge Gary Nadler, Judge Dean Stout, and attorney member Audrey Ybarra. We will begin this foray knowing how hard this committee will work and whether or not additional responsibilities should be tendered to this committee. This is a time that I think this idea is ripe and ready to move forward. Adding a budget committee is another transformation to enhance the council's ability to carry out our fiduciary responsibilities. Not only on behalf of our courts and people who use the courts, but on behalf of the branch and on behalf of the people California. I think together, over the last six years, we have made great success in realizing the Access 3D vision for physical, remote, and equal access for the judicial branch of California. I invite you to review those years, if you have the stomach for it. Our 2011-2016 is on the California Courts Newsroom timeline, years of transformation. I reviewed that and a cold sweat broke out on my brow in 2011, a little bit of PTSD to review those years. Then, I saw as we worked together and made ourselves known and understood each other, progress. The big steps we took that were so different from how Judicial Council had operated in the previous years. I invite you, one night with a glass of wine, to take a look.

>> Next, I want to talk about the Distinguished Service Awards. As we all know, none of us can do our jobs without a team behind us. When we do this, when we work on policies and rules that have to be implemented and services delivered with access to justice, we are very fortunate from the judicial branch to have numerous role models throughout the state who come up with ideas and who work on ideas and who bring people along and help to refine those ideas. Having reviewed numerous worthy nominations, I am very pleased to announce the honorees for the 2016 Judicial Council Distinguished Service Awards, now in its 23rd year. These are the highest honors given by the governing body of our state court system. Each of these honorees has demonstrated extraordinary leadership, all their names will be familiar to you. They have made significant contributions to the administration of justice. They are Judge Maria D. Hernandez, Superior Court of Orange County; and receiving a joint award for their efforts in improving access to justice through technology, Mr. Alan Carlson, court executive officer, Superior Court of Orange County, and Mr. Robert Oyung, chief information officer of the Superior Court of Santa Clara County. Judge Maria Hernandez has been dedicated to court community outreach and engagement with justice system partners and innovations in the juvenile justice system. She convened the first Orange County Juvenile Justice Summit, which I attended, and has been active at the state level with the Judicial Council Advisory Committee on Access and Fairness and the Keeping Kids in School and Out of Court steering committee. Alan Carlson and Robert Oyung have been leaders in using technology to increase public access to our justice system. Alan Carlson is a former member of the Judicial Council. We have heard Robert Oyung present to us on many occasions, making technology advances, deciphering them into English for us and letting us know how far we are moving. Alan is a state and national leader in the field of public access to court records and e-filing, and Robert played a lead role in developing our new technology collaboration model and the judicial branch technology headed at that time by Judge Herman. I would also like to take this opportunity to acknowledge the recipients of the 2016 Benjamin J. Aranda III Access to Justice Award. This is an award which is cosponsored by the Judicial Council but also with the California Judges Association and the State Bar of California. That is an association with the State Bar's Commission on Access to Justice.

>> The Aranda Award honors judicial officers for their noteworthy work to get access to the poor. Judge Julia C. Kelety was the driving force behind a recent innovation, renovation of the San Diego Law Library. She helped launch a mediation clinic for litigants at the Thomas Jefferson School of Law, and she has played a major role in a training program for court-appointed attorneys. Judge Colleen T. White, from the Superior Court of Ventura County, has created court programs that aid the homeless, military veterans, elders facing domestic violence, and pregnant women struggling with child custody because of substance abuse. All of these folks will receive their much-deserved award at a special ceremony next month, August 25, here in San Francisco at the conclusion at the August council meeting. In the spirit of acknowledgment and recognition, I also want to highlight that Judicial Council members, home officers, judicial officers, or professionals and our Judicial Council staff can do to make contributions to the cause of justice not only at the local and state level, but also the national level. I previously mentioned Martin Hoshino's role on the National Task Force on Fines, Fees and Bail Practices, but today I want to acknowledge Ms. Sherri Carter, who recently received the 2016 National Center for State Courts' Distinguished Service Award. This is one of their highest awards for valuable

contributions to the justice system in our nation. Last week, Martin and I had the pleasure of seeing the civil justice improvements presentation with my chief justices from around the United States at our chief justices' annual meeting. Sherri is a member of the Civil Justice Improvements Task Force, along with Ms. Donna M. Melby, and Sherri presented at the panel. As many of you know, Sherri already has an important role in our state court system as the executive officer and clerk of court for the Los Angeles Superior Court, our nation's largest trial court. She has also been very active with the Judicial Council, including the Judicial Council's Trial Court Budget Advisory Committee and related subcommittees, and the Court Executives Advisory Committee.

>> Presiding Judge Carolyn Kuhl of the Los Angeles Superior Court has said the following about Sherri: We're truly privileged to have Sherri Carter's many talents devoted to the service of our court. The honor and recognition is well-deserved. For nearly three years, Sherri has improved operational efficiency and at the same time created innovations to improve the court's service to the public. Sherry has a national reputation as an innovator in court administration and in case management, beginning with her time serving as clerk of the Federal District Court for the Central District of California. For the past two years, she served as the only state court administrator on the Civil Justice Improvements Committee, appointed by the Conference of Chief Justices alongside Judicial Council member Donna Melby. The committee's report makes a substantial contribution to the ongoing national dialogue about the high cost of civil litigation and the challenges presented by self-represented litigants. I thank Sherri for her service. Congratulations, Sherri. We will now move on to our business at the Judicial Council, starting with the approval of minutes.

>> This is the first item on your agenda. It is our June 23 and 24 meetings. Once you have had an opportunity to acquaint yourself with that, please entertain a motion for adoption and a second.

>> Motion.

>> Second.

>> Any discussion?

>> The minutes pass.

>> Next on our agenda is our regular report to you summarizing my engagements since our last meeting. As part of my regular Judicial Council advisory committee responsibilities, I attended the Administrative Presiding Justices Advisory Committee meeting, where we discussed issues facing the appellate courts and the various districts and divisions within the appellate courts, as well as budget change proposals for the Courts of Appeal. They are experiencing similar issues to the trial courts based on lack of funding, filings, caseloads, and judicial issues of population changes. Martin and I attended the 2016 Conference of Chief Justices in Wyoming. It was an important meeting and there was very little Internet connectivity.

>> [Laughter]

>> Sherri Carter was one of the panelists discussing the Civil Justice Initiative report on the findings and recommendations of the committee relating to access to justice in civil matters. The Oregon Chief Justice, Tom Balmer, was the moderator, and we will be hearing more and more about the findings and recommendations that this task force has. It was revealing and important and there is an implementation task for us now, working on how we can all scale this and use this in our states. The conference also dealt with issues including self-represented litigants and Family Court, courts balancing strategies and services for access to justice, integrated domestic violence courts, reducing the burdens on victims and families, and third-party evaluators in child custody proceedings. What the Conference of Chief Justices points out is that despite our scale of the size of Rhode Island to the size of California, from the territory of Guam to the territory of the Virgin Islands, all of us face the same issues. They are different in scope and they may or may not be affecting that state. All of the issues are the same. For example, in recessions some states are relying on oil as a principal source of state funding. States like that are looking into a deep and serious, long-lasting recession. Five years, I am told by certain chief judges in those states, because that is how long it will take for oil to recover enough to the point that they don't have to take the kinds of cuts in the judicial branch budget. Five or six years ago in California, now it is Wyoming, New Mexico, Alaska, Oklahoma, and we all sympathize and empathize.

>> I was also honored to receive the Filipino Bar Association of Northern California's 2016 Trailblazer Award. I truly believe that minority bar associations play an important role in engaging communities on issues of law, and encouraging active participation in our justice system and encouraging public trust and confidence in the judicial branch, and they do much to support the idea of equal access to all Californians. Mona Pasquil, the Governor's appointments secretary, introduced me, and Assembly Member Rob Bonta received the association's Jose Rizal Award. In what might have been my first meeting with some future judges, I met with the participants in the Supreme Court of California's summer extern program, 15 externs that get to experience the work of the court behind the bench, inside chambers and in our hallways. Justice Chin and I both have externs in our chambers and the future of our justice system is in capable hands. On July 14, the State Board of Education approved a new California history-social science framework, last updated 15 years ago. What is new is that it now includes civic engagement, civic education with an emphasis on the judiciary, from elementary to high school. That did not happen fortuitously, it happened through a lot of work.

>> Pat Kelly is on the line.

>> The new framework emphasizes civic learning but it also incorporates many of the recommendations from the California Task Force on K-12 Civic Learning. That is a task force put together by myself and Superintendent of Public Education Tom Torlakson. It was a committee that consisted of lawyers, judges, stakeholders, educators, administrators, and the League of Women Voters, and it included six proven practices. Those practices have been incorporated and are being used statewide so that our next generation of leaders knows that the judiciary is in fact a third branch of government. It is a major step in providing all California students with the knowledge and skills they need to participate in the future. As many of you know, civic learning initiatives, which we started in 2013 and which resulted in the Power of

Democracy steering committee, has been long in existence. What you may not know is that the civics initiative has been a goal of the Judicial Council from the time of the Commission for Impartial Courts chaired by Justice Chin. Many hands make light work. I was proud to act as convener for civics, including work from Tom and Justice Judith McConnell and Debbie Genzer, as well as all of the various committees and task force members and partners, including Pat Kelly, who represented the lawyer voice on the civic engagement task force. This is an investment in the future of California. It is one that will serve us well in future leaders who understand that the three branches of government are equal and all need to be funded equally in order to work effectively. That concludes my report to council. I turn it over to Martin for his report.

