

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

>>> Please stand by for realtime transcript.

>> Good morning this is the public business meeting at the judicial council of California for Friday, October 28, 2016. This is the second day of our two day meeting we're now in session. We money to adjourn later this afternoon by 12. I believe councilmember Judge Gary Nadler is also joining us by phone. Are you there Judge Nadler?

>> I am thank you very much.

>> Good morning.

>> Good morning.

>> At this point we have public comments.

>> Good morning, Chef and thank you so very much and we do have public comment at this time and it is to better accommodate the public I believe starting with public comment at the beginning of the meeting, provides a little more predictability for those persons who wish to make public comment and the judicial council welcomes public comment on general matters of judicial administration and speck agenda item as it can enhance the councils understanding of the issues coming before and we welcome one speaker Ms. Sharon Kramer if she could step forward and you will have three minutes to address the Jew you dish all council and again welcome and we do welcome public comment and we look forward to your comments and go ahead and introduce yourself.

>> Thank you and thank you for a lieuing me to come speak this morning. My name is Sharon Kramer, I'm going to read my statement and request you all. I'm one of the people who supported the need for an audit of the Commission on judicial performance. There's a provedor all problem in the California courts which needs greater oversight pertaining to judicial disqualifications and I believe that the CJP could do a much better job of admonishing the problems caused when judges and justices wrongly refuse to be disqualified. I think that it's an area in need of new rules of the court. As it currently stands the judge or justice wrongfully refuses to be disqualified and expect the judge or justice who may have exhibited by us to the point they have conflicts of interest in ensuring future or past consistent rulings. I'm aware there is a gentleman here in San Diego who recently had to foil a federal lawsuit against an appellate presiding justice for he

refusal to be disqualified for conflicts of interest. I'm aware of a case in Marin County where court documents were back date and still the judge refused to be disqualified. This is a family court matter that's been going on for several years and there are children involved with this. In my own which caused me to have superior knowledge of this problem, I have a dabbingsuit dated interest accruing lien on my property and among the vast amounts of evidence like it's fraudulent it states a date of entry of judgment more than 60 days prior to the date of oral arguments, under CCP, that doesn't happen but a judgment has had entered and noticed has entered more than 60 days. The lower court with the different judge than what occurred presiding has twice claimed he can't vacate or avoid judgment that's backdated upon without the appellate court first recalling and rescinding and directing a lower court to vacate it. The appellate court is aware of the backdated lien and refused on multiple occasions to recall the remitted so that it may be vacated. At this point they can't without saying they left the void judgment undisturbed in an a people let pan and that judge am was used as awe foundational document to try and silence me from telling what occurred in the first. This is a flat suit over a matter impacting U.S. public health. The unrecalled remittance leaving a void judgment and vacated is the Lynch pin that a CDC backed scientific pride hinges upon to continue policy.

>> 30 seconds.

>> It also caused the steps to increase daily and in addition to refusing to call multiple times, the justices just like in the other San Diego case and then in the Marin case is have refused to be disqualified. It's a felony pen Pennal Code 134 to conceal the continued usage of documents, so what if a judge or justice refuses to be disqualified there is nothing a party can do about it as entering more times assuming litigation.

>> Time is up.

>> Can I finish two I've got two just tiny bit more and it's the request of what I would like for you all to do to help solve this problem.

>> Can you just State your request without the other information? We would be go ahead and proceed.

>> Yes, I can. These cases I mentioned are just like three examples and I'm aware of other judicial refusal to be disqualified or causing wrongful outcomes of litigation and some of it's criminal and it doesn't appear in an area that government is willing to prosecute.

>> Thank you so much for your public comment. Did you is have a request?

>> Yes.

>> Go ahead and then your time is up, thank you.

>> What you could do as the judicial counsel and the Chief justice of California, is there anything that you can do to strengthen the rules of the court to provide better oversight and assure greater safeguards against judges and justices who wrongfully refuse to be disqualified, because I just mentioned three cases I'm aware of several that its causing a bit of problem.

>> Thank you so much.

>> Next on our agenda, thank you, Judge Anderson and Ms. Kramer, is the approval of the minutes. They are found in your binder at item 16, item 156. These are the minutes meeting approval from our August 25-26 meeting and I will entertain a movement to adopt in a second.

>> Judge Brody, I'll move to adopt the minutes.

>> All-in favor of approving the minutes please say Aye?

>> Extensions, anything if they are approved, thank you.

>> Next on our agenda is my regular report, as Chief justice to the council that summarizes my engagements in outreach on be half of the council and the branch since our last meeting August 26. During this reporting period I had had the interesting experience of being both the interviewee and interviewer. I participated in a question and answer session with the editor of the daily journal David Houston on the Supreme Court's administrative arm, the State bar of California. It was important that all of the relevant facts and background was made available so we can move forward construct every on the issues facing the bar. Many roles and responsibilities an its duty to protect the public we all serve. My civic learning initiative in the work and power of democracy were the subjects for two other interviews, one was Diana Lambert the education writer for the Sacramento Bee, and the other was a capitol public radio and our efforts and partnerships we've created to promote civic learning and engagement continue to bear put. I've participated on a panel with second of State Alex Padilla, and assembly member Susan at the Center for California studies envisioning California conference. The conference is attended by educators, advocates, State officials judges and lawyers and the public all seeking to promote actions to create a more civically engaged citizenship and one of our assembly members proposal seeks to create a State seal of civic engagement on the high school diplomas of students would demonstrate an advanced proficiency in civic engagement.

>> To our civic learning awards we are recognizing students who now actively participate in civic learning and civic engagement programs. The curriculum will continue to support this kind of learning and include the court. As many of you know the civics engagement initiatives arose from the impartial courts Commission chaired by Justice Chin many years ago and one of the recommendations is the judicial branch convene more of an informational and Ed you you indication all ground work with an em far is says on the judiciary the least understood of the three branches of government so we are including K-12 and we look forward to a seal of a civic engagement onhigh school diplomas thanks to assembly member Eggman. As an honorary

member of the Board of Directors for the foundation of democracy and justice I interviewed former speaker Willie Brown and yesterday, I interviewed former Director of the CIA, and Chief of staff to Bill Clinton and Secretary of Defense on his Public Service and civic engagement. As many of you know, Billy Brown was the first African American elected speaker of the California State assembly and mayor of San Francisco. He was also one of the first African Americans open his own practice in the 60s specializing in criminal defense. Leon Panetta worked on school desegregation saving the food stamp program, among many other roles recently known for causing the capture of Osama Bin Laden. He could have been a concert pianist but he still tends a family Walnut ranch in Monterey. Both men are committed to nurturing the Next Generation of Public Service and leaders to protect and serve our Constitutions, both men are lawyers, and they serve our communities through the Willie Brown Jr. institute on politics and Public Service and the Panetta institute for public policy.

>> I also had the pleasure of moderating a panel on the history of women and LGBT judges and justices. This is a panel of now retired judges who shared their experiences and perspectives on the legal community and the judiciary being the first of the first on the bench. We had Judge Steven Lack, the first openly gay man in the United States to be appointed to the bench. We had Judge Mary Morgan the first openly lesbian but a woman in the United States to be appointed to the bench. Judge Francis Hunos, the first Latino female judge in the State of California and the United States, and the first African American female judge in Northern California, Judge Cordell. It was a lively interesting spirited discussion with Q & A from the audience as well.

>> The discussion was part of the California judges association and the State bar of California's Annual Meeting, thank you, Judge and I always actively participated in both and this year they were here in San Diego. The State bar meeting is also a great opportunity to recognize and celebrate the work of the many dedicated attorneys from throughout the State who provide advocacy for their clients. I presented the Ronald M. Gorge public lawyer of the year award to special counsel to Governor Brown and the Lauren Miller legal services award to Katherine Blake Moore the Director of Disability rights of California. I attended the California women's lawyers reception with many of you, the bench bar coalition meeting, I participated in the Presidents pro Bono award and the bars diversity awards. Even in difficult times great things are still being accomplished by many many judges and lawyers. With the California judges association, I had a very good conversation with the Chief with CJAAMS. Vice President judge Donald Iup and Stuart Rice. We discussed my six years in office and the challenges and opportunities we continue to face.

>> Abota, the American Board of trial advocates supportive of our branch advocacy needs and civic learning participated in a number of State and chapter events but there's Sacramento valley chapter I attended the teachers law school and on a panel with United States district Susan Illston involving over 200 high school students and not recently with their California coast chapter I participated in a discussion on the topic against the crowd, defending judges who make unpopular decisions. I thank Donna Melby, for all continued leadership in the past and present. I attended the third annual scholarship banquet for the national Asian prosecutors association and the 33rd anniversary dinner of Asian Americans advancing justice where I received their legal

impact award. I had the great pleasure of seeing work of this and previous judicial counsel on the need for secure court facilities. I attended along with a number of you the dedication ceremonies for two new long awaited court facilities. The Robert M. Farquhar justice center, and the Santa Clara family justice Center for the Superior Court of Santa Clara and San Jose. Both of these courthouse projects not only improve access but they demonstrated the importance of collaboration between the courts, the cities and counties and the State. The Merced project was designated by the judicial counsel as a cost reduction demonstration project and the team identified several ways to reduce costs through the design and it's a beautiful building and the Santa Clara project was the first new courthouse in the State devoted to family and collaborative courts. It consolidates six locations into a single courthouse. I want to thank Justice Hall for attending on my behalf. The courthouse dedication for the Superior Courts red bluff courthouse, I was unable to attend the dedication because I was honored to speak at the funeral of former Chief justice and chair of the judicial council Malcolm Lucas as that same day. Malcolm Lucas was the states 26th Chief justice served with Justice Chin from 1987-1996. He was the Chief justice we all said came out of central casting of Hollywood because he's so looked the part but he also truly lived the role. He wrote 152 majority opinions on the court. He displayed a respect for Presidents thoughtful analysis and opinions and he was the future of the judicial branch, he convened the Commission on the future of the California court and under his leadership judicial council adopted its very first strategic plan. He was the first to Commission important studies on gender and racial and ethnic bias in the judicial branch. But he was more than an idealized model of the Chief justice because all who served with him and who came in contact with him described him for his thoughtfulness, patience, kindness and humor. That concludes my regular report to the council but before we move on, I want to raise an issue that's been a concern to me for many years that I referenced in my State of the judiciary. I believe we're ready to move on now.