>> In your materials is a written report from my office to you all chronicling the activities of the staff as well as the various advisory groups to the council. Given that budget and financials are a theme for this particular meeting, I have a couple of items to make you aware of on that front, as well as some other awareness items that I think that the members of the council ought to be tracking and be informed about. With respect to the budget related to the new Judicial Branch Budget Committee, I want to give you an update on one component. It is the \$25 million innovations grant fund program, which is one of the limited charges of that committee. Folks know that from the prior meeting that Judge Dave Rosenberg has been leading the working group that has a limited life here, as does a composition [sic] of a number of folks to try to develop some guidelines and criteria for the program. Many have met multiple times. I am told he is quite a task master and, lucky for him, he has a great task manager in the form of Maureen Thomas, who has been leading the effort to put it together. They are finalizing the guidelines and they will be presenting those to you or submitting them to you from your approval at the August meeting. It is coming very quickly and very soon to you all for your consideration. Again, with respect to fiscal operations, I want to make you aware of the possibility that we are exploring about replacing our current financial system for state-level judicial branch entities with a new financial system that the executive branch has been working on with many agencies and departments. You may have heard of it; it has a name called FI\$Cal. It is very tricky but aptly named. It is something that they have been developing with respect to budgeting, accounting, and procurements and cash management since about 2013. Their rollouts continue in phases to about 2018. We mention this because we are exploring it, because we are always on the lookout. If there is a faster or better or cheaper, more efficient way that is just as effective in accomplishing our objectives, we want to examine it. They have approached us. We are in the process now of engaging in an analysis of whether it would be cost advantageous. We don't know where that will end up but we will explore it, and at the end of the day there may very well be a presentation headed your way. I want to make you aware of that, though we are exploring that. I want to spend some time talking a little bit about the Legislature and the bills and the issues that are out there.

>> The Legislature has been on a recess this month. We spent a lot of time preparing for the return. It will be on Monday and reconvene for what will be a pretty fast August. They have one month to complete their work, and we will be very active with them. We are tracking a dozen bills. That is just a set of bills. We think they have some form of a fiscal impact related to our

operations. To be candid, we have them higher on our list because of our sensitivities related to budget and the like, but we are also tracking a lot of bills that are more in the area with respect to policy and operations. We wanted to let you pay attention or be aware of that. In that month of very fast activity, we are always grateful for reaching out and getting a lot of assistance from trial court executives as well as judges, as well as working closely with CJA on a number of bills that are out there that affect our operations. In advance, I want to thank you for what will be rapid-response requests for information or calls to action. It will be a particularly quick month and the end of the session in an election year usually provides some twists and turns and quick activity. There are a number of Judicial Council-sponsored bills also that are in the legislative process that are moving along. A quick recap of those: AB 2341, which would allow the reallocation of vacant judgeships from superior courts with more authorized judgeships than their assessed judicial need to superior courts with fewer authorized judgeships than their assessed judicial need; and AB 2882, which would allow the council to convert up to 10 additional subordinate judicial officer positions to judgeships and approve the conversion of 16 positions through the budget process. Also, AB 1900, which would authorize us to dispose of the San Pedro courthouse in Los Angeles and retain those proceeds for our Immediate and Critical Needs Account in the State Court Facilities Construction Fund. I think folks know that we are paying close attention and looking for any solution we can in that particular area. The last day of the Legislature and our fiscal final committees is August 31. The last day for the Governor to sign or veto or permit bills to become law will be September 30 of this year.

>> Another update item. This is in the area related to traffic law. California's traffic amnesty program has now passed its halfway point. I want to give you a brief update on some of the information that we are aggregating from the trial courts in terms of how it is going. This is information from the beginning of the implementation period, which is October 1, 2015 to April 2016. The reported activity at least in the last four months is that we have seen a 20% increase in the number of requests sent to DMV to look at holds on driver's licenses. That brings our total to about 104,000, just north of that is the number of requests that courts have sent to the Department of Motor Vehicles to actually lift the holds that have been placed on suspended licenses, specifically for the purposes of failure to appear or failure to pay. That 104,000 is of the 612,000 total number that the Department of Motor Vehicles states is the actual amount of driver's licenses suspended for failure to appear or failure to pay. I spent some time on that because there has been some larger numbers that have been out there. If you ask the DMV, they will tell you it is 612,000 specifically in that area.

>> In terms of the total eligible accounts that are out there, the number to date is about 132,000 amnesty to language [sic] accounts related to infractions and misdemeanors that have been resolved in the first month. The value of those resolutions is being pegged at about \$19 million today.

>> Also on that front, we continue to work with our Legal Services office as well as our Criminal Justice Services office. We are working closely with a number of courts that are receiving letters from advocates that seek change in this particular area. They continue to work diligently with various trial courts throughout our system. Another item that the Chief touched

on is the National Task Force on Fines, Fees and Bail Practices. It is an issue that is prominent in our state and to echo the Chief, it is prominent nationally. It is a national conversation that is getting a lot of attention from the White House to every courthouse in the United States. The Conference of Chief Justices as well as the Conference of State Court Administrators at our annual meeting that the chief referenced, we were able to peel away some time and in the evenings to actually do some of this additional work, to try and form it. The end goal of all of the work groups and all of the task forces is to try to aggregate as much data and analysis in these areas so that there can be some development, perhaps of model standards or pilot programs in the areas of fines, fees and the application of the constitutional laws operating in this area, the ability to pay, preservation of rights, etc., with the idea of putting together something that can be helpful to every court in the United States as well as in California, recognizing that there is no way that one size fits all, not just in the vastness of our system, but if you multiply that across the United States, it is true. We expect at the end of the day that there would be some product that would come out of the task force to help folks. States are publishing their own reports in this particular area, and in California, the branch and the council have already been engaging some of these issues. I won't recount some of the activities this year, but I want to make you aware of the topic and the places it is occurring in our system. There is the Futures Commission that is exploring this issue itself. I think it was the item that got the most attention at a meeting just recently in Los Angeles. This one is prominent. There is already broad support and a lot of dialogue going on among the courts for flexibility on how they might deal with driver's license suspensions, and our trial courts are actually looking for ways to see whether or not you can get to a system where you can lift it, hold it, in terms of a better way of using that tool and more appropriately applying it in our courts. There are rules that are being developed. There are many that are out for public comment. They are out there and they are moving through our collective committees and perhaps on their way to you. We have already applied them for a federal grant to get some support in developing what might be an ability-to-pay calculator. We don't know how that will work out. We are certainly engaging in those efforts to see if there is anything that we can find, develop, or be able to make available to assist courts in this particular area.

>> There is a fundamental challenge in this area. It is very complicated because it is so closely tied to funding throughout our system. There are a lot more questions and issues candidly than there are answers. I wanted to give you some awareness that there are many oars in the water looking for what might be model practices that can help in this particular area. I do think many of those issues will be coming through and to the council. The very best news on this subject is that the Chief states that this is in fact a three-branch solution. This is not just a judicial branch issue. It is going to require the cooperation and collaboration of the other two branches in this branch of government to find our way through this particular national issue.

>>To close, and to part from the school issues for a moment, I want to tell you a little bit about the youth courts in California. The Chief Justice referenced the State Board of Education's approval of a new California social science framework that includes a greater focus on civic learning in schools. I want to take a little bit of time to acknowledge the momentum of the Chief's initiatives on civic learning and keeping kids in schools [indiscernible] to a welcome outcome to strengthen youth engagement and participation in self-government. That participation



is being carried forward in another way through our youth courts. At the end of June, the council and the California Association of Youth Courts jointly sponsored the 11th annual Youth Court Summit. It was entitled Youth Courts: Generational Agents for Change. This summit brought together youth and adults and engaged in a program of truancy prevention and civic education. Youth courts are emerging as the fastest-growing juvenile intervention program in the United States.

>> Hello? [Laughter]

>> I will try to talk over the [indiscernible]. Youth courts are emerging as the fastest-growing juvenile intervention program in the United States I'm handling as much as 25% of all juvenile arrests this year. This collaborative process involving youth and courts and creative sentencing options and restorative justice is giving young people the chance to learn how to be more productive members of society. Nationwide, there are 1,400 youth courts. California has 68. This year's summit attendance [indiscernible]. That concludes my report on this date for the council.

>> Thank you, Martin. Normally at this time we would have our regular reports from the internal chairs; we are going to put that over till our next meeting in August. At this time, we will address liaison reports and I hand this to Judge Anderson.

>> Thank you, Chief. The Judicial Council liaison program provides an avenue to improve the administration of justice by enhancing communication and access between the trial courts and the Judicial Council. On today's agenda, we have two reports. The first report is being presented by Justice Hume, followed by a report by Judge Lyons reporting on the Superior Court of Inyo County.