>> I'd like to speak to the matter of equal access to justice, California nationally. All three branches of our government have worked on and thought about the bail system and how it may sometimes unfairly penalize the poor and may not effectively serve its intended purposes year to years down the road so I'm establishing a work group to provide recommendations on how courts may better identify ways and release decisions that will treat people fairly and not based on their pocket book, protect the public and also ensure court appearances for the orderly process of our judiciary so as quickly as we acted on our traffic rule several years ago, I am now thinking we can act on pretrial detention. So I'm appointing Judge Brian Back in our council from Ventura, and Judge Lisa Rodriguez from San Diego as vice chair of a pretrial retention reform work group and I'm also appointing Napa residing judge Mark Bosenecker, Judge Hillary Chitick from Fresno, Judge Scott Gordon from Los Angeles, San Francisco presiding judge Terry Jackson, presiding judge Brian McCabe, judge Marino from Los Angeles, and Monterey County is executive officer Theresa Reese, and retired judge from Santa Barbara Gorge Eskin. The work group once they meet may decide to add other additional stakeholders to the work group, should they seek additional input but they will also seek input from those involved in the bail process who should report back to me totally with the report and finding of the council but December 2017. This is just the beginning of a process that is about protecting the public while ensuring

fairness and equal access to justice. That concludes my report now I'll have a report from Martin Hoeshino, our administrative our ever Director.

>> Thank you, Chief. Members the written report from me is in your materials but as tradition I want to highlight a couple items in the report and also provide you additional information to promote your awareness of some of the activities that the staff is engaged on on your be half.

>> First, an update on the innovations grant program and process. Some of the not so new members that you green lighted a process for awarding the \$25 million in new funding for innovations at the last meeting. Subsequent to that, a request for applications was issued and this was followed by a couple of teleconferences with court leader is ship to talk about the requirements that were developed by the ad hoc working group and the court executives previously appointed. What you should be aware of is that the response from the courts at all levels seeking to expand new innovations is the council so far has received almost 180 notices of intent to a employ for grants in the three categories that you may recall which are the areas of collaborative courts, secondly, self-help family juvenile courts and then third, a catch all group called other. These notices of intent to apply span across over 46 trial courts or courts of appeal and even include the Supreme Court. You should be aware the CEO and clerks across the court system have been very active and very engaged in this and there's been a lot of robust conversations and communications going on among them which is something that I think the Chief and the council had hoped would occur if we could get to this stage.

>> Now these are notices of intent to apply. The formal applications are due this Monday, on October 31. After that they will be reviewed by the judicial branch budget advisory committee and then that committee will bring its recommendations to the council for consideration in future meetings. The greaterly response to the program I think really underscores the tremendous unmet need as well as the opportunities out there for the courts to see their innovations as some of them have already developed as well as to scale them across or replicate them in other courts throughout the system all-in the purpose for better serving the public.

>> Next, continuing that I want to lay more of the foundation for potential efficiencies on the horizon and make you aware of them. In addition to seeking the branch wide innovations in this area we're also continuing to evaluate any potential operational or service efficiencies areas where we can remove either outdated or redundant statutory restrictions or court rules or adding authorizations or ability that may help the courts in the public. This is not a new effort. It is really an ongoing effort for which we are building on the initial input gathered some time ago by an earlier working group of the council's presiding judges and court executives and advisory bodies. My team and me personally have been working with some of the CEOs to refresh or update or find new opportunities that are out there and we'll continue that work of the chair and vice chair working to get even more input of their colleagues. There's some incremental progress on some of the prior efforts that occurred both ledge us late everly and rules of the court every couple of years and we're really trying to refocus it now since time has passed and see if we can bring new proposals to the council or the legislature so more information and more details to

follow. I expect in future meetings. Also want to highlight something that we all take for granted that happened last month. As we continue to work to improve this as is annually one of our practices in September, we conducted a disaster recovery exercise completed for the California courts technology center. It's infrastructure network services and applications are hosted in the out of State technology center were successfully and safely securely backed up and redirected and restored in a secondary location. Members you should be aware that each year for the past 12 years we've conducted this exercise with the help from local courts and for this particular years exercise, we had the assistance from the Superior Courts of Sacramento and venture a counties and we really appreciate the support they provide for the team.

>> Next, I want to talk a little bit about the judicial council staff and the activity occurring out in the courts. Some of this is in your report but I took some time to catalog and count up some of the interactions that are going on out there. On a daily basis, the council staff with the judges and court administrators and personnel and it really under pins the success of a lot of the work we do on the statewide programs and initiatives. Inside your written report, there are spotlights of the considerable time that staff actually spend physically out in the courts providing direct services, consulting advising collecting data and helping to implement programs and policies that you all have asked or made. If you look through the activities in this reporting period, you'll count up visits to approximately 25 courts over just the past few weeks and this ranges all the way from South in LA up to North I think this illustrates the kind of customer connection that's essential to informing all of our work that we do on be half of the council and the courts that we serve and support.

>> The last thing I want to mention is an update on the judicial councilman agement transitions that are a foot as we speak. They also illustrate the importance of the connection and knowledge and exchange between the public servants of the council and the court so I want to mention a couple of the leadership transitions for the organization. Michael Guavera, our Director of Human resources will retire at the end of the year after three worthy decades of Public Service. For those of you who don't know Michael came to the judicial council from the Superior Court of Santa Clara where he was actually their HR Director and in his 11 years with the judicial branch I think he's able to serve the council and the courts. With his departure, Aurora Respire, whose a human resources principal Manager will now serve as acting Director immediately following Michael's departure. We've appreciated and relied on his knowledge and insight and we wish him all the best and retirement.

>> Now by coincidence, our new Chief Information Officer also began his Public Service here with that very same court. Earlier this month, I shared with you the got news that Rob Oyoung will join the council as CIO and Director of Information technology. Rob's been a member of the council information technology advisory committee since 2010 and was program Manager for its technology planning Task Force bringing together judicial officers and core professionals to establish a new collaboration model that produced the current strategic and tactical technology plans for the judicial branch. I also want to thank Mark Desmond, and express my appreciation he will remain with the IThad teamworking with Rob. Rob will join the judicial council staff

November 7 but we've agreed that he will make himself available to the Santa Clara court system with transition. I would share with you one last note from Rob himself in that he advised us that Michael Guavera actually hired him into the Santa Clara court and then promptly left to join the judicial council. So, he's trying not to read too much into that fact that he now joins the council's organization and once again Michael is leaving. This is something to be said about coincidence and timing. I've arranged a lunchmeeting between the gentlemen so that there's no misunderstanding about what is actually occurring in this transition and with that that's my report. Thank you members for your attention.

>> Thank you. We'll hear reports from the internal chairs starting with executive and planning committee judge Markl ark Anderson.

>> Good morning thank you so much Chief and I provide this report on be half of justice Miller. Justice Miller's written report will be posted online and on be half of justice Miller I'd like to mention a few things. The executive planning committee sets the agenda for council meeting and as the Chief said yesterday our meeting in San Diego is part of the council's effort to hold meetings in other venues throughout this State so we can be more accessible to those who would like to see council meetings in person, and we hope to continue to work towards accessibility. Yesterday it swore in one of our new councilmembers judge presiding Jeff Barton, and all councilmembers work on internal committees so exec you you ever and planning is particularly pleased that you assigned your department to the exec you you ever and planning committee and he will be a great addition to the committee. Finally, everyone may have noticed that we moved our public comment to the first agenda item in the morning. We done so for the convenience of our public speakers and time on the agenda are always set and there are estimates and sometimes the council agenda items more quickly or sometimes more slowly than we had predicted. And so by moving the public speaking to the first thing on the agenda item it allows the public members to know and have predictability when they will speak and also gives them a chance and opportunity to prepare and get ready for providing our public comments and so we're happy to know that we have accommodated our public and that concludes the planning report.

>> Thank you Judge Anderson. Next we'll hear from policy coordination and liason committee.

>> Thanks, Chief. I would like to welcome our new policy members, Justice Hall and Judge warden. We welcome back the returning members justice Gary Nadler, Judge Brian Back, judge Stout, and [INAUDIBLE]. The policy committee met once since the last council meeting and that was yesterday. Yesterdays meeting was our annual in person meeting where we provide an orientation for the new members and we also talked about recommendations for judicial council sponsored legislation which we will be bringing back to you in December. Yesterdays policy committee we reviewed 11 proposals. We moved 10 of those we will be talking about the 11th on November 17th. We also adopted the 2016 legislative policy summary. This legislative year, the governor signed into law four high profile bills of fiscal interest to the branch and vetoed one. Signed into law were AB813 relitted to post conviction reloaf, AB2013 which creates pilot program for arraign ams in three counties, AB2839 dealing with criminal penalties and AB1134

related to petitions. Return without the governors signature was AB2629 which would have increased court reporters transcript fees.

>> The legislature will reconvene in early January for the first year of the 2016-2017 two year session and we will bring we will be bringing you updates through out the session on judicial council sponsored bills budget and bills of interest to the branch that concludes my report.

>> Thank you Judge. Next we'll hear from rules and projects committee, Justice Harry Holt.

>> Yes thank you good morning Chief, Ladies and Gentlemen. The rules and projects committee has met twice by telephone and once by e-mail since the August 26 judicial council meeting and met by telephone on September 7 to review 22 proposals for amend haded rules and forums that are circulated for public comment at that time. Three proposals for technical training. Seven judicial council advisory committees were involved in developing and recommending these proposals and many of these proposals seven by my count would comply with [INAUDIBLE]. Others were requested by courts or identified by advisory committee members to clarify or streamline procedures and reduce costs, bring efficiencies, and assist court users in navigating the court system. They recommend approval of all proposals Items 163 and 186 on todays consent agenda. It also met by telephone on October 5 to take up a number of iron you is which were number one, to consider a proposal considered on September 7 have been revised by the advisory committee component and two to consider an update a handbook for conservatism and three to consider an item circulated during the previous comment cycle which is a proposal from the drill court presiding judges advisory committee and court executive advisory committ tee to attend rule 10.742 to eliminate reporting of requirements concern use of court appointed temporary judges. It recommends approval of these items which are items 173 and 191 on the consent agenda of 200 on the discussion agenda, and I think it would be appropriate given the number of consent agenda items achieved if I should note that even though they arrived before us on the consent agenda, it does not suggest for a moment that they are not important proposals or proposals. More importantly, that have required and come to us with the work of many hours and much effort by the advisory committees and the staff to the advisory committees. I must say that I had the honor of serving on the council for some years now and I have routinely without fail been in pressed by the dedication and learning and the efforts of council, staff and the advisory committees that wanted to say Chief as far as you and the judicial council and more importantly people of California while they aren't well known all of these folks we are indebted to them.