>> It is exciting to talk about Santa Clara County courts. It is a big county and it is a very affluent county. The affluence affects the courts in ways that are good and bad. It provides a context for successes and it provides a context for challenges. Santa Clara is big. San Jose is the third largest city in the state. The county itself is the sixth largest county in the state. It has the highest median household income in the state. It is, by many measures, the richest county in the state.

>> Here is a picture of the historic Santa Clara County Courthouse. It houses the presiding judge ceremonial historic courtroom and a few other things. It is one of many facilities that Santa Clara County has. I was on tour at the court on May 26. Here's a picture of the presiding judge and the executive administrator. They are both very dedicated and very effective leaders of their court. Santa Clara County courts are blessed in a number of ways. They are blessed with both high levels of relative judgeships and funding. On judgeships, Santa Clara County has 89 approved judicial positions. Under our council model, Santa Clara would have 70 judicial positions if it were to be equalized. To put that in context, San Bernardino would need to increase the number of their judges by 57 to reach the same level of workload that Santa Clara would have if they reduced their judgeships by 19. There are some dramatic differences in the level of judgeships. Santa Clara is blessed with a good amount of them and they have used that opportunity well. I will talk about that soon. In terms of workload assessment, the Judicial Council ranks Santa Clara as having the sixth, the fourth highest, I'm sorry, the sixth highest need of workload

assessment but they have the fourth highest level of judges. They are blessed with more judges relatively than a lot of other counties.

>> In terms of funding, Santa Clara has also historically done fairly well. They historically have gotten about a 5.2% piece of the state budgetary pie. That slice of the pie is shrinking partly because of influences. This year, if we approve the funding request that we are being asked to approve today, Santa Clara will have a 3.8% slice of the pie as opposed to a 5.2% slice of the pie. That reduction in funding is affecting the courts in several ways. Santa Clara court is facing a downward trend in filings. Still, there is a lot of cases. As of 2014, there was about a quarter million cases actively being litigated in the courts.

>> As a county that has historically been resourced higher than other counties, Santa Clara County has put it to good use and one of the ways they put their funding to use is by having more collaborative and innovative courts than some of the other counties. Collaborative courts are very time intensive, resource intensive, but they work. One of the concerns that Santa Clara County has is that with WAFM, there could be a potential to discourage the very thing that we are trying to encourage. We could be discouraging success because success brings lower filings, lower filings brings lower caseloads. Those bring less money and therefore it is a downward cycle, perversely, of succeeding you get less money. That is a legitimate concern that Santa Clara County has.

>> Here is a Mercury News article on Judge Stephen Manley's drug courts that many of you may have heard. I have had the pleasure of being able to watch Judge Manley in action. He has a very interactive, innovative, and successful drug court in Santa Clara, and it was one of the ways that Santa Clara County has been able to use some of the money in effective ways.

>> Another concern that Santa Clara County has about its reductions in funding is about WAFM, and they question whether WAFM will be able to capture changes fast enough to address real-time needs. For example, in San Jose, the Police Department has faced a crisis over the last few years. The mayor of San Jose proposed all kinds of pension reforms. Those led to a lot of police officers leaving the force; those police officers leaving the force translated into a much lower number of criminal cases being filed. Because cases were going down, WAFM affected the funding that Santa Clara got and the question that Santa Clara has is, when these police officers come back, and the labor disputes have been involved in this case, is WAFM going to be able to address that increase fast enough to provide the relief they may need?

>> Another concern is with the labor negotiations. Being in one of the most affluent counties in the world brings unique labor challenges. Santa Clara has been in a labor negotiation with some of its labor groups. Those negotiations have been unsuccessful. Employees need more money to live in an affluent place like Santa Clara and we don't know whether or not the breakdown in labor negotiations are going to give rise to a strike, but they may very well.

>> I visited many of the physical facilities in Santa Clara and I would say that in general, they are pretty good. This is a picture of the civil courthouse. Here is a picture of the criminal courthouse. There has been a little bit of a controversy with the satellite courthouse that was built in Morgan Hill. It was a new \$60 million facility but because of the shrinking budget funds,

Santa Clara has not been able to staff the new courthouse in Morgan Hill completely. They only have one now but it is running with far fewer courtrooms than it could. They can't make the rest of them work with the money that they have.

>> On the good side, one of the worst parts of the physical facilities in Santa Clara has been with the drug dependency and family courtrooms. They have been hosted in various temporary locations including a warehouse. They are going to be moving very soon into this picture that you see here. This will be the new \$230 million dependency family and drug courthouse. It is just across the street from the civil courthouse. It was supposed to be dedicated August 1 but I think it has been postponed for a couple of weeks. It will be open very soon. It will house 20 courts and that will provide another nice facility for the courts in Santa Clara. That is all I have. Just want to mention that, in summary, Santa Clara County gives a really good perspective on a county that has had a lot of resources but is facing a lot of concern and a lot of tension about the reduction of funds that are coming its way, and many of its concerns are legitimate. We need to address these challenges as we go forward because it won't be enough just to say, let's give them less money and hope for the best. Thank you very much.

>> Thank you, Justice Hume. Now, we will turn to Judge Lyons.

>> Good morning. It is my pleasure to report to you on my visit to Inyo County. It means Dwelling Place of the Great Spirit. As you can see from this beautiful landscape in the county, it is a county that is blessed with fabulous mountain ranges and beautiful outdoor scenery. Geographically, Inyo is the second largest county in California. Its population is 18,500 and it is 10,200 square miles. It borders on the northeast with Nevada and extends to the southeast of Death Valley, bordering San Bernardino and Kern Counties on the south and Mono County on the north. The county seat is Independence. As you can see from the slide, Independence on the star, at the top is Bishop. Two thirds of the population is in Bishop, not in Independence. Inyo County is the home to the highest peak in the continental USA. That is Mount Whitney. Inyo County has two judges. We have Presiding Judge Dean Stout and the second judge is Judge Brian Lamb, who is the APJ. This is a photo of the three of them with the executive officer Pamela Foster.

>> Inyo County has two courthouses, Bishop and Independence. The Bishop courthouse, where most of the population of the county is, is housed in a city facility. It is an old grammar school building. The name of the school is still on the building. It has only one courtroom. This is the one and only courtroom in Bishop. It is inadequate for the calendaring needs of this particular county. It is a challenge to meet the needs of the litigants with this one courtroom. Since they have only one courtroom, they have to have all of their trials in Independence, which is about 40 miles away south of Bishop. This creates a lot of inconvenience for the jurors, who mostly live in Bishop, and for the attorneys. There are no facilities in this Bishop facility or secure areas or for attorneys to meet with their clients. I want Santa Clara to see that Inyo also has a beautiful historic courthouse. This is an Independence courthouse. It is a neoclassical revival style building, which was built in 1921. It is listed in the National Register of Historic Places. The courthouse has two courtrooms on three floors. There is a third courtroom in a standalone facility that they lease in Independence. As I said before, all of the jury trials are held in this courthouse.

Also, the juvenile hall and the jail are in Independence. This historic building is very costly to repair. It is gorgeous but it is costly. The staff is not centralized over the three floors. They have a minimal security area. There are no elevators. It is not ADA compliant. The downstairs courtroom is all glass and has no entrance or exit for jurors or judges. There is a walk-through. You have to walk the inmates through the audience. There is no jury assembly room. There is no secure holding area and there is no area for the attorneys to interview the clients as in the Bishop facility. The court will be vacated soon. The standalone facility that they currently lease will also be. They are moving into modular units which are leased from Madera Superior Court. They will be placed adjacent to the county jail in Independence. They are currently finalizing the agreement with the county board of supervisors to preserve this beautiful building. It is anticipated that this arrangement with Madera to lease the modular units will result in savings to the court.

>> The issue is with calendaring, which is driven by the need to provide service in Independence as well as the limited number of attorneys who can practice in multiple areas. You have attorneys that are public defenders and do family law at the same time and they cannot be in two places at once. They often have to carefully calendar so that the attorney isn't scheduled in both courthouses at the same time.

>> In my opinion, both Bishop and Independence are overcrowded and the facilities are deficient and lack security. Given the beauty of this historical building, the court, on March 22, participated in the celebration of Inyo County's 150th anniversary. They did the celebration on the steps of the courthouse in Independence. There is hope. In 2022, they have plans to build a new courthouse. The Judicial Council designated Bishop as the site for the new SB 1407 bond-funded courthouse. The court is very excited about this new site acquisition. It will have two courtrooms and hopefully the funding will go through so that it will be completed as planned in 2022.

>> As far as the budget, in 2015 to 2016, the net reallocation WAFM adjustment was \$50,400. The projected ending fund balance decreased by 6%. That is 15.4% of the court's total expenditures. The impact of this budget cut has been that they lost 30% of all of their staff. Inyo is down 6 out of 21 of their staff. They had to cut their staff hours and they had to have a one-day closure. They also had to cut those services. They start answering their phones at 1 PM. The result of all this is that the morale is low among the staff.

>> Despite the work of these hard-working judges, they participate in a lot of community outreach. The judges frequently speak at schools and community groups. Judge Stout lectures at the junior AP U.S. history class and senior government classes at Bishop Union High School. They participate in the Chief's Keeping Kids in School and Out of Court program. They also recently participated in the Inyo-Mono Association for the Handicapped. As far as the staff, they have 15 members right now. There is one part-time collections clerk. Because of the small number of staff, they have to be cross-trained. Members of the staff have to be able to do several jobs and be proficient in them. They recently lost a lot of veteran staff. Out of their remaining 12 clerks, only 4 are veteran clerks and 3 were hired within the past months and have no prior court or any legal experience. They have a concern for recruitment and retention. They also have the

interpreter there only two days. They have to carefully calendar their cases so that those who need an interpreter are on the calendar for those two days. They have no family court service employees, no secretaries, and no legal research attorneys. That is why they are very grateful to the Judicial Council staff, especially for their Legal Services office, their human resources labor, the capital programs, and the assigned-to-judges program, which allows Judge Stout to come participate in Judicial Council and an assigned judge to assist with his calendar. They are also very grateful for the educational programs and CFCC. This concludes my report and a written report has been lodged with the council.

>> That concludes member liaison reports.

>> Thank you. These liaison reports are very important to us. They are always thoughtful and beyond that, they always get council important things to think about in the future as we work through some of our current challenges to know that there are others out there as described. The courts are still coming back from the Great Recession. We turn it over now to Judge Anderson for public comment.

>> This is the time in the agenda for the opportunity for members of the public to provide general comments on aspects of judicial administration. The Judicial Council welcomes public comment. The process enables members of the public to express their ideas and state their concerns on policy matters. There are two opportunities for public comment. The first involves general comments on issues relating to judicial administration. These are comments about matters not specifically on today's council agenda but are of general policy concern. The second involves comments on a particular item on the agenda which will be heard at the time we get to those specific parts of the agenda. Before we begin hearing from members of the public, I would like to highlight a few important features of the public comment process for those unfamiliar with the Judicial Council. The council is not an adjudicatory body. The council, unlike the court, does not make decisions in individual cases. 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 those individual cases. Please keep this in mind if you are presenting comments to today's council. We do have 12 speakers in the general public comment. What I will do is I will call a name. That person will step forward and stand at the podium. I will call a second name. The second person will go ahead and get in the ready position for your public comment. Each speaker this morning will have two minutes. I will give you a one-minute warning to let you know that you do have one minute and when your two minutes have concluded, I will call time. The first speaker that we have in the general comment section is Catherine Campbell. If you could please step forward to the podium. The second person who should be in the ready position is Judge Morris Jacobson.

>> Before we begin, I want to announce that Assembly Member Richard Bloom has joined us on the line. Thank you. Please proceed.

>> Catherine Campbell from Santa Clara County. Chief Justice and members of the council, I am here to report we have a consistent problem of partial [sic] justice that is being administered

in our family courts and I assure you I am a voice against this injustice and a call for change. We have heard, Let's Make America Great Again. America is already great. It is kind of like the glass is half full or the glass is half empty. I think you probably have heard this. It is not so much how much is in here, it is how long you have to hold it. The longer you hold it, the harder it is. We have children right now who are being sexually abused in our state and are giving full custody to the abuser. We had someone stand up and say this, America is great.

>> One minute.

>> Well. That was fast. America is great. We can decide if we're going to live with fear or hope. Right now, we need to look at what is happening in the courts and we need to say that fathers do not own their right of their children to have sex with them. That is not what we want in parenting. We are having more people in the youth courts because we are deciding not to look at those. We see that if there's a problem, airports [sic] make more money. Let's look at our wellness programs. Let's look at the First Five. It is actually helping. The First Five program actually does not say let our children be sexually abused. We need to stop this. The longer our children hold this, hold abuse and stand where they have no voice, our children are going to crumble and fall.

>> Judge Morrison, step forward. The next person in the ready position is Mr. Chad Fink.

>> Thank you. Thank you for giving me the opportunity to speak. I wish to speak for a brief moment about process. Recently, the Futures Commission recommended reallocation of judicial positions from two counties, Alameda and Santa Clara, to two of our most meager [sic] counties, Riverside and San Bernardino. Within a matter of days, PCLC met and voted to sponsor legislation. The matter is off. Despite both counties being local, neither were allowed to be in the room or were in the discussion. Let me stop and diverge for a moment. I am a career-long supporter of statewide judicial policy. I am a branch loyalist. I work hard in a number of different avenues for statewide issues for the good of everyone. I want us to be successful in all of our counties. I supported WAFM when I was on the council despite the fact that Alameda County was going to lose money.

>> One minute.

>> Now, as PJ in my county, my first priority is to our citizens, our court users, our lawyers, our justice partners, our employees and judges. By not allowing us to participate in having a meaningful opportunity to speak in the course of things, we felt cut off from the herd and it left us without the Judicial Council as a refuge or a place to seek help. We were forced to go outside the branch. We looked to our unions and our interpreters. We are very thankful for the help they gave us. We would prefer for our dissent to be heard in house. Process is important. How we make change matters. Once we were included in the process, we managed to work out crises that silenced most of our needs to object publicly. I have an ask. I'm about the commons. It is this. With the Trial Court Budget Advisory Committee in the future, for issues such as increasing and [indiscernible], transferring judgeships, the money that goes with it, there is 30 positions there. I propose [indiscernible]. Thank you.

>> The next speaker we have is Mr. Chad Fink. Behind him is Barbara Kauffman.

>> Good morning members of the council. It is nice to see you again. I want to follow up on Judge Jacobson's comments. I am here to talk about an item that was pulled from the agenda, which is increasing the WAFM share up to 100% over five more years. My concerns are similar to his. They have to do with process. I was heartened that it was pulled from the agenda. I would hope that given that we have two years of WAFM left, that any discussion about this would go through to the CEOs and would be fully vetted. I trust that that will be the case. I will say that getting out ahead of the curve and echoing the Chief's opening remarks about the branch in general, any model that introduces additional instability into the funding of the trial courts is a cause for concern. As is now, the fact that part of our funding is stable and part of it is based on this three-year rolling average, we can deal with that. It lets us know what is going down the pike. For all the CEOs who have to negotiate multiyear labor contracts, the more instability and uncertainty we insert into the funding, the harder that is going to be and the more chaos it will inject into the system. I look forward to lots of future discussions on this. I hope there will be a lot of robust discussion on this issue. I hope that the courts that are the most affected, which is to say the largest donors or the largest recipients, will have seats at the table on all those discussions. I love nothing more than reading giant spreadsheets; I look forward to lots more discussion about this. Thank you for the time.

>> The next speaker, Barbara Kauffman. Behind Barbara Kauffman, Joanne McReynolds.

>> Good morning. My name is Barbara Kauffman. I am a family attorney and court reform advocate. I practice in [indiscernible] Marin County since 1999. A report will be presented to you today about Marin County and the fact that its judicial officers ranked fourth worst in the state regarding judicial compliance with education requirements. That is not a surprise to anybody in Marin County because the judges there do not follow the law. In 2002, the Judicial Council had the National Center for State Courts conduct an operational review of the Marin superior court. With respect to records management, the team found that inaccuracy, obscurity, loss or untimely availability of court records seriously compromises the court's integrity and subverts the judicial process. Among other things, the team recommended that the court ensure that timely and accurate entries regarding proceedings, orders and decisions of the court are made in the registers of actions. That was 14 years ago. In 2014, I informed the Judicial Council the records were being backdated. I asked for help and was told to go to the Commission on Judicial Performance. I made a complaint two years ago that remains under investigation. Nothing has been done to correct faulty registers of action. I have asked two presiding judges and two court executive officers, including one former Judicial Council member, to correct those records, including issuing a notice of entry of order to correct a wrong register of action. The presiding judge admitted the register of actions was wrong. I cannot get a simple notice of entry of judgment. I want to know. You guys are in charge of judicial administration. The courts are not following the trial court's record manual. I want to know what you are going to do to make sure that they follow the law in your direction [sic]. They are not doing it. It has been years. You need to protect the public. I want my notice of entry judgment. I want to know in two weeks what you're going to do to make sure I get it. Thank you.

>> Thank you. The next speaker is Joanne McReynolds and behind her is Debra Pearson.

>> Thank you so much for giving me this opportunity to talk to you. I am Joanne McReynolds. I have two children. I am not allowed to talk to them and the only thing I have done wrong is relied on the justice system to do its part. The court system is failing our children all over the state of California. How I got here today is by the kindness of strangers. I drove two hours, my car broke down. I had a lady take care of me and give me water until the tow truck got there. I had my family make sure that I got a rental car so I could make it here. That is how I believe in humanity. I do not believe that the court system is doing their part. Twenty-five months ago in the Marin court, there was a complaint against the same judge that is denying me even phone access to my children. Like I said, I have done nothing wrong than to believe that the court system would prevail. It is not only failing me and my children but children all over the state because they are not keeping judges accountable.

>> Thank you. The next speaker we have is Ms. Debra Pearson followed by Ms. Rama Diop.