>> On October 17, we acted by e-mail to aprove the addition of two members to the protective order subcommittee serve ill and small claims advisory committee . these members will provide needed expertise to the subcommittee. This morning I would also like to provide a report on the council's advisory committee ongoing efforts to carry on the work of the mental health issues implementation Task Force and as you may recall we're on the council at the time of the Task Forces final report was received by the council in December 2015. The council directed the chairs to coordinate ongoing implementation efforts in the area of mental health. Previously I have reported to you that 75 recommendations of the Task Force that the Task Force was not

able to complete before the Task Force ended its term would be referred to six advisory committees. These referrals have been made and Task Forces recommendations are being addressed as part of the committees annual agenda. In addition new members with expertise and mental health issues have been appointed to the advisory committee that needed them and these new members will be assisting committees to ensure mental health issues receive appropriate attention in the years ahead. Six advisory committees that are focusing on mental health issues have already initiated significant measures to implement the council's directives and the tasks, Task Forces remaining work. For example, the collaborative justice courts advisory committee has formed a subcommittee to review and prioritize the recommendations referred to it, in addition that advisory committee will consider mental health issues in non-criminal cases. Family and juvenile law advisory committee is working on competency legislation and issues related to the administration medication to children in foster care. Criminally advisory committee is developing a proposal to implement Task Forces recommendations to specify the information to be included in court appointed experts reports on competency to stand trial. Procedure is asking curriculum committees to review curriculum to determine if the recommendations are already addressed in existing programs and products as well as exploring podcasts and other new methods of delivering information and training about mental health. It's also planning round tables and presentations to address issues such as the use of medicine in juvenile cases. But probate and mental health advisory committee is continuing to work on conserve a forship issues of persons with mental disabilities and regarding the work of the probate committee as I noted earlier his agenda includes the 2016 revised petition of the handbook for conservators and on the consent calendar revising the handbook was a major undertaking and the updated volume will be a tremendously valuable Resource with everyone involved in conserve a foris ship proceedings.

>> Fine pally I would like to welcome our new member to the rules and projects committee of the Superior Court and returning for a came work performance, Commissioner David of the Superior Court we welcome them both and [INAUDIBLE]. I have no further report if there are questions I'd be glad to answer.

>> Thank you for the explanation about the hard work and the challenging issues facing the advisory committees that with worked out. Next we'll hear from judicial council technology committee. Chair?

>> Good morning, thank you, Chief. I would be remiss if I didn't start off by saying that my friend Justice Hall used technology [INAUDIBLE]. Way to go.

>> [APPLAUSE]

>> I'll be reporting on the activities of judicial council technology committee since I reported last August. The JCP since that time has met one-time by teleconference and yesterday we had a very robust three hour orientation that resulted in great dialogue, ideas, communications, was really a very fun three hour orientation program and I thank the members for your participation. In addition to our work the information technology committee under the leadership of the chair

Judge Sheila Hanson from Orange County and vice chair, Lewis Morrow from third District Court of appeal met one-time and reported to us on their progress. At the September 12 JCPC meeting we received an update on the potential budget change proposal for the sustained justice addition case Management system replacement and we also received more information about the Plasser court hosting consortium so two huge initiatives moving forward at this time. The committee also reviewed the approved ITAK legislative proposal to amend the welfare and institutions code to allow for E-service by consent and E-filing in juvenile dependency and delinquency proceedings. The JCPC also reviewed and approved a legislative proposal of ITAK and the probate mental health advisory committee to amend the probate code and probate code sections which are actually relitted and found within the welfare and institution code to allow for E-service for related probate proceedings. We also reviewed a proposal for one-time funding request for the information technology infrastructure for Humbolt and Madera Superior Courts. The reason for this proposal is to allow the branch to realize full savings from migrating all of the sustained justice addition courts away from the technology center. These two courts would remain and they need to find a way to migrate an assistance to migrate to another solution. The committee actually requested some additional information. They will be providing that information to our committee at our next meeting on Monday.

>> In addition, the information technology advisory committee as I referenced met on October 14. The committee received updates from the various work streams that are hard at work. They also discussed their 2017 annual agenda. So the work streams that are reporting and ultimately up to us at JCPC include work streams addressing data exchange, E-filing strategy, Next Generation hosting, self-represented litigant E-services, disaster recovery framework, and the tactical plan work streams . these work streams continued to move forward and again, they are comprised of employees at the Superior Courts, judges at the is Superior Courts and a lot of good hard work for which we are deeply grateful.

>> As referenced by Mr. Hoeshino, we welcome Rob Oyoung to his new role working with us. We look forward to the new ideas that he will bring to us. I also would be remiss if I didn't also thank Mr. Mark Gusman for the years of service he provided to technology for the branch. He's been in the leadership role for approximately 10 years and works for judicial council staff for over 20 years so we look forward to continuing to working with him. He as all of you know and as you know very well Chief has gone through the fires with a lot of people over the last few years and we are grateful for all of the work that he has done and again, look forward to continue to have his participation in addressing our technology.

>> I want to close by welcoming Ms. Ibara, as our new member to JCPC. Thank you for your participation yesterday and she brings a great perspective to our committee as she is one of our users. She's a lawyer so we need that perspective. It's not about us. Technology is not about us. Technology is about making what we do easier for the people that we serve. And your perspective is very very valuable to us and we appreciate it. Also again, wish to thank all of our committee members for the robust discussion yesterday and for all of the work of judicial

council staff, for all of the balls we have in the air and that concludes my report, thank you very much.

>> Thank you. Next we'll hear from the judicial branch budget committee. Judge David Ruben.

>> Thank you chief and members of the council for this opportunity to make this report be half of the judicial branch budget committee. This committee continues to execute it's charge and promote the face alley prudent effective fair allocation of branch resources so to advance statewide judicial branch interest. Since the last council meeting in August, the budget committee met twice in person. We met on September 28, 2016 and also October 26, 2016. At these meetings the council staff provided educational sessions about the State budget process and the State funds and their rules and regulations used by this branch. These educational sessions have provided committee members with a broader budget perspective to assist us in our committee roles. At the meeting on September 28, the committee discussed the \$10 million statewide reserve process in detail. We will as you've seen in your materials, we will be reporting out to you about that later this morning and what our recommendation is as to how that reserve should be handled. As you'll see in the materials this new process will facilitate approval and allocation by the judicial council of one-time funding to trial courts for emergency needs. This \$10 million in effective green fund is established by the 2016 budget act with general fund dollars replaces the former 2% reserve which is funded from trial court allocations. The reserve shall be replenished annually consistent with the provisions of the budget act. Also the committee continues to work on developing a budget change proposal process providing structure for the annual preparation approval and submission by the branch of budget change proposals to the State Department of Finance. The process that we're coming up with will be designed to ensure teamly and efficient submission with appropriate review and approval by the council of BCB's budget change proposals. The committee discussed this process yesterday and we will bring it to you at our next meeting in December.

>> Finally, I think Mr. Hoeshino touched on this but let me round it out. We are pleased to report that the innovations grant program has received a great deal of interest just a couple of minutes ago, 47 courts including the appellate courts have weighed in we have 179 intends to apply and let me assure you that the committee will be working hard over the next few weeks and months to bring in subject matter experts as needed, to ensure that grant awards remain just as soon as possible so the good work can start that will benefit the entire branch. General reminder if I I can echo, final applications are Dubai 5 p.m. this Monday so of you haven't gotten it yet sooner is better than literal though this is Friday I guess later is better than later. Chief from what I've seen and we had some summaries of each of the intents to apply from what we've seen so far there are many many exciting proposals from which to choose there will be a difficult task for us to make the final selection but really all the proposals reflect a real vitality and creativity on be half of the branch which we can all be proud. We're really thrilled about it Chief that concludes my report that will be posted online.

>> Thank you.

>> Judge Ruben on the \$10 million emergency fund, I know that if there's an excess it's returned to the trial courts prorata?

>> No the fund actually is maintained in State. We always have to have 10 million on hand. What we had in the report was and we'll talk a little bit more.

>> If there's money left over, go back to the trial courts?

>> No we just stay at 10 million. It was always a \$10 million reserve fund on hand and we're responsible for it.

>> It not like in one year if the requests are less than 10 million, does the excess go back to the trial court?

>> No.

>> It stays in the funds?

>> It's an evergreen fund we are by statue required to keep at \$10 million and when we give money out we'll talk a little bit later we give out the money, we the branch will replenish it back to its \$10 million amount.

>> What happens if the requests are in excess of 10 million?

>> We make hard choices.

>> But historically the courts actually managed themselves really well even under the 2% reserve program and that we don't expect there to be requests. We should be okay.

>> Thank you. Next we will have the liason reports and I turn it over to Judge Anderson.

>> Thank you, Chief and the judicial council reports, report on their visits to the Superior Courts of California the member liason reports foster transparency and communication between the counsel El and the trial courts. Today we have three courts that will be reported on and on our liason reports our first presenter would be judge Lance which will report on the Superior Court and followed by July Ruben who will report on the Superior Court of San Bernardino and the Superior Court of Sonoma.

>> Good morning, Chief, members of the council. It is my pleasure to present to you my liason report which I visited in March. The word Mono work is a word for beautiful and certainly be fitting of this beautiful couldn't it that I visited. It is home to and named after Mono Lake which is a high sailing lake. Mono County is situated between the crest of the Sierra Nevada mountains and the California and the Nevada border. It offers a rural setting with some of the most

spectacular landscapes in the State. Mono County has a land area of 3030 square miles or just over 2 million. 94% of the land is publicly owned. The estimated population is 14, 600 but in the wintertime, it increases dramatically with the ski resorts. Mono Lake this is a beautiful picture of the statute in front of the lodge, for example,, the population is about 7100 but during the ski season it increases to about 40,000 and of course the case filings in that area are related directly to the recreational users in that area. About 80% of the condos in mammoth lake are second homeowners. The population of Mono, of mammoth lake is 50% Hispanic and 55% of the students in the schools are Hispanic. Many of them are first generation that this has posed a challenge to the court but thanks to the bilingual staff that they have, Mr. Gonzalez they've done a lot of community outreach which is very successful for the first generation Hispanic students. The overwhelming population of the County is in mammoth lakes and as I said not of the cases that are generated in the County are due to the recreational visits.

>> The Census Bureau shows that there's a small decline about 2.1% in the population in the last couple of years. I first want to share with you the success of the County as opposed to first telling you the needs of the County. One of the things they are most proud of recently is that in August 2015, they established the rare first drug court and their two graduates first graduates have to graduate in the next couple of months. This has been an extremely successful program in the County, they are very proud of it and as I said in the next couple of months they are going to have two graduates.