>> Good morning. My name is Debra Pearson. I am the president of the SEIU 1021 courts chapter in Alameda County. I am here to speak about WAFM and what it is doing to our courts. I just recently pulled some stats because I was asked for them. After our layoffs of 73 people in 2009, we had 260 legal processing clerks to help the public. Today, we have 167. Courtroom clerks, we had 223. Today, we have 99. I know that we talk about filings being decreased but we have to look at why. The budget the way was [indiscernible]. We have a lack in every service so therefore there is less reports being filed. We have a reduction in social services and probation in civil cases, people can't afford to go if they are just a regular person because they may not be able to afford the court reporter. If they have electronic court reporting, they are not able to get a clear enough reading to have it go to appeals. When we look in the loss of filings, we need to make sure we are looking at that. Also, when we are looking at budgeting, are we putting in the context cases in different counties? My understanding is that it is not always true when looking at budgeting. It certainly takes a lot more for a court to put on a complex case than it does a regular case. Alameda County has been hit very hard and we are a donor court. Our staff are not being able to keep up with the everyday living expenses that are coming toward everybody because we are not getting to equalize that. Thank you.

>> Our next speaker is Rama Diop. On deck is Ralph Kanz.

>> Good morning. In 2014, my attorney prompted [indiscernible] a Judicial Council telling them that the court people are being outed. Two thirds, the presiding judge admitted the register of actions was wrong. We have our two presiding judges and two court executive officers with a notice of entry of judgment. They ignored the request. Because of this, I am stuck in a courtroom with a hostile judge who can retaliate, decimate and take legal custody. Today, I was supposed to have my vacation time with my son. My ex decided he will not show up in town because he can. We have no fair forum. We are stuck in one courtroom. What are you going to do about this? I am not in a country where we have no rights. This judge ought to be gone a long time ago. Her husband used to represent my ex. We have a one-man show. She won't listen to my request as long as I complain about her being in the case. We are yet again in another situation where a



good lawyer and my ex knows the judge and her lawyer knows the judge. It is like a good lawyer, a great litigant has to know the judge to have a fair forum and have everything they want. Thank you and I really want you to do something and do it now. Time is of the essence. Delayed justice is denied justice. I have been denied justice for the past 10 years. Thank you very much.

>> Thank you. Our next speaker is Ralph Kanz followed by Cherie Safapou.

>> Good morning Chief Justice and members of the commission. I want to address the issue here of self-represented litigants. You have committees and groups that discuss that issue but what I find most disturbing about that process is there is no self-represented litigants on those committees or those groups that are discussing the impacts of the judicial system to self-represented litigants. Without that perspective, I don't know how you expect to do the right thing in these matters. Until you do that, you really don't, you're not doing what you need to do in terms of getting the input you need to get the right result. These self-represented litigants do not get treated correctly. They don't get treated according to law or anything. It is time for that to change. The other thing I would like to comment on is in the previous meetings, we have had three minutes to speak. Now, all of a sudden it is two. Will that keep going down? That reduces the public's access and input into your system. I think you should think about keeping it at three minutes. I realize you might get a lot of speakers at some point in time but until it is extremely burdensome, I would suggest you leave it at three minutes. Thank you.

>> Thank you. The next speaker, Cherie Safapou. The next person after her is Kimberly Rosenberger.

>> Good morning. My name is Cherie Safapou. What I'm going to say is please forgive me. If you are a good judge and a good defendant of justice, you are not included in that but some of you are. I would like to thank CJE, mothers of lost children and other entities. I applaud to some belief [indiscernible] man and woman for standing tall and fighting the injustice to put the voice of our innocent and [indiscernible] children as my son said. I have [indiscernible]. I would like to tell you, as you revolve, you will make a lot of people uncomfortable. Especially those organized criminals. Those judges who are [indiscernible]. They follow the money. I would like to tell you, we should not be worried about the [indiscernible]. I call this organized criminal. You guys are good. Chief Justice, did you find the \$30 million missing? I believe, now I don't have enough time. Let me tell you the last one. I don't know where it is. You guys make me so nervous and sick into my stomach. Believe we need, I have to finish this [indiscernible]. I believe we need to check them for mental issues or Alzheimer's or heart conditions because they are irrational, forget things and can be heartless. We can educate ignorance, we can [indiscernible] but there is no cure for psychopath. In a court of law, those psychopaths contaminate our court of law. I hold all of you accountable. Follow the money.

>> Kimberly Rosenberger. She will be followed by Gwen Summerville.

>> My issue is also regarding WAFM implementation, which has been removed, but I am going to start with my conclusion, because I think it is still pertinent to this meeting. My name is Kimberly Rosenberger. I am here on behalf of the civil employees. We work with members of donor and recipient courts. The WAFM implementation model is difficult for us. We invite the

Judicial Council and branch leadership to work with us to obtain equalization funding. We need to bring all the courts to appropriate levels of funding rather than take from one underfunded court to give to another. If there is no new money appropriated for trial court operations, continued implementation of the WAFM model will only be detrimental to the courts. Donor courts are already struggling to provide services and until additional funding is received, we ask that you continue the hybrid of the historical-based allocation funding along with the WAFM model funding. As we heard from the justice from Santa Clara, donor courts are barely able to stay afloat. Pushing forward with the Justice Liu implementation model without dollars necessary to properly fund the trial courts will only increase instability. The mounting pressure is also the recipient courts. The assembly incentive budget measure present [indiscernible] donor courts as well as the chairs of the budget subcommittees. When they are losing more dollars in their courts, they will look toward the recipient courts and ask where those dollars are going. Courts that haven't opened the smaller remote courts or rehired staff are going to have to prove up where those dollars are going, and we think that it will only increase the trust between the Legislature and the Judicial Council. We want to work together with you to make sure the recipient courts are using their money the best way possible and also get funding for the donor courts. Once again, I will ask that you delay implementation of the WAFM model and continue using the hybrid that you're using currently, and that you work with us. We are really in the same position you are to get funding for these courts. We want to work with you and find the best solution and work to get money through the Legislature. Thank you.

>>Thank you.

>> My name is Dr. Gwen Somerville. I am a board-certified psychiatrist and a mother of a sweet 10-year-old. The corruption of the Marin family court has cost me precious time with my son and caused undue stress affecting my vocation and mental health. I have not seen my 10-year-old for one year. I personally witnessed a judge with severe bias prevalently greeting one party with big smiles and ignoring and scowling at another. Mocking behaviors such as rolling eyes when discussing the domestic violence, or serious concerns about parenting, mythologizing and labeling. Hostile and threatening behaviors. I would recommend trial because it can be very expensive. Mocking, hostile behavior regarding possible mental health challenges such as postpartum depression, outrightly dismissing recommendations from the mediator with no basis and, when asked, said she could do what she wants to do. Ms. Wood clearly did not read evidence that was submitted and was often unaware of serious situations, such as injuries and many other obvious [indiscernible], that she was not reading the records and made up her mind. She responds to questions with denigrating and personal attacks. When brought up something from a previous appearance, she said she cannot be held accountable for something brought up that she said prior. I am a board-certified psychiatrist and professional. It is my opinion that the family court of Marin creates an environment of chaos and unpredictability and tremendous and undue stress that costs the safety of Marin's children and their parents. I've been aware of several cases and it is apparent she displays a consistent abuse of power. I request an investigation into her cases. Thank you.

>> Kathleen Russell.

>> Good morning members of the council. As you know, the Center for Judicial Excellence, which is based in Marin County, is celebrating 10 years of championing children's rights. We have worked tirelessly to promote transparency across the court system. This includes our current work to increase transparency in California's Commission on Judicial Performance. Since a core part of our mission is to strengthen and maintain the integrity of the judicial branch, I know that we have been at every one of your meetings for the last year and a half and we have told you our concerns about the courts system and we are often at odds with you, but we are very happy this time that the branch is partnering on a joint request to audit the California Commission on Judicial Performance which Sen. Hannah-Beth Jackson negotiated with another member of the Assembly that we have been working with.

>> One minute.

>> The CJP was established by constitutional amendment in 1960. Its mandate, as stated by the amendment's authors, Sens. Edward J. Regan and Joseph Rattigan, is to protect the public against incompetency, misconduct or nonperformance of duty on the bench. The CJP has publicly disciplined 65 judges out of 11,097 complaints in the past 10 years. In its own report, it admits to less than 2% of public complaints resulting in any sort of judicial discipline. Clearly, this is a diversion from the original intent of the CJP. As Judge Damon Keith of the Sixth Circuit Court of Appeals said: When government begins closing its doors, it selectively controls information rightfully belonging to the people. Selective information is misinformation. The CJP is the kind of secret government that Judge Keith condemned and we look forward to auditing it with the branch.

>> That concludes the public comment.

>> Thank you, Judge Anderson.

>> We are going to move to our consent agenda. There are five items on the agenda. They include two reports mandated by the Legislature. One is on the California Community Corrections Performance Incentives Act and the other is on cash flow loans made to trial courts, recommended allocations for substance abuse focus grants, a technical amendment to a rule of court based on a recent Supreme Court of California case involving the Indian Child Welfare Act, and a judicial branch report on executed contracts and vendor payments. A word about the consent agenda. I want to thank all of the advisory committees that worked so diligently to place something on the consent agenda. There is a lot of work behind vetting and ensuring that these proposals meet the needs that are stated. Many meetings occur, and simply because they are on the consent agenda does not mean any less work went into them. Likely, more work. They are not controversial by the time they reach us. As you know, council members are permitted to remove with 24 hours' notice items from the consent agenda and move into the discussion agenda. That has not happened here. Before I move the agenda, I will say for myself and invite Justice Chin as well. The Indian Child Welfare Act is the technical amendment being made to a rule of court on the basis of a recent opinion. I recuse myself from that, though.