>> The County has two courthouses the North County branch in Bridgeport, which is the County seat and the south County branch in Mammoth Lakes. They are about 54 miles apart and where there's snow of course it takes a lot longer to go between the two courthouses.

>> This is a picture of the beautiful courthouse in Mammoth Lakes . it was completed in 2011. It is a courthouse that has received several awards and recognitions. It has two courtrooms and the square footage is about 20,000 square foot. Now 90% as I said of the cases are generated in mammoth lakes where the courthouse is located and there's relatively little demand for the use of the bridgeport courthouse which is in the North part of the County. The distribution of the jury trial is even more uneven with bridgeport had having fewer than five a year. This is a picture of the absolutely beautiful courthouse in bridgeport. It is a historic victorian style building built in 1880 on Main Street in the center of the town and it is still used by the court and for the County for general County use as well. Unfortunately, due to the budget restraints this beautiful courthouse is only open one day a week on Tuesdays and it is almost exclusively used for arraignments due to the adjacency of the County.

>> This is a photo of the two judges and the court administrator. In the middle you have presiding judge Sam Eller. The white shirt is assistant presiding judge and on the left is the CEO, Hector Gonzalez. The court also uses two Commissioners, a child is support Commissioner and a the shared one with the County. All non-judicial court operations and services are under the direction of the court executive officer, Hector Gonzalez and Mr. Gonzalez also serve as the County clerk and the jury Commissioner. This is a photo of one of the courtrooms as you can see

it's a fairly modern beautiful courtroom. Similar I would say to the beautiful courthouse here in San Diego, and it has all of the latest technology that you can see in the center, there's a console for the video and the technology use. This is another photo of a different courthouse. This is our conference room used as a multi-purpose room for community rooms and it's a model of the [INAUDIBLE] courthouse one of which is built a couple of years ago. This is a picture of the jury room. I tried to take a picture of the window where you can see a little corner of it. The jurors have an absolutely stunning view of the trees in that area which is quite envious in Los Angeles we don't have that view, but the jurors have a beautiful jury room with the absolutely stunning pictures outside. This is a picture of the clerks office and the clerks office, the public counter has been reduced to four hours a day so the phone assistance has been eliminated completely. The public is directed to go to the website for any assistance or to e-mail the court or send them a letter and in bridgeport, the public County hours is reduced from two days per week to one day a week from 9:00 a.m. to 12 p.m. This is the back side of the beautiful building, secured parking for the judges as you can see the beautiful trees I'm always showing those trees because I think it's quite a start from Los Angeles area. The next one you'll see is the attorney interview room. They are all very clean and the attorneys were quite pleased with the accommodations of this new facility. The criminal filings for this couple years I'm showing you for 2008-2009 as you can see from 2005 to the current one there's been an increase of about 1924 in criminal filings. Now the civil filings are relatively small in comparison to the criminal filings. The average total civil filings for the last 10 years about 257 a year. This is a break down of just one year I think it was interesting to see the break down for one year and as you you can see the large majority of the cases are in traffic in fractions. The next biggest part is the misdemeanors followed by the non-code in fractions and the small amount of felony so in large large percentage of their filings are traffic code violation and this is a break down for last year of Fiscal Year comparison was this year. Of the increase they've had a significant increase in traffic in fraction about 80% and the court maintains this increases both overall filings and traffic code in fractions are attributable to the trial court trust fund over the last couple of years.

>> The TC funding has incrementally increased over the last four years and from a lower, from 693, 792 for Fiscal Year 2012-2013 to about over 1.4 million for the current TCT, that's a decrease of 19% from 2009 and the court would like the judicial council to continue to strongly advocate for an increase in the fund from the current 1% and even though the current funding does not allow for the accumulation of anything significant they believe this is an important point to continue to advocate to position our courts for the future.

>> Loaf the last three years the courts allocation and floor had adjustments have fluctuated. They are concerned with how the allocations and the adjustments are made and that they believe it does not adequately ameliorate the budget impacts on small courts such as Mono, as they have seen the filings increase dramatically and the reductions in funding. Due to their concern, I have facilitated a meeting with budget services thanks to the staff I believe they met for about two hours in the last weeks to answer their questions directly that they have.

>> I've mentioned some of the impact that the funding reductions has but a couple of others are that they've extended dates of in fraction appearances for a 90 days from the date of citation to give the public additional time for assistance they've also eliminated court reporters as we have in civil cases that we've done in many of our other courts. They can only afford to provide court reporters for criminal calendar. The inability to fill also two out of the eight staff has been impacted to the reduction.

>> The case Management system is the journal technology which is over 10 years old and is in badly need of repairs. They are currently researching various case Management systems available and they hope to replace it in the next year or so but given the lack of funding, they are not currently in a position to purchase one. They've asked me to encourage the judicial council to consider reinstating the desktop tech refresh funding that was available at one-time where the courts periodically update the reserves and replace computers and other systems. They asked me to make sure I thank the council for their staff, for the support, where they provide for HR services seizure and chef I also want to thank you for assigning and giving me the pleasure of visiting this and my other also beautiful County so thank you on be half of Mono cop County. That concludes my report.

>> Elent. Thank you.

>> Next is Judge Ruben.

>> Thank you Judge Anderson and thank you Chief and members of the council for this opportunity to share with you about my visit to the San Bernardino Superior Court earlier this year. Here is a little San Bernardino historic photograph from the State fair. But what I can say is I reported on San Bernardino two years ago there's significant changes that are worth noting and that's why I'm back. San Bernardino's court is rebuilding itself as we come out of the recession and also as the budgeting formula has been phased in further. The partial restoration of resources San Bernardino is becoming a modern safe and accessible institution for the public to use and resolving its disputes. On August 10, 2016, I spent the better part of the day at the San Bernardino located in San Bernardino which is in the Southwest corner of the County, interesting about this County is most of the population is down kind of in the southern area. I visited the leadership team and later ate lunch with many of the judicial officers kind enough to join with me and discuss with me their questions and concerns regarding the branch, their comments to me reflected a nuance and sophisticated understanding of the challenges facing the branch. Let's take a look at the County by the numbers.

>> San Bernardino is 21,000 square miles, it is the largest County in the 48 lower 48 Alaska is a State too obviously but the lower 48 is the largest County. There are 2 million people in the County. Its operating budget this year was \$119.8 million and I note that and I think it was 11-12 it was at \$86 million, the pit of the recession. The court has 71 judges and 15 Commissioners. It has 11 locations with the main location being downtown. There are roughly 120,000 people who

go through the doors of all locations every single month of the year which is a lot of people. There are 344,000 or so case filings, this is a busy court.

>> Now when I reported to us or reported back two years ago it was a bleak picture. I want to say about the court as greatest asset was and continues to be its people. It has an outstanding leadership provided by its current presiding judge Raymond L. Hate Jr. who goes by Chip, and executive team lead by Nancy Eberheart. San Bernardino court is in great hands.

>> Let's look when I say it was in a bleak place let's look at what that means. At the time I was there in 14 and 68% of its staff there were then as there continues to be only 71 judge when our models estimate it needs 143 judges. 10.4 courtrooms were closed including remote courthouses. The remote courthouses were in Chin work, and big bear as well as they had had to eliminate some key programs in juvenile and specialty courts like juvenile traffic and truancy programs. Geography plays a big part in San Bernardino because of its size and if you'll recall from last time, I moved San Bernardino to the Bay Area and you you can see that it goes from the islands to Reno from looks like Glenn County. This is a huge County so when you close a courthouse you are consigning people to four hour commutes, one way by bus or by car. This is a big deal in a County of that size.

>> Now what a difference a couple of years makes with the reallocation with re investment in the branch and budget restorations and innovations, let's see what San Bernardino looks liked to. First, the good news. I guess good news I'm looking at Judge Brody, the Tyler rollout. Tyler rollout may have had some unforeseen challenges but they are meeting them and we are all learning from what San Bernardino is experiencing making a rollout for the rest of us using Tyler that much easier and I might say all other Management systems. The new building is performing well and they are also using historic building sites as well. Here is the new building opened up in 2012 and it's performing great. They are doing something interesting. They have vast kind of white spaces blank spaces in the building. They are actually having staff take pictures and make their own art work and putting it up in a building giving pride in the building and I think it looks great. They repurposed the counties restored a historic building across the street a smaller building to the left and the courtroom inside are stunning. This is largely family. They've done a beautiful job in making it quiet efficient place for families and children to be.

>> Rebuilding San Bernardino they've increased user resources in two critical ways, to create physical access to a court that is badly hit during the recession and also to implement branch initiatives, let's take a closer look.

>> They have added two courtrooms back to the barstow district, everything basically North of the San Gabrielle mountains from the West to the East border to their northern border it is a vast stretch of land. They've added two courtrooms back there. They've added one and a half family courtrooms allowing for same day DV/TRO hearings and added dependency courtroom and they've created a probate division adding a third probate department this Fall. I think Judge Brody was or is the supervisor of.

>> Was.

>> [LAUGHTER]

>> They've leveraged their resources with needles which is way out on the Eastern border and courting to court easier so that 144 miles to the nearest courthouse you can see they've inaugurated transportation service, coordinated calendars so people can actually get to court and get their business taken care of efficiently. They've built out a more efficient self help Resource center which is very ever had ill it subscribed. It's moving a whole lot better for them and for the citizens of California. They've augmented their on loin resources which is a special use for rural areas or able to leverage the dollars to all their citizens and counties and let's talk about implementing branch initiatives.

>> They've added FCF staff to make it efficient and easier for families, added self-help staff to leverage the self-help programs and added online educational tools including smart documents to access a whole lot more people, using a whole lot fewer staff. They've added on loin conserve a for ship orientation are now On Demand, online again so we reduce the amount of staff being used enhancing each of the dollars to make these initiatives reach more people. They've expanded their telephone assistance center using help with things like UDs and guardianships, added a go mets being violence E-delivery filing system or any other type of family law much more efficient for people in the rural areas in the 20,000 square mile County but also more safer because they aren't having people who are in conflict coming in contact with each other necessarily in the confines of a courthouse. They've realigned their staff salary structure with raises to make them more in line with other courts. They are quick to point out and it's true they tell remain at the bottom of the heap in terms of salaries. At lost they are closer to what's going on elsewhere in California and around them. It makes them more competitive so still more work to do in San Bernardino. They have 20 vacant courtroom and they could accommodate five more judges today with no change in staffing level to be able to use their assigned judges program.

>> In short, San Bernardino is in desperate need of support and assistance with more judges given their caseload however it continues to be a vibrant court with great people and I'm pleased to be a liason. No questions yet, because you're going out to my second presentation, we go from San Bernardino in the Southeast when we take a flight up to Sonoma County in the northwest so there's the presiding judge is judge Ballinger. Little Sonom ark love for you. May not be Mono County but I'll take it.

>> I visited on the opposite side of the spectrum and I wanted to put these back to back to give us an interesting picture of what's happening statewide. The allocation Sonoma as it's being rolled out is reducing their basal low indication. Also recent dramatic shifts in our building fund caused by sweeping of funds through the recession as well as the change in funds and fees coming in through different programs like traffic and other filings has resulted their much needed courthouse is on hold. For the same time Sonoma is rolling out because the counties 30 year old legacy system was no longer adequate for their needs so on August 19 I went up to the Sonoma

court and this is a picture of their building. I visited the dynamic and effective leadership team there. There you'll see the Judge Ballinger is standing next to me and between them is there a CEO? Later, I had lunch as you'll see is a common theme of my visit that involves food, of your liason, prepared to serve me food so I had lunch with the most of the bench and again we had a very good conversation about what the challenges facing their court and the branch and again, these judges and I think about the effectiveness of the message that council is getting out as we tack about budget around the State everybody gets all of the pieces of it. So Sonoma County by the numbers, Sonoma County is in the northwest of our State, it has 502000 people. It's 1769 square miles. There are 20 judges and three Commissioners. Four locations in and around mostly Santa Rosa. There were 78,000 filings roughly this year. So it's operating budget is about \$21 million. You can see this too is a busy court.

>> The team as we discussed in the judges thought they had three main challenges and throw words, budget, buildings and their new case Management system.

>> First of all let's talk about the plus side. Sonoma County shares a unique relationship with its legal community and it's engaged with collaborations with the locally schools, bar association and community based organizations. The court worked very hard to grow these relationships resulting in significant volunteer hours from these groups for pro Bono and other services so for example, volunteers assist with ADR, mediations, settlement conferences discovery disputes small claims and UDs. Sonoma Superior Court is grateful for this unique and closed relationship because it credits it with helping the court weather the recession while still providing adequate services to its community. Sonoma was able to ride out the recession with significant sacrifices like we all saw. They did so with a 20% staff vacancy rate and reduced clerk hours. They also reengineered a lot of their work load to create more efficiency. This brings us to their fiscal concern which is the rollout of the funding allocation this year will reduce their budget \$400,000 at a time when they are trying which will cause further reduction in their they fear in service reductions.

>> At the same that their budget is being reduced they are also rolling out Tylerment the Tyler rollout will continue through next year, 2017, and it started their rollout started they went live with civil, family and probate and next year they will do criminal, traffic and juvenile. A big challenge they face as with other courts is the data exchange with the justice partners through Tyler and also point out rolling out Tyler at a time of budget reductions is a time they have to spend more resources to take on more responsibilities.

>> Finally we turn to their third concerns so we talked about budget, we talked about their case Management system and now their buildings. The current courthouse as you can tee is an old facility shared with the district attorney, probation and the public defender. The hallways are as anybodies been there can see are not particularly secure as you can see in this picture, inmates and the public share the same very narrow hallway. The clerks offices are outside the secure area. They have an annual termite infestation which comes about every March or April which they have to take care of. There is biologic material gathering outside of all of the windows at a constant club which also has to be taken care of. They provided me with this photograph. This

photograph is significant. This is an outer hallway shots were fired through those windows several years ago obviously and emphasizing kind of security challenges that they face in this old building. They ran the only ones that see that we too saw it and that building was slated for replace am. A site was acquired after joint conversations with the County, a new courthouse site was acquired. The County spent \$13 million of its own money tearing down some County buildings, moving them and clearing a site for the new courthouse. They also committed another \$13 million from this small County to build a connector from the new jail to the new courthouse.

>> Now, what happened? As was reported to us by Justice Hill at the last meeting, with the shortfalls in our fund caused by its sweeping of funds, caused by the change in the funds going into it from fees and other sources, the Sonoma courthouse was put on hold. All this preparation work was done but we've had to put on hold this courthouse and what you see is in the heart of the government complex is this empty lot. It's supposed to be the beginning of this redevelopment project, partners in. This emphasizes to us what Justice Hill told us last time we immediate to find a solution Sonoma wanted me to share this to the building shortfall. We need to come up with something creative to fix problems like this. This is textbook not the only one in the State.

>> Sonoma Superior Court in spite of its challenges remains a Voight all energetic bench and I am pleased also to be its liason. I can now take questions as to either or both courts, anybody?

>> I was thorough and effective.

>> So in the interest of full disclosure that beautiful pictures of the vineyards was actually taken in Nappa.

>> [LAUGHTER]

>> And keep it in mind when you money your next wine tasting.

>> Sonoma is a thriving wine area and I'm sorry.

>> [LAUGHTER]

>> I beg to differ.

>> Look the options between a pull over on a busy freeway, threaten my own life to get a picture of a vineyard wasn't going to happen. Any other questions or comments? I like the notes, thank you.

>> Thank you Chief, thank you Judge.

>> Thank you, July Ruben, July Lion.

>> That concludes the member liason report.

>> Excellent. We're going to defer our break and take some other items, if you feel you need to loaf, please feel free to do so but we're going to take on the consent agenda now. And I want to let you know a little bit about that as you know, the executive and planning committee places item on the consent agenda in consideration of our meeting time and as mentioned yesterday to ensure the work of the council and its advisory committees can be as effective and efficient as possible in setting policy and implementing solutions, then as you know an item missed on the consent agenda in no way reflects the significance of a proposal and prior to the meeting any council member may request an item on consent be moved to the discussion agenda. As been stated boy the justice, 34 items today on the consent agenda including grant funding allocations from the equal access fund to legal services providers, local assistance grants for court appointed special advocates, new or amended rules of court promoting E-filing, E-business practices, supporting juvenile proceedings and the Indians child welfare act, addressing changes in criminal a Lynnment, new or revised forms to improve clarity, to concede with the law, readability providing better information sharing with law enforcement on guns, school and workplace violence, many reports to the ledge us layers which on the standards and measures that promote the fair and efficient administration of justice, our use of electronic recording equipment, an Annual Report on the recidivism reduction fund court grant program, our appointment of Judge Morgan of the Superior Court of San Joaquin County to the Department of Corrections and rehabilitation sex offender Management Board. We thank all of the many many committee members and staff who spent hours working on these reports and recommendations and we appreciate their efforts in improving the administration of justice.

>> It also worth noting where many of the ideas for these items on the consent agenda come from. They come from concerns raised by appellate justices and individuals on privacy issues and we have suggestions from a superior clerk court Commissioner, an assistant court administrator at the court of appeal, attorney in private practice from an appellate project, all good ideas, all suggestions are welcome to improve our policies and our access to justice and so I'd entertain a motion to move the agenda and a second.

>> I'll move it, Chief, Judge Adler.

>> No hands raised for the consent all-in favor, Aye?

>> Aye.

>> Any knows? Consent agenda items are moved again we thank the many people who work on these projects.

>> We will take this first discussion agenda item and then I believe we'll take a recess so the first discussion is temporary judges reporting on the use of attorneys as court appointed temporary judges. We welcome to the presenter table presiding judge Jeffrey Bart on whose chair of the

judicial council trial court presiding judges advisory committee and Mr. Jake Chatters, chair of the advisory committee welcome. This is an action item.

>> Thank you, Chief justice. I think as is usual, I will start and Mr. Chatters will bat cleanup. This is a proposal from TCP and a joint proposal to amend the reporting requirement in rule O court rule 10.742c and rule 2.810 to eliminate the detailed reporting on the use of temporary judges on a quarterly basis. The detailed reporting requirements require Quarterly Reports on the number and types of cases and the amount of time temporary judges were used each month. It also requires reporting on whether any temporary judges were used under the exception in Rule 2.810d which allows under limited circumstances temporary judges to be used that do not meet the full report, the full requirements containing the rules of the court.

>> The proposal recommends that the temporary judge usage reports that also take place to the office, the council's Office of court research continue. This reporting requires reporting of the annual total usage of temporary judges in full day increments to the Office of court research. The rule requirements in 10.742 and 2.810 were adopted in 2005 at a time when many of the more detailed requirements for the use of temporary judges were adopted. This proposal does not affect those requirements. It only affects one of the reporting requirements arising out of that what I'll call infrastructure for temporary judges.

>> The proposal came about in response to a 2012 request from Rupro, to the advisory can committee. This admits suggestions that could result in cost, savings and efficiencies for the courts. During this process the courts CEO suggested this rule amendment to reduce costs and increase efficiency so the court so that time could be spent Encore functions.

>> TCP Jack then evaluated the proposal and found that the detailed reporting requirement involved additional staff time and that the data generated from the reports had not been used for any purpose. It was also duplicate to a degree of the reports to the Office of court research; however that data does not require the reporting of the detailed case type and time reporting that creates the process issues for the reporting under 10.742c had and 2.810.

>> As noted in our report, the Office of court research at the judicial council also found that the reports were not used to assess the need for more judges or for other purposes and staff time at the judicial council was dedicated to handling the reports. As we heard yesterday, the modern tool which was not in existence in 2005 at the time this obligation was created for assessing judicial needs is the judicial needs assessment that July Oxny reported on yesterday. The proposal went out for public comment and responses were received from representatives of the California court Commissioners association and opposition to the proposal. The opposition pointed out that the data could and should be used to advocate for more judicial positions and in addition, the particular type of case break down would assist in determining the need for judicial versus Commissioner positions and then it was also valuable information to assess the use of temporary judges in each court.

>> As a result of this input, PRupr work referred it back to its leadership to meet with the California Commissioners association leadership and that meeting occurred between Judge McCabe, and Mr. Feldstein, Mr. Chatters predecessor in July of this year. Due to leadership tran recognitions between then and now, when this report is being presented, additional meetings took place earlier this week between Mr. Chatters and myself and the current leadership of the court Commissioners association. This proposal was born out of the recognition that as courts lost staff in response to budget cuts, courts had to make hard decisions on allocations of resources to core functions. The detailed report does provide more information than the full day equivalent reporting but to date that information has not been used and it takes staff time away from processing what I would call core functions. Throughout the State, all courts have backlogs in core functions including things like default processing, root of execution processing, small claims judgment processing and the like.