>> I do as well.

>> Judge Buckley and a second by Judge McCabe. All in favor say aye.

>> Judge Back has joined the meeting. I also say aye.

>> Abstentions?

>> I abstain.

>> Justice Chin abstains at least on the one we previously communicated. That takes care of our consent agenda. Now we take care of the free discussion agenda items beginning with the juvenile dependency court-appointed dependency counsel workload and the funding methodology. This is an action item, as you all know, and I invite the presenter to the table and ask each one to introduce himself or herself. Thank you.

>> There are two public agenda speakers on this item and I invite you to the podium and please state your name. You have two minutes.

>> The first speaker is Mr. John Lawrence. You have two minutes.

>> Thank you. My name is John Lawrence and I want to thank everybody for allowing me to be present, including our Presiding Judge William Davis under CEO Mary Frances McHugh. I just want to say that the workload methodology that was developed is kind of like coming up with one shoe for the population and, quite frankly, this issue doesn't fit. This is in the small counties. The budget reductions that we face, and I am from Siskiyou County, the fourth-largest geographic county in the state with a population of around 50,000 people. We have 160 kids in our dependency system. The current reduction that is being looked at is going from \$245,000, our current last year fiscal budget, that we are requesting it to go to \$195,000, ultimately down to \$145,000, just to give you the number on that. Our caseload has been fairly consistent for the past few years and it is projected to continue to be consistent. If we are reduced to \$145,000, for 160 kids, that means there is \$906 per year per child for legal representation, which is for the whole family. If we divide that into a monthly budget, that means there are about \$75 per child to be divided between mother's counsel, father's counsel, and minor's counsel for one month of representation. I was fortunate enough to give the ethical presentation on the bench into December to December of [indiscernible] were discussed ethical obligations for counsel for parents and children in dependency. With the funding model like that in our county, I personally, and I know some of my colleagues, would have to refuse to accept the appointments because we would not be able to fulfill our ethical obligation because we just can't do it. The basis for good outcomes in dependency cases is a foundation of the attorney-client relationship with the parent and the child. That relationship is built on trust, and the only way that you can grow that relationship is with time and with commitment to working with those people who many times are mentally ill, drug addicted, impoverished, the laundry list goes on and on and on and you're typically there at a detention hearing to say there is a parent who just lost their kids and they are coming down from that and they have been beaten by their spouse and what are we going to do. So with the new model I guess we can, instead of having cases on Monday and Friday, and the state does detention hearing five days a week, we can have cordoned to Mondays and Fridays. I ask you seriously to not reduce this year and encourage experienced counsel to participate in

decision-making that can make recommendations based on experience and what happens today in working with parents and children. Children are the most vulnerable segment of society. Thank you.

>> Your next speaker is Leslie Heimov.

>> Thank you. While I agree with the sentiment of the previous speaker's comments, I would like to comment on one point of that and address the agenda item before you as well. I would just note for the council, those of you who have been following this issue for some time do know that experienced dependency counsel -- court judges have been deeply involved in all the recommendations that have been brought to you for the past 2 to 3 years now. It has not been an easy process for any of us and we all share the same goals. However, the recommendation that comes to you today is made in consideration of the needs of the entire state, all 70,000 children or so, that come before the dependency courts in our state every year. I personally, and the organization is responsible for close to 35,000 of those children, and we have been operating for 15 to 20 years, hovering around \$600 per child. The changes that are being made make it difficult for some but very long overdue for many, many others, and I would ask you to follow the recommendations that are brought before you today. We need to be able to move forward. Without you taking action today, we don't get our contracts. Without our contracts, we don't get our funding. We have expenses to pay and payroll to meet. We have bills to pay, and rent. There are many things that go into running the business of representing parents and children. We can't function in a responsible way with the limited dollars that we have when we can't plan. There are issues that we saw in April and we need to rely on them with the small adjustments that were made today that were brought to you that today, which are solid and which we support, although they will actually reduce our specific funding so we understand the overall goal, in that it is valid and well thought-out recommendations that should be supported within the bigger picture of moving forward on the relocation plan. Thank you.

>> Thank you. That concludes the public agenda.

>> I ask the presenters to introduce themselves and proceed.

>> Good morning. My name is Jon Conklin and I am the chair of the Trial Court Budget Advisory Committee and with me today is Mr. Colin Simpson and Mr. Don Will. We are here to address the recommendations from the advisory committee on your agenda. I think they are all clearly set forth and I will keep my comments relatively brief. I will allow for questions and, frankly, because I think these are all well documented. The first item is the dependency item that was just for the subject of public comment for the two speakers. I reminded councilmembers that this was last before you at the last session. After the matter remained on agenda, it was tabled and we were given a clear direction and advisory committee to step back and to provide further information to this council concerning the funding methodology related to dependency. I will tell you that that conversation started at 4:30 p.m. Friday afternoon after your meeting as I was driving back to Fresno, and these two gentlemen were in their offices for hours that evening doing the lion's share of the work on this, as they have for the past four weeks. While it may not be appropriate to comment on the hard work that was put in, it was because of this work that this

agenda item is here today. I won't go into the numbers, but simply what we have done is we continue to recommend that the funding allocation method that was previously approved march forward with a modification. To oversimplify, what that modification does for the one fiscal year of 2016 in 2017 is looks to the courts that were originally donating to use receiving money and a step back and to a slight reduction in percentage of that money they were receiving. It is reduced somewhat to give to the small courts that were at most need, and address the one-year interim period, the critical shortfall that they are suffering. That is what our goal was and what I believe we have accomplished with the four recommendations as you see set forth in the report. I will turn to them to set forth the numbers for you.

>> Thank you, Judge Conklin. I think the general change between the report that was tabled and this report is a slight change in defining what would be a small court, and a small court that would not be subject to the scheduled relocation in 2016 and 2017. That definition, after a lot of feedback from members, we defined it as all of the WAFM cluster 1 courts as well as those cluster 2 courts with a foster care caseload that was lower than the caseload of the highest cluster 1 court. That is set out in Attachments C, D, E and F. Beyond that the recommendations more or less follow the recommendations in the tabled report except that now some of the funding that would not be reallocated is \$406,000; it's less than half a million and the sum set aside to provide a reserve for a caseload spike to the small courts is raised to \$200,000 and I think we would be happy to answer any questions about the data and the tables or the process.

>> Thank you. Judge Stout?

>> Thank you. I want to express my appreciation to Judge Conklin and the advisory committee. It's been a laborious process for everyone and I really think under the circumstances they have done a tremendous job. And a lot of credit goes to Don and Colin and staff because it's really been just outstanding and I also see [indiscernible]'s hand, if I am guessing right, in this recommendation and somebody I turned to for explanation and understanding. This is sometimes and his methodology issues and express my appreciation there and also to the 26 courts, I believe, if I have the number right, that wrote and stressed the importance of this issue and writing to the council and along with additional traffic court judges. And we also heard from Judge Jacobson and Judge Barton from large courts as to the importance of this issue statewide, and again I appreciate their active involvement in this process. I think the recommendation here is as close to a win-win situation as we can get under the circumstances, and it provides the time that I think is necessary for us to get it right and to develop appropriate solutions, and I say that in the plural. Adjustments to the methodology in a small and rural court anomaly that arises in these formulas. I think that as Mr. Will mentioned, this recommendation provides more funds to be reallocated in the proposal before the council that was in June. The cost of the temporary suspension or freezing, if you will, for the courts is reduced from roughly \$882,000 to about \$406,000, if my numbers are right. It keeps the small courts afloat, and I think it provides a reasonable method for non-frozen but effective courts to obtain necessary funds from the increased reserve based on caseload fluctuations. As an aside, I respect recommendation 1, the small court pilot projects, I certainly endorsed that. Frankly, I would encourage all of our courts to look for opportunities to be innovative and creative here to decrease costs in this area, but of

course without compromising the quality of representation for our vulnerable children and families. I would respectfully move the adoption of the four recommendations on page 2 of the July 18 report, and as further detailed in that report, that would include seeking an expenditure authority for the \$100,000 in court-appointed dependency counsel from last year. With respect to recommendation 4, I would suggest to keep this process moving along. With respect to the formation of the small court working group, if you will, that that matter be referred to Executive and Planning Committee since Justice Miller isn't here, it seems like a good referral.

>> [Laughter].