>> It's an incremental step in terms of removing one requirement but it's one of many incremental steps that can be of benefit to courts as they try to get things done with vacancy rates like my court on the staffing side of 25%. We just don't is have time to do everything and do everything well. We're having a hard enough time getting the core competency process done.

>> The Commissioners and association is still opposed to the proposal. We've had ongoing discussions about the issue and certainly remain open to discussing it in the future. The main area of difference relates to this detailed reporting requirement. At this point in time with the current State of the technological rollout throughout the branch, we do not have and do not have in the reasonably foreseeable future a technological solution that would automate these functions. I wanted to turn it over to Mr. Chatters to talk in more detail about the proposal.

>> Although I'm not sure in this context there is much to add. I think that was a very thorough update, so a little humor to the situation like batting cleanup after someone cleared bases with a home run so there's just nothing I don't know there's anymore to say other than we did reach out to identify how much time is spent collecting the duplicate report at this point in time and the reality is in many cases it's simply not being created so us the amount of time that could not be quantified but one of the larger courts provided information that requires them half an FTE to report on this information. So the issue is not whether the data may be valuable at some point in time or that the data may not improve a point we may want to make or be informational there are thousands of data points we could count that would be true to that statement and the reality is we have to make decisions about what is most important to us at the current time given the resources we have and while certainly respect the Commissioners association and their comments, it has come to an issue of a difference of opinion on feeling whether this particular piece of information is the most vital thing to be collecting at the current. I offer that clarification and happy to answer any questions.

>> [Captioner Transition]

>> I am a court commissioner. I am not on the board. The comments -- while many of them -- the court commissioners Association. The court commissioners Association have submitted a letter and I heard that -- I understood it was sent and received before the ending time for the comment period. I did not receive it so I am not sure what happened. I know that the Commissioner Wightman from San Francisco said a very, very thick response, including all of the backup materials and charts that she received. Also I had understood it was sent and received before the cutoff time for additional materials to be sent, submitted for this meeting. I did not get it so I assume no one else did. I submitted some charts and handouts for today's meeting, yesterday morning. I did not get them, so I'm not sure if anyone else got them but let me kind of paraphrase what is going on. This role is not a stand-alone role. This role is a part of a program set up in 2005 made effective January 1 is a part of a program set up in 2005 made effective January 1, 2007 on the education, qualifications, and tracking of the use of attorneys as temporary judges, and Justice Miller chaired that program. He was the cochair of that program. It got input from the small claims advisory committee, the Traffic Advisory Committee, and even -- presiding judges advisory committee was involved in that. As to the provision for the recording and recordkeeping and reporting, the only comment back in 2005 was a by the committee on access to Justice. They felt that they were in favor of it. They felt that there should be more reporting requirements. More information was needed to keep track of what was going on throughout the state. At the time that this reporting requirement was not only to better determine judicial needs, but also to improve the quality of temporary judging, and I think that we are seeing that in some of the news articles coming out about people griping about attorneys. Sitting as judges. And the demeanor of these attorneys that are sitting as judges and the lack of continuity calendar to calendar. This is information that we need. This is information that should be important to us as a Judicial Council. That report back in 2005 -- significantly, significantly, how procedural fairness is perceived by the public to be lower in traffic, family and small claims cases than in other types of cases. These other cases where temporary judges are used for this is exactly what we are talking about, and this report delineates how many temporary judges are used on a quarterly basis for accounting per case type you can find out how many temporary judges were used in small claims, and family, and traffic. How many you are -- were used in others which includes all other aspects of the law. This is important stuff, stuff that we need to be on top of, stay on top of. I am not sure where to go. Because you do not have the materials. Let me compare the two reports that are supposedly duplicate after first of all, if we are going to eliminate one report, let's eliminate the one that is not required. The one that no one is sending. We have got two reports. What is recovered -- required by the rule and the other is a survey that is voluntary by the courts. If you look at the statistics, the last year that both reports were sent in, wasn't 2011 and 2012 fiscal year. 48 counties responded to the rule report and 35 counties responded to the survey report. So primarily because the survey report is not required. There is no rule that mandates it. It was just a -- a report that was developed. So if we're going to eliminate something that is duplicate of, limited to one that is not required by rule, that does not give us the information that we really need. The two reports. Does the number of attorneys that are used as temporary judges -- the report gives us that information. The survey report does not. The number of attorneys used without satisfying all of the requirements. In other words, the unqualified attorneys that are appointed in circumstances. The rule report requires that and the

survey report does not require it. The number of cases. The rule report requires it. The survey report does not require it. The types of cases. The rule report requires it. The survey report does not require it. The amount of time and days that the temporary judges are used each month. The rule report requires it. The survey report lumps everything together. You cannot delineate. It is in terms of days but you cannot delineate how much is attorneys, how much is private judging. You cannot separate that information out, which, again, I think is important information.

>> Commissioner Gunn back -- one thing that might help you shape your comments is that the reports and the report that you are referencing is electronically available to all of the members so they actually do have it but not in printed form.

>> Outstanding. I, for some reason -- I could not access it. The data that is collected between these two reports at the last fiscal year that we have gotten both fiscal reports is the 2011, 2012 fiscal year. A sampling of counties. Let's look at the same information -- the information that is supposedly the same from both reports because they are duplicate appeared submitted by the same County. For the same year. Alameda County. Under the report, they submitted 566 cases -- days. Under the survey report, 593, so they reported more. The current County, 288 days under the rule report. No data reported. They did not serve -- said that the survey report. Los Angeles County, 7375 days of temporary judges. Under the survey report, 1193 days, so what went into the court statistics report? At the 1193. Not the 7375 which was the actual days that are the rule report. Madera County. 217 days. The survey said 112 days. Orange County, 2106 by the rule report, 810 by the survey report. The 810 number went into the court statistics report. The 2106 should have been. That is the number that we are delineating it between cases. That is the number that probably should have gone into the report the county -- the rule report, 110 days. No data submitted into the survey. Not required. Why do it? Ventura County? 243 days. The survey report, 903 days. The court it's a very all across the lot. The number of cases that we are talking about. This is not a small section of what we do. Again, back in 2011, 22, and I understand from the reports that we heard yesterday, the number of cases heard, probably has also come down. Small claims, the total and that fiscal year, 67,513 cases. They were heard by attorneys appointed as temporary judges. That is over 100,000 people throughout the state. Family law. This is family law. 42,000 cases throughout the state were heard by temporary judges. Traffic, 460,000 cases. Heard by temporary judges. I am talking -- I am not talking referees, commissioners. Assign judges. We are talking about attorneys sitting for the day as a judge. A total of 570,000 of just those three categories. That does not include the civil discovery, your misdemeanor, any other criminal -- it does not include any of the other categories that are here throughout the state. This information is important. It is information that we should have. It not only goes to judicial needs. Not only should it be used by us when going to the state legislature as the actual data rather than anecdotal, but it is information that we need to take a look at what we are doing, at what our job is. We talk about access to Justice and setting up our system so that it benefits all people. Not just the poor. Traffic, small claims, family, so we are signing the cases of the poor to attorneys sitting as judges. This is information that we need to make -- we should be tracking it. I am not a big believer -- I really am not. I think that this rule can be changed, augmented, amended, so that it satisfies all parties. I think that the information needs to be kept, recorded,

and if you eliminate this rule, nobody is required -- if you want -- nobody is required. I think that the information it needs to be reported and I think that it needs to be reported periodically, on an annual basis, a biannual basis, or some other reports indicating yesterday -- every 10 years. This information may be should come out every two years about the time that the other reports come out or on a similar schedule but the information needs to be gathered and to eliminate this survey thing. If I have two reports -- absolutely right. There is no reason for two reports.

>> Thank you, Commissioner. I know that there are several folks who wish to be heard into this matter. Calling just as hell and then Judge So.

>> Thank you, chief. I want to make sure that I'm clear on part of the presentations. Either the -- checking for purposes of argument as we are likely to say that these two report -- reports are not entirely redundant undertaking the numbers to suggest that the reports generated by this rule tend to indicate a higher use of temporary judges, I am also struck by the reference that I think I heard that, over the years, the information has been gathered under this rule, the Judicial Council staff has not found it useful or at least has not used it either for judicial needs assessment or otherwise and it does seem to me that the commissioners have to or should address not only why this report is not duplicate of but also if these reporting requirements continue, what use it -- practical use are to be made of them as far as branch planning. I am just interested in anybody's thoughts on that, including any member of the Council.

>> They are in a similar information that is captured in the two reports for both reports as for the number of days or equivalent times spend by temporary judges in each courtroom. The report that we are suggesting to be retained is just that. It as for the numbers. You might know that there were 75 days, during the quarter, where the temporary judges were used the one that is in the current rule, it also asks the same information and then, in addition to that it out for the number of individual cases that were used in each quarter and that is -- it is difficult to compile. Those are two different functions on how many cases were on the specific calendar versus did you use it every judge today? Those are the main differences between the two reports where it may not be duplicated but it is similar information. I think the other -- to clarify one point on the report itself. The report does not say how often a temporary judges reported outside of the roll. It is only a binary question of yes or no -- did a court appoints somebody outside of the real? It does not give it does yes or no -- a small clarification and as for how it could be used, Judge Barton mentioned in terms of judicial needs, this report -- neither one were used versus judicial need. In the survey report is used for one of the two reports. That one is used and reported on by the research. I will let the commission -- if there are other ways to use it.

>> Let me just ask quickly a question. Neither of the reports are used for judicial needs or otherwise. But could they be useful? Could this one that we are considering today be useful? Is this just information that is not useful to the branch administration?

>> I think that it is -- every piece of data that we collect be useful. It is a question of if it is serving a particular purpose for our main strategic focus now. I think that is really a general question.

>> Okay. Thank you.

>> And I want to hear from Judge So.

>> Jager, is it your proposal that you retain the survey which asks each court to make sure that they understand and they report how many days of temporary judges? But, at the same time, delete requirement that they distinguish between the types of cases that are reported. Is that it?

>> The proposal itself is to delete the section of the rule of court that requires a particular report itself. So we are asking for that to be deleted. The other report, which is the survey that asks for the total usage and full-day increments of temporary judges by quarter, that that would be retained and we would continue to report that to the Judicial Council.

>> Thank you. Mr. Feldstein.