>> Four recommendations to the Chief Justice, for constituency, if you will, for that working group, I do hope that it's diverse and does include, of course, members of the bar providing these types of legal services to our children and families. I would stress, as we said here, one size doesn't fit all. That is true, obviously, within the small and rural courts, not just between the large and small courts. With WAFM I think we ended up with two or three different minimum flooring levels. I think it is kind of an example of the flexibility that is needed here and I hope the marching orders to the small court working group, if you will, are broad and flexible. That they can approach the solutions here from a need-based perspective. I think drawing from the recommendations in the June 15 report, those recommendations, 1A and 1B, are very sound and provide flexibility and take a look at the minimum level of funding that would be needed for such courts to ensure the small courts can provide qualified attorneys, as well as investigating and considering modifications to the attorney workload model to reflect additional costs incurred in small courts. And coupling that of course and considering the effectiveness and efficiency so small court pilot projects that may emerge here, and particularly those that can be replicated. So finally, what I would suggest with respect to the recommendations, is that really recommendation 4 needs to come first and then we go to recommendation 3. There needs to be the flexibility to come up with different proposed recommendations and solutions from the working group and going back to the committee. As noted in recommendation 4, the Trial Court Budget Advisory Committee and the Family and Juvenile Law Advisory Committee had already been tasked back in April, I believe, of this year, to consider comprehensive updates of the attorney workload data and time standards in the current workload model. I think it is inherent in the recommendation that that assignment to those two advisory committees continue in full force and effect, and we obviously need to get the numbers right. I think it has been mentioned, every dollar is important here to these children and families, and what we are really talking about in this freeze, relatively speaking, is a very small amount of money, but it can avoid, in some cases, a rather [indiscernible] and effect in the small courts. Again, I thank everyone here for their support in this process and I would make one final comment. As laborious as this has been, what we may learn from this is that we come back to revisit allocations, for example, in AB 1058 or WAFM issues that we need to recognize the anomalies on a work caseload or workload basis that arise when we are talking about small and rural courts. And in the future we can be ahead of the curve, so to speak, on these issues. Again, thank you.

>> Thank you. I understand that you have made a motion to move the four recommendations but, as the item 4 recommended an amendment to that recommendation, and as I understood it

[indiscernible], then on the second line, the recommendation 4, I would insert [indiscernible] and it would continue with [indiscernible].

>> Yes. My intention was that the issue of the formation of that working group be referred to E&P for recommendations to you, Chief, for appointment.

>> And I think that's inherent in the [indiscernible] because it would include a referral for both of those committees that are named, so wanted to make sure I had that in the [indiscernible].

>> Thank you. And I will second the motion along with the amendment. I think that is appropriate and clarity is always a good thing. Recommendation 2, even though this works a little bit against my home court from a statewide perspective, I think this is an appropriate movement forward to take and carve out some monies for particularly these small courts that would be severely impacted, and if you look at some of them in isolation, I think Plumas was going to lose like \$10,000. While \$10,000 for a lot of courts is not much, but for them it would effectively wipe out their ability to handle those cases on a staffing level. So I think this is very appropriate. I will note that there was lively discussion at the Trial Court Budget Advisory Committee, and we all recognize that there are competing interests of those that have and those that want. I think the end result by TCBAC was appropriate and it recognized the competing needs and the need to take a look at this. I think even though we set the [indiscernible] for a report in six months and a resolution thereafter, a year from now, I think their intent was to get this done between six and eight months. There was optimism in the room that they could adequately address these anomalies and figure out what was truly needed for the small courts and that this could be done within a six-month period if not six or eight months. So it's not going to be something that's going to be belabored and we are taking a pause and the pause will be over a year period. However, before that year is even halfway through, the committee is confident that they will be able to have a resolution for those courts. I would urge the council to adopt the recommendation before you that I think was crafted with alternative interests in mind.

>> After Judge Buckley we will hear from Assembly Member Bloom on the phone.

>> Thank you. I also urge that the council to approve this. I do want either to have to submit a friendly amendment or clarify, the Chief also laid out that we will have the E&P create this small group of courts to provide the support.

>> They will come up with names for me to name for this group of small courts.

>> Better said. As always. [Laughter].

>> Just saying, that's all.

>> To clarify, it says the input would be to either or both TCBAC and Family and Juvenile Law Advisory Committee. What I would suggest is because we are dealing specifically with funding methodology, that the input be solely to TCBAC. If in fact the Family and Juvenile Law Advisory Committee wants to provide its own input to TCBAC as to the methodology, I think that works well, but since we are talking specifically about funding methodology, it should all be



final to TCBAC. If that can be a friendly amendment, that we delete the reference to either/both that talk to the advisory committee, period.

>> To quote Judge McKay, that provides some clarity and I am fine with that.

>> I would accept that as the second to that motion as well.

>> Judge Buckley, let me make sure, forming a group of small courts for CJ appointment to provide input to the Trial Court Budget Advisory Committee with input from? Is that what you are saying?

>> I just had a period.

>> Period. And then strike “and Family and Juvenile Law Advisory Committee.”

>> Correct. And nothing would prevent that committee to provide input.

>> That clarifies it. Judge Buckley, are you finished?

>> Yes I am.

>> Member Bloom?

>> Thank you and good morning, and thank you for taking me a little bit out of order. Unfortunately, I need to head off to a meeting. I just wanted to quickly chime in and support the recommendation that has been made here this morning on this issue and certainly incorporating Judge Buckley’s suggested language as well. This is an issue that has been percolating for quite some time and we have agencies that are counting on this funding and have already set their budgets for the upcoming year. So it is important that we move forward and grateful that it sounds like there is a consensus. I will leave it at that and thank you very much for giving me some time.

>> Thank you. So motion is on the floor and has been seconded and you have heard it as amended. I don’t see any other hands. All in favor say aye.

>> Are there any abstentions? Matter carries unanimously. I know Judge Conklin and I know on behalf of all of us here thank you. Thank you all. I want to include in that Mr. Simpson. Thank you for your work and expedient work knowing that we had concerns but also that business needs to be conducted on behalf of children and they can’t wait. Thank you for your hard work at this starting. It is greatly appreciated.

>> I do want to say that Judge Borack was instrumental in supporting this and she was aware of the proposal that this filtered through TCBAC in support of that as well.

>> Thank you. I know that Judge Borack has been deeply involved in this as well.

>> Our next item is Trial Court Allocations: Funding for General Court Operations and Specific Costs in Fiscal Year 2016-2017. And I invite presenters to introduce themselves.

>> I am Jon Conklin.

>> Patrick Ballard, Finance.

>> Colin Simpson, Finance.

>> I will turn the numbers over. I admit that I was anything but a numbers person and my question -- I am enjoying his budget issues concerning the numbers themselves. I was heartened to receive messages from more than a few councilmembers also agreeing that the numbers at times become very confusing, and thanks for these two gentlemen setting for these numbers. I think you'll get a clear picture today of the fund and the recommended allocations. I don't mean to detract from the importance of this. You will see they are described in the PowerPoint as pro forma, except perhaps the last matter, while itself is not particularly controversial, deals with a method of funding. So I will stop now and turn it over to them to set forth the numbers for you. At the conclusion of that, or during, I will take questions as they come.

>> Thank you.

>> Good morning. Before you are the recommended trial court allocations and funding for general court operations in specific costs for fiscal year 2016 and 2017. These are the recommendations from the committee. As you are I am sure already aware, the role of the Judicial Council is that they have the statutory authority to allocate that from the trust fund. In fact, a statute requires the Judicial Council to set elementary allocations in July. The Trial Court Budget Advisory Committee has provided a recommendation for allocations from the TCTF and this includes some general fund monies for the operations in certain specific trial court costs. The budget advisory committee met on July 27 and all of the recommendations you see before you here today were reviewed and approved unanimously by TCBAC, except for recommendation 6, which relates to the 1% from the reduction, and courts had until July 15 to report the preliminary information. Unfortunately that information was not available for the TCBAC to review at that time. Four of the eight recommendations reflect allocations of new funding provided by the 2016 Budget Act, and those are 2 and 3 and 4 and 8, which we will go into in detail shortly. By the way, as it relates to the new funding, those numbers are related to benefits funding and security court-provided funding, the general court operations funding that's allocated through WAFM. Seven of the eight recommendations could be considered pro forma, as they are reflecting allocations either approved previously by the council or reflect Judicial Council-approved methodologies, and those would include recommendation 1, which is the base allocation, recommendation 3, which relates to security, and number 4, which relates to WAFM, and number 5, which relates to WAFM, and number 6, which is the 1% fund balance reduction, and also they reflect allocations based on confirmed rates funded in the 2016 Budget Act. Those recommendations 2A and 2B relate to benefits funding and security fund. Also they reflect allocations calculated according to methodologies used by the Judicial Council in prior years and that would be recommendation 7, which relates to criminal justice realignment allocations. For recommendation 8, in regards to new Prop. 47 funding with a proposed change in methodology, but it does actually reflect the methodology that was used in the second half of fiscal year 2015-2016 and the allocation of funding. For the fiscal status of the TCTF, I want to note that it is part of the handouts, so we actually tried to update the handouts. One of the handouts with Attachment B, which is the updated Trial Court Trust Fund -- Fund Condition Statement. Based

on that, it states that the TCTF is projected to have a year-end fund balance of \$40.2 million, of which approximately \$15.6 million would be unrestricted and \$25 million of that would be restricted as it relates to \$10 million worth of emergency needs reserved and court interpreter funding and savings from prior years that has not been allocated in future years. This is as well as various other smaller monies set aside, such as unspent equal access revenue and funds. You can see on Attachment B you actually see these are projected on rows 35 and 46. I also wanted to quickly explain that the difference between the previous fund condition statement and the current one, because there is a significant difference, is primarily this is due to a difference of about \$6 million between the May revise shortfall that was funded by the Department of Finance and the year-end estimated shortfall. So our actual and shortfall was less than the May revise. This is basically due to our projections related to criminal revenue, which were impacted by amnesty. That one point during the year, the impact seemed to be more severe, but it recovered by roughly \$6 million at the end of the year and that mostly relates to court operations assessment. I also wanted it noted that it also changed because of the 1% fund balance reduction. Because of that we don't have information, but now that we do have it, that reduction actually flows to the Trial Court Trust Fund, which actually, even though the total amount provided is \$9.4 million, it is actually a net of \$2.2 million because \$7.2 million of that amount has already been approved by the council as funds that are held on behalf of the trial courts. And that would be distributed back to the courts. That right there, \$8.2 million, explains a significant part of why that fund balance has changed. I also wanted to note that this does take into account the up to \$75 million back [indiscernible] and you can see that amount is displayed in [indiscernible] of the updated attachment. We also want to note that as it relates to the operating [indiscernible]. If you actually look at row 48 of column G you will see what looks like a net surplus but however there are some one-time savings. One of them is the \$10 million general fund transfer that was provided for the emergency needs reserve and that is not actually been spent. That actually improves the condition. So the actual operating deficit, once you remove the one-time savings of that \$10 million plus \$4 million and other one-time savings including the 1% fund balance reduction, it is \$79 million.