>> So this whole issue was kind of looked at over the was years by SEAK and the presiding Judges Association. Last year we took a careful look at it in terms of the utility of the more detailed report and I would just add that there are three factors that we look at and Mr. Gunn raises and a -- at issue about individual pro tem judges and how those are identified and dealt with. While it is important, I'm not sure how determining statewide trends would address individual court use or individual officers or individual pro tem issues but more importantly as Jake said, you could collect an amount of data that could potentially be useful at some point in the future. This is not being used. It is always a test for me of how useful data is to have a report and a lot of people do not submit it and nobody even asks the question, why aren't you is submitting it? Because there was no use going on. And if it is found to be useful in the future, please keep in mind that courts no computers their calendars and what matters. It is in their case management systems. It can be gathered should we really find that we needed without an ongoing effort that is somewhat burdensome to the court so those are three important factors that we look at last year.

>> Thank you. Commissioner Gunn.

>> A couple of different responses. If every County by this group of roles is required to have an administrator to keep track of temporary judges -- if every County has one of these people, then it is a simple matter of taking the information from that administrator, sticking it on a form and mailing it in. It is not a whole lot of time. As we graduate and we morph into the new computer, tech savvy, case management systems, I understand that it is a matter of case strokes to gather this information and submit it on a report and email it in. We are not talking a lot of time. Now, I understand that many courts, including my own, are in the middle of transitioning, and I can certainly understand how come right now, in the middle of a transition, it would be extremely difficult. But I don't see why we can't do something to delay the decision on this until we get a handle on what the courts can do and what they can do under the new case management system.

What we are talking about is deleting this requirement. And we are not talking about just deleting reporting requirement. We are also talking about deleting the recording requirement. We are not just deleting the reporting. We are deleting their recording, meaning the information is not going to be maintained. It certainly can be maintained if a county decides to do it on their own. Sure. But we, as a group, when we want that information we are going to send out a request, some counties will respond and some will not answer to that count is that respond will be the only ones that have voluntarily cut this information. There will be no requirement that it be kept and if you keep the information, it is not much to transmit it. What is it good for? Well, I guess, is the governing body of the court system in California, I think that this is information that we all need. I think it is information that, if we have not had it, we should have had it it has not even been sent in and it has not been requested since the 2011, 2012 fiscal year so it is no wonder that I don't have it. I have only been on the board within that short. Back in time for I would not even have known to miss it. So it is information that we need, and we should be using it. The last time I went and visited the legislators, the legislators that I taught two were not impressed with formulas. They were impressed with what was going on, where the boots hit the ground in the course, and this is the information where the bits hit the ground in the court this tells you how many judges, how many attorneys are we having to a point to make up for the lack of judicial resources?

>> Justice Slough.

>> Thank you, chief. When the statement is that we need it, what I hear is that the CEOs have indicated that they do not find the information useful. Or necessary. Were needed. What I hear is the presiding judges saying they do not find this report, the information, contained in this recommendation, needed, useful, or helpful. What I have heard is that the Judicial Council staff did not utilize this information telling me that they do not find it needed, useful, or helpful. To what end do we need it? The trial courts, based on my recollection, do a really good job of training the lawyers to reside and to help them out is -- particular types of hearings in ways that they need them. They follow up if there are complaints, and they are responded to similarly to any other complaint as it relates to any other judicial officer be a commissioner and or judge. It seems to me to be, frankly, not something that is needed and it is an exercise in futility and with that, cheap, I would make a motion to accept the report.

>> Second by Judge Lyons. Judge -- and I want to say that for purposes of our discussion, not only is the material -- it is also contained with the right -- the recommendation of the history of this proposal. It has been since April 2015. It is in the tab with the recommendations -- where they are handled what we have heard today, I believe, are the amplification of many of the concerns behind this issue, so with at motion on the floor -- Justice Hull?

>> No. Perhaps a clarification of the motion about accepting the report. I understand what is before us today is a recommendation that we amend rule 10.742 to eliminate the rules -- that rule is reporting requirements on the subject.

>> And 2.810. The recommendations are laid out in the materials on page 2 my.

>> And I understood that to be my motion.

>> That is my motion.

>> And Judge Lyons is second.

>> Correct.

>> Any further discussions?

>> [Vote Being Called]

>> The motion carries. Thank you. At this time we are going to take a 15 minute recess, and at approximately 10 -- it is approximately 10:30 AM. We will reconvene at 10:45 AM. Thank you.

>> [The meeting is on a recess and will reconvene at 10:45 a.m.]

>> Take your seats. And I have an announcement.

>> [Pause]

>> We are back in session on our meeting and at this time, I'm going to take something out of order. I'm going to take an action item. I believe it is the last on our agenda. That is the adoption and permanency month Judicial Council resolution. I know that those folks are in the other room. Are they ready?

>> [Pause]

>> Welcome. Please come on forward. We have Judge Carolyn Tyree, super judge of the the -- Tracy Powell, and they are the adoptive family here. Welcome. And the call -- the judicial count -- Center for families, children, and the court. Thank you all for being here.

>> Thank you.

>> [Pause]

>> I want to start by thanking all of you and I consider it an honor and a privilege to be here today to ask at the end of representation for all of you to adopt a proclamation to declare the month of November court permanency and adoption month. I understand the legislature has already made such a proclamation or is about to. I have been in juvenile court by choice for almost 9 years now, and one of the highlights as a judge in the juvenile court -- there are many. Just to name some examples, kids that successfully get off of probation. -- Kids that weren't

reunified with their parents. Those that do not reunified -- reunify and do not find forever families. They are able and they come in with such self-confidence. They are employed. They are working. They're going to school and they are really proud of what they have done and the court shares that pride with them. Last but not least, near and dear hard for anybody that has presided over and adoption is -- that -- the adoption days that we have at the courthouse and forever families the Judicial Council has declared November -- it is going to declare, I hope, November to be court adoption and permanency month in California. You have made such -- you have adopted such a -- a proclamation since 1999. Just to give you an idea, there is about half 1 million every year reports of abuse or neglect in this state. Nearly 62,000 children in California are in the child welfare system by average per year. Add about 25,000 youth per year and to the foster care system for the first time. 52% of our children are reunited with their families. 38% are in foster care for more than two years. And 28% of them are adopted and you are going to hear from faith and from her mother, their personal stories and I'm told it somebody last night -- I forgot to bring a tissue but they are happy tears -- that is a good thing. We are always happy about that. To give you an idea of courts across the state -- they celebrate national adoption Day and in our court, it is November 18. We have two courtrooms for the afternoon, a full calendar. We have outpouring from the community with food, cupcakes, music, clouds it -- good clowns. And families. There is such an outpouring and such a joy on a day like that but to give you an idea, we do about 800 adoptions a year. That has been true for the last couple of years, which I understand is a pretty good number, given the county our size. I do not want to -- I know that you want to hear from faith and I asked if she wanted to go first or if her mother did and she would like to go first and she is not feeling really well. And also, she wants to go back to school today. I am really impressed by that.

>> Please feel free to tell us what you want to say.

>> There is so much.

>> [Laughter]

>> What do you want to say?

>> Why don't you tell us a little bit -- tell us what you are doing right now in terms of some of your community service work that you think is really important to you and to others that were in foster care.

>> I am kind of about to start my toy drive this month for kids in foster care and I raised a lot of money to buy a lot of toys. Last year I did quite a lot and I'm kind of excited because I got more money and I think I'm going to buy more toys. That was really fun getting to see -- helping people that were like me. I did not have very much. And I am giving a lot. To me, that kind of makes me feel really happy that I've kind of -- I am kind of making somebody feel better about themselves, because I did not get that. And I really like that. And I was hoping -- I was hoping somebody that needed help.

>> So you have been organizing a community service project with folks and you are asking them to contribute money? Are you doing bake sales?

>> No. I did issue drive. I earned a lot of shoes for my birthday. I asked for shoes instead of presence and people would bring shoes, use shoes. I have still got a lot. And a lot of people helped. I earned money from it. I got it organization that would give me money for each kind of shoes.

>> And you would give the toys to who?

>> Foster kids.

>> You have been doing this for how long?

>> Three years?

>> Yet.

>> What -- yeah. --

>> What made you want to do this?

>> I saw so many people helping people and I said I want to be a good person. I want to help people. And I was wondering because I was in foster care and I was like, I did not get a lot so I am going to give a lot and I did.

>> [Laughter]

>> Do you want to tell us about your mother and your forever family?

>> Well, since 3, I was adopted but when I was 3 -- my forever family. My mom and my dad. I am an only child. I am happy about that.

>> [Laughter]

>> My forever family.

>> Is there anything else that you want to tell everybody here?

>> [Pause]

>> I don't know. I think she will go over that if I missed anything. I probably did.

>> [Laughter]

>> Tracy, did you want to say something?

>> Kind of to reiterate, kind of a clarify any loose ends that she may have, talking about -- she came home to us when she was three years old and she was legally adopted through the November adoption month, through the convention center where the judges, and you may adopt children. I think that this particular day there were like 80 something families that were adopted so November is a very special day to us -- a month -- because that is when she was legally adopted herself. She holds her shoe drive in August which is her birth month and with those shoes, she has them shipped internationally to people that are in need and then, with those shoes that she donates, basically kind of recycled, so with bottles, cans, whatever, you get money for recycling those. That is how it is with this program so she sends the shoes to this organization and they pay her 50, \$.60 per pound for the issues and then with that money, one she turns them in, they go internationally and she gets paid in September. She turned the shoes in, in September, after the shoe drive and then in October she gets paid so this last year -- this last month she got paid -- it was like \$2100 for all of the shoes. She had an 8 foot bed filled and stacked full of shoes. The community has come behind and has supported her in her efforts of this whole shoe drive and what it has become. It is something that late -- they look forward to and they save their shoes for the next year, so with that money, what she does is that, in November, she uses the money to buy toys for the children that are in foster -- in less fortunate situations, through an organization called children's fund. And while she is doing the shopping with the money that she raised, the community, once again, supports her by building on top of more toys that she was able to buy without money. So last year -- her first year she started with, like, what was it? I forget how many toys. She had \$71.40. So she was not able to buy a whole lot but it was enough to be able to help out, and then last year, the second year, she did -- it was one shopping cart. Last year she raised enough to where she was able to fill 12 shopping carts full of toys and gifts for kids. So this year she is expecting to raise more toys towards kids in our area. Yeah. So people would donate money, you know, so that she could shop for more toys and so forth. You know? It is kind of incredible to see how, when she first came home, how withdrawn -- she would not give you my contact. She would not talk to you. She knew how to talk but she was like kind of a very withdrawn, and that was one thing that they told us that she needed to do. She needed to be in an environment where she was exposed to other kids her age and to be socialized because she did not want any contact with anybody. So to see who she was then to who she is now is not even the same kid.

>> [Laughter]

>> [Applause]

>> Thank you. That was amazing. And faith, you are an amazing young lady.

>> You are welcome.

>> At this time, I would like the Council to adopt the court resolution for signature by our Chief Justice and Executive Director, to declare the month of November court permanency and adoption month.

>> Thank you. And so before I entertain a motion, I want to say to faith how impressed we all are with your big part and your generous personality and your ingenuity with the shoes and your work and thinking of others. You make us all happy, and you make us all proud. I am sure that -- thank you for bringing your lovely daughters year to share this uplifting story with us. We all will look at our shoes differently now. What you have done and created an expanded in our life is truly a miracle. Thank you for being here. You have made us all very happy.

>> I will so move.

>> With Judge Stout, I would like to second it.

>> Thank you.

>> Okay. People are falling all over themselves to make this motion and to join.

>> He said that he would donate shoes.

>> [Laughter]

>> Thank you.

>> [Vote Being Called]

>> Thank you. Thank you for bringing us this honor. The motion passes. We have some pictures to take. Yes?

>> [Pause]

>> Okay.

>> I will bring up the resolution.

>> Okay.

>> [Pause]

>> We will also in first and then Martin will sign. You look at the camera. Look at the camera when you sign.

>> [Laughter]

>> Look at the camera. Not margin. -- Martin.

>> [Pause]

>> We are very proud to sign this.

>> Thank you.

>> [Applause]

>> [Pause]

>> Well, that was wonderful. Now we will move to our agenda. And look at the next item which is the trial court budget, \$10 million state-level reserve process. We invited to the trouble -- to the table judge David Rubin, the chair of the Judicial Council branch budget committee. And Justice Humes comment Vice Chair, and Kimberly for, a member and Zlatko Theodorovic. This is an action item.

>> Thank you. Good morning, get to everybody. I think that last time I failed to introduce myself or -- for those listening. I am David Rubin, a judge in San Diego County. I'm also chair of the judicial branch budget committee. Let me just say to introduce this item that this is a very hard-working committee. We have been in existence now I think for around 90 days. And we have done a lot of work. Everybody on the committee has been working overtime to make things happen so that we can execute our mission quickly and efficiently. I also want to thank what a tremendous staff that supports us. Zlatko is representing the step that we have Lucy Fogarty and others and Jodi -- they have been outstanding . When we ask for anything, materials, issues -- to help us do our job better, they are right there, right now, and they will put on classes for us at a moments notice. They have been outstanding and I wanted to make sure that they got their do. I know that we are using them quite a bit. Coming up. To give a little bit of review, if you recall, when the community was created, we had responsibility of three particular areas. One was the innovations grant proposal and we have heard already a little bit today. We will hear more about that coming up in the next month. The second was budget change proposals. We will hear about those in December. Our proposal for that. And the third one -- we are going to talk about that today and that is the \$10 million emergency funding that was created by statute this year and that was the third area over which we have responsibility and purview. So when we tackled this issue, as it committee, what I decided to do as chair is I created two small subcommittees to study groups to look at the issues and report back to the committee so that we could start coming up with proposals to get to this Council. So the first one -- we came to you with the last meeting -- it had to do with the innovations grant and how we are going to tackle the innovations grant. Yes. That was it. We reported on that. The second one -- I am sorry -- the first one was going to be budget change proposal, one group. This group which included this is a Leonard who chaired it or invited and judge Brodie, Judge Anderson and Judge Nadler looks more closely at coming up

with a proposal for the community to look at regarding how to handle the emergency funds. We had that discussion at a public meeting that was open to public comment. I just wanted to talk a little bit about the funds. The funds that we talked about earlier this morning is actually a self replenishing fund, a fund that we have to keep funded by statute at \$10 million. So this was different than the 2% fund that we had come again at the administrative Council level that was replenished. It was distributed to the court and then each year it was restocks. What we did was, and approach -- to take a look at the 2% fund and how was administered. That was kind of our starting point and are jumpoff point. We will hear more about that. We took another approach to say that this committee is about creating a statewide approach, a statewide but, at how money is spent and how we spend our funds, so that was the approach we took at looking at this. We're kind of all in this together and it does also the BCP. Let me turn this over to Ms. Flener who can kind of highlight some of the key areas that you have in your document but to put a little more light on that and then we will answer some questions.

>> Our community -- our committee first began by reviewing the former 2% process as a starting point and we made revisions to that process to comply with changes under the statute for the \$10 million reserve. We reached out to Zlatko and his staff, specifically Lucy and brandy, to request that they identify issues and lessons learned from the prior process in an effort to address those in this new policy. The report that is included in your materials specifically outlines draft - the draft process and the changes that were made to the former process, and I will highlight a few of those. First of all, we omitted the application deadline that was previously included as it does not apply under this new statute. We made other technical changes to the documentation requirement. In order to submit an application. We are also recommending adding a section to the application for the requesting court, to state why the funding could not be taken as a loan and it should be funded by all of the trial courts and, if you will recall, we stated that this will be -- replenished by all 58 trial courts through a pro rata reduction through it -- for the following fiscal year. We look at different ways to replenish the \$10 million reserve fund and we unanimously concluded that it is the branch wide fund as Judge Rubin stated, and it is all of our responsibility to contribute towards replenishment. The review process for request will also include a review by an ad hoc working group of core executives prior to being submitted to the judicial branch budget committee for review.

>> Right. Part of looking at this as a statewide process is with having CEOs from around the state looking -- we have three CEOs looking from around the state. I think that we all have input into how the funds are disbursed. And therefore we will all be participating on replenishing the funds. Are there questions?

>> [Pause]

>> One question?

>> Good report.

>> I guess so.

>> [Laughter]

>> All right.

>> Ibarra moves and Justice Chin seconds -- any further suggestions as for recommendations to the recommendation made?

>> [Vote Being Called]

>> The motion carries. Thank you. Thank you for this report and the hard work to develop it.

>> Thank you, chief.

>> Zlatko will remain seated. For the next item, trial court allocation, trust funds held on behalf of the trial court, and action item.

>> Thank you. Good morning members of the Council. I want to present an update or process that we initiated this last year that assists the court in dealing with long-term plans and long-term projects and the Council has previously approved request by the courts to carry forward funds that would help them in executing and completing the case management systems which has been all of the request today. We have two additional requests. And a little over \$260,000. The report -- again, it is part of their case management. The process. We need the funds to be carried over and allocated to them in the subsequent fiscal year. If you approve those request, it will bring the total to \$7.5 million, 17 individual request, for 15 different courts related to case management. We hope that you continue the support of the trial courts and our efforts. Case management.

>> Thank you, Zlatko. Any questions? Entertain a motion?

>> I move.

>> Moved by Judge Rubin, seconded by Judge Buckley.

>> [Vote Being Called]

>> The motion carries. Thank you.

>> Thank you, Zlatko.

>> Next is an issue relating to the children's waiting room fund, a portion of funds in the Trial Court Trust Fund that can be requested by an individual court who seeks to operate or intends to operate a children's waiting room. In an effort to manage the branch funds. The budget advisory

committee developed or recommended to the Council guidelines on how to manage the resources. One of the issues was the maximum amount of money that each individual court could carry forward, and each year as part of the balance as it relates to the children's waiting room funds -- there were provisions provided to a trial court to ask for sort of an exception to that maximum carryforward. What we have here are 3 courts that are requesting that their maximum amount to be carried forward exceed that which was the rule that was established. There is an opportunity for these courts to do so and the reason they are asking for these funds to be in excess of the cap is because revenues in these funds have been declining and they would like to maintain the level of service at current levels so these funds -- greater than the maximum would allow them to carry forward their level of service two, three, four years if they extended down -- the recommendation would be to approve those requests and to reflect that is part of the maximum, \$3.1 million would be returned to the trust fund -- that is the overall management. Sort of like the goal of the policy was to ensure that a reasonable amount of money is being retained. To operate the children's waiting rooms.

>> [Pause]

>> Thank you.

>> Judge Childers -- chatters?

>> If adopted -- next year in the event that they are --

>> I believe that this one action would allow them.

>> Do they have a plan?

>> I think SF we would be ensuring that we would be reviewing those but they did present a spend on plan for each of those, why they would be using this amount above the cap.

>> My comment would be that this -- there appears to be a large reserve. For the courts that may not have access. Necessary. My suggestion would be that this would be an action for one year and then it come back -- we come back next year in the event that the spend down is occurring as the courts anticipate. The intent of the policy was -- building not being used for later development.

>> Okay.

>> [Pause]

>> Let me say -- asked this question, on the recommendation. That the committee recommends that the Council affected today increase the amount of the fiscal year 2016, 2016 cap on the fund

balance for to carry it forward by next -- it has -- is it already a one-year Does it need language to amend to make sure that this is a one-year action only?

>> I think that the way that it is written -- I do not think it needs revision.

>> Okay.

>> Looking at it.

>> Thank you.

>> Any further observations or discussion or questions? If not, I can entertain a motion. Thank you. A move by Judge Anderson. Seconded by Buckley and Stacy Boulware Eurie -- all in favor, --

>> [Vote Being Called]

>> The motion carries. Thank you.

>> Chief?

>> We conclude today's meeting as we often do with a brief remembrance of the judicial colleagues recently passed and I mentioned Malcolm Lucas in my remarks earlier today. And we also have Justice Alex McDonald -- Alex McDonald of the Court of Appeals for the fourth Appellate District who was still active on the bench at the time of his death. Of the other colleagues had retired from the judicial service from the bench, Judge James Aaron, Superior Court of Fresno County, Judge Walter Condley, Superior Court of Kern County, Judge Earle Gibbons, Kern County Municipal Court, Justice Jack Goertzen, Court of Appeal, second Appellate District, Judge Alan Haber, Superior Court of Los Angeles County, Judge Thomas Hendrix, Superior Court of San Diego County. Judge at Ward Matthews, and -- San Bernardino County Municipal Court, Judge Edward Merrill, Superior Court of Contra Costa County, Judge Gary Meyer, Superior Court -- court of Monterey, Judge Theodore Malaak, Superior Court of orange County, Judge cartoon -- Harkjoon Park, Judge Sherman Smith, Superior Court of Los Angeles County and earlier this week, presiding Justice Spencer, court of appeals but we know them for their service to the courts and the rule of law and to the cause of Justice. Our next regularly scheduled Council meeting will be December 15 and December 16 in Sacramento. The meeting is adjourned. Thank you all for attending.

>> [Event Concluded]