>> I will go for recommendations 4 through 8 [indiscernible] after. Recommendation 1 is the base allocation and this is to approve the 2016-2017 beginning base for court operations of \$1.773 billion. This carries for the ending 2015-2016 Trial Court Trust Fund base allocation and as the General Fund benefits base allocation and adjustments to annualized partial year allocations in 2015-2016. This is on page 4 of the report, and the allocation tables are in Attachment E. Recommendation 2 is benefits funding and this is new funding and it allocates each portion of those courts' share of \$27 million in new and 2015 Budget Act funding for non-interpreter employee benefits cost changes from the Trial Court Trust Fund as follows: \$8.4 million for each court's share of the 2015-2016 cost changes and \$7 million for the unfunded for benefit cost increases, in addition to the \$13.3 million. This is provided in the 2015 Budget Act totaling \$20.3 million. This is included in pages 5 through 7 of the report and Attachment F have the allocation information for recommendation 2A and Attachment G has the allocation for recommendation 2B. I'd like to mention that there was also \$603,000 for court interpreters that was in the 2016 Budget Act that was added to the trial court interpreters program appropriation. Recommendation 3 is again, this is new funding and this is to allocate a total of \$754,000 court

security costs from the TCTF as follows: It's allocating the amount of \$412,000 based on the Judicial Council-approved methodology that courts with court-provided security based on the lesser of the growth funding percentage that the county sheriff received or the percentage of the GF increase to the trial courts. Recommendation 3B is to allocate the amount of \$343,000 included in the 2016 Budget Act to address the increased costs for marshals and to courts. This information is in the report on pages 8 through 9 and the allocation table is Attachment H.

>> We will go off to recommendation 4, WAFM adjustments: Allocate each court's share of a net allocation increase of \$19.6 million from the TCTF using 2016-2017 WAFM consisting of a reallocation of 40% and an additional \$233.8 million of court historical WAFM-related base allocation and reallocation of \$214.2 million in new funding provided for general court operations and allocation of \$19.6 million in new funding provided in the 2016-2017 general court operations. This is in pages 9 through 11 of the report, and the information for the WAFM is in Attachment I and the reallocation table is in Attachment K.

>> The funding for recommendation 5 is to allocate each court's share of the 2016-2017 WAFM floor allocation adjustment that includes allocations for six courts receiving a total of \$400,000: \$562,000 and floor adjustments and all other courts are allocated and a reduction totaling \$400,000, \$562,000 for a net zero total allocation. That is on pages 11 through 12 in the report, and the floor adjustment is included in Attachment E.

>> Recommendation 6, this is the 1% fund balance reduction. This is to approve a preliminary one-time allocation reduction of \$10.3 million and, as the slide says \$10.3 million, but your handout, there is a handout, Attachment P, this shows the reduction would be \$9.4 million. We had several late courts submitting information. So this would be to approve a recommendation to approve a reduction of \$9.4 million that 20 courts are projecting the portion of their 2015-2016 ending fund balance that is subject to the 1% fund balance to exceed that by \$10.3 million, as required by statute.

>> Recommendation 7 is criminal realignment costs. This is to approve a one-time allocation of \$9.2 million for criminal justice realignment costs from the TCTF based on the most current community supervision and parole workload data submitted to the Judicial Council audit services office pursuant to Penal Code section 13155. This would be each court's percentage of the statewide number of petitions filed in court motions made to revoke or modify post-release community supervision and parole. This is in pages 13 through 14 in the report and the allocation table is in Attachment R. Recommendation 8 is the Prop. 47 workload, and this is new funding for \$21.4 million. This will be allocated in two pieces, and one would be to allocate 50% based on each court's share of statewide petitions for resentencing and reclassification from October 1, 2015, to March 31, 2016, with funding distributed in August 2016 and the second distribution, the second 50%, would be \$10.7 million allocated in the same methodology, but it would be more recent time period and that would be allocated in January, and that is in pages 14 through 15 in the report and the allocation table is Attachment S.

>> Questions?

>> Judge Chin. The only paragraph that was not unanimous by the committee was number 6?

>> It wasn't considered by the advisory committee because at that time we didn't have the numbers to consider.

>> The difference between paragraph 6 and \$10.3 million and \$9.4 million was three counties were late?

>> Yes, in submitting their requests concerning those funds. Yes. Perhaps more than three but understandably so, given the fluid nature of the information.

>> Just to speak to that very quickly, it is the middle of year-end closing for the court so this is a difficult time for them to assess preliminary information, so that is why it was difficult to report on time.

>> Judge Stout?

>> I support the recommendations largely because I believe the committee and the staff have done their job here and done it well. They apply the methodology used and formulas as they exist and I have confidence that they got the numbers right and like Judge Conklin, I am one of those people who went for math [sic], I went to law school. But what struck me in reviewing this report, and really my point here is to encourage revisiting WAFM and some of the original parking lot issues that may have not been fully addressed, and the application of Bureau of Labor Statistics factors still looms large in some of these small courts and there's other issues. You know, this theme of looking at WAFM came up from various speakers today in different contexts, and I think it is important that we do that appropriately and not necessarily wait until 2017 or 2018 to embark on that process. I know some small courts have particularly identified recommendations for how the formula applies to new money. It's, in a sense, I think, unfortunate but understandable under the methodology that the influx of new money into the branch triggers not just a donor court from not participating in that money, the new money. That would be fine, but it triggers additional reductions to the budget. An example here, and I may be off again, and you can correct me, it appears that, for example, Inyo would get \$60,000 of new money and a negligible amount of money but to us a lot of money. But in essence we are paying out some \$36,000 when the WAFM is applied, triggering the adjustments and the receipt of the new money, the \$19.6 million. Again, I think that is what the rule is and it's being applied properly and that is fine. In reality, where it comes out, we don't get the benefit of the money for staff benefits. It just so happens it's the equivalent net result in our particular case. If, for example, that money for staff benefit increases was applied to the flooring level, then we would realize that specialized money and have that financial benefit. But as it plays out, we ended up being status quo in 2015-2016 going into 2016-2017. Again, I am highlighting one little issue and concern. I am sure there are others and I again support the recommendations, but I want to encourage the Trial Court Budget Advisory Committee and the council to look at them and revisit WAFM and areas where issues have been raised, and sooner rather than later.

>> Thank you. So you move items 1 through 8 I understand, and number 6 has been amended, the first \$10.3 million is at \$9.4 million.

>> Yes.

>> Any further discussion or questions or observations or a second?

>> Second by Judge Buckley.

>> I see no hands raised. All in favor of the motion, please say WAFM 3.

>> [Group responded]. Matter carries unanimously. Thank you for what was clearly detailed and hard work. Thank you.

>> Moving on to the third item. I would also like to thank the members, and every member of the committee was more than active in these decisions, which led to fruitful and unanimous discussion, and now moving to number three, which is to address the 1% that this council has addressed in the past and this is essentially those courts that are asking that the Trial Court Trust Fund hold funds for them in excess of the 1% that they are allotted in excess of the budgeted amount that you have previously approved, 13 requests from 11 courts, I believe at the last meeting. This additional across from [indiscernible] and [indiscernible] has details for those of you with any questions. They have been reviewed by the subcommittee at TCBAC to move on to counsel.

>> Thank you.

>> Questions?

>> I don't see any hands raised. I know that items number 1 and number 2 are with the recommendation self-explanatory.

>> I would move to accept both recommendations.

>> Judge Buckley moves and Judge Stout second. I see no hands raised objections. All in favor of recommendations numbers 1 and 2, please say WAFM 3. Any abstentions?

>> [Group responded]. Again thank you for your work and making it simple for us to review these matters.

>> We conclude today's meeting, as unfortunately we often do, with a brief remembrance of our judicial colleagues who have recently passed away: Hon. Richard A. Haugner (Ret.), Alameda County Superior Court; Hon. William P. Kennedy (Ret.), Los Angeles Superior Court; and Hon. John P. Zylka (Ret.), Los Angeles County Superior Court. All were retired from the bench and we honor them for their service to their courts and to the cause of justice. Our next regularly scheduled business meeting of our council is August 25 and 26, approximately one month from now. The meeting is now adjourned. Thank you.

[Event concluded]