

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

Please stand by for real-time captions.

>> The meeting of the judicial Council of California. Before we begin the formal agenda I would like to recognize visitors to the meeting. There are participants in the Superior Court of the mentoring program. As I call your name, please stand and remain standing. Juliano, judicial assistant. Heather Louis, judicial assistant. Elizabeth, court investigator, and Veronica Ebert, courtroom clerk. They are joined by the executive officer, Brian Taylor. Welcome. I want to say that this is a worthwhile program that grew out of one of our own Judicial Council access and fairness advisory committee ideas and is a pilot program for court, staff, development and advancement particularly for women of color and credit is given to you for keeping it going even though I know during the harsher times of our recession that it had to be cut back. I thank you to Justice Maria Herb -- Herrera who reminded me of the program so thank you for being here and sharing time with us and keeping up the good work.

>> [Applause]

>> Our first agenda item is public comment and I will turn that over to Justice Miller.

>> Thank you, Chief.

>> This is an opportunity for individuals of the public and other members of the judicial branch to provide us with public comment with regards to general judicial administration and, again, remember that we are not an adjudicatory body. We request you do not talk about individual cases or the facts of your individual cases. We do not have any authority or jurisdiction to impact or make any decisions in those cases. Your time today will be three minutes and our first member to make public comment is René Garcia and if I could have Clifford, if you could come behind and stand at the swinging gate. Good morning. Welcome. You have three minutes. I will give you a notice at one minute. Thank you.

>> Great. Good morning, Judicial Council. Happy Friday. My name is René Garcia. I am here to represent the Interpreters Guild of America. We represent independent court interpreters and language interpreters in California, and also coast to coast. I, myself, am a California court certified Spanish interpreter. I worked out of Los Angeles. I rarely work in court. The reason for that is why I am here today. [Laughter] it is not the first time. I think that we started asking for a raise to the contractor per diem rate for interpreters back in 2014. That rate, which stands now at \$282 a day, just to give you a firm figure, was set in 2007. It was raised from the previous rate -- I do not remember what that is. As a comparison, the same work, right? That an interpreter

would do in federal court, is compensated at \$418 so it is a 48 percent differential. That puts California Superior Court at a decided disadvantage in terms of the quality and the number of interpreters that they will have access to. Right? As the LAP, as the language access program goes into effect, and more interpreters are going to be -- the system is going to be required to supply more interpreters in civil court, I think that you will see that the greater demand will make that rate a real stumbling block to effective --

>> One minute.

>> -- Delivery of services. I am to Desmond I am asking you to consider raising the rate but I know that the SEAK had it on their agenda for 2016. They made a recommendation. I am not aware of the recommendations or what their findings were but once again, please revisit this issue because, to be honest with you, we are independent interpreters, and we are well aware that if we work in the private sector, we are compensated at a certain rate and we would love to work in court more. We would love for you to consider making the rates more in line with what the current market value for our services is.

>> Thank you very much.

>> Thank you.

>> Clifford. All right. Connie Valentine and if Mohammed Tucson is ready to be next. Good morning.

>> Welcome.

>> Good morning. I am -- Connie Valentine from the Protective Parents Association. I feel like I am repeating myself at times but this situation is still not resolved. We are delighted to see that the electronic recording equipment is moving forward. I wanted to discuss today the implementation of SB 1716 from the year 2000. You think that was old history but it is not because it is not enrolled as we had hoped. The senator Deborah Ortiz authored it and the legislative coalition to prevent child abuse and sponsored it. This was a bill that the language was developed by the Judicial Council and the county welfare directors and the County District Attorney's Association. It was designed to increase child safety in Family Court during divorces. It was not intended to create a unregulated cut in industry according to private psychologist and immune to lawsuits as is pointed out by a recent article in the Washington Post. Despite gross negligence and increased rampant child endanger nor was it designed to allow private professionals to charge enormous fees to evaluate the mental health of the parent who requests protection for a child. Nor was it intended to let those professionals opine that the child should be placed with the accused because the safe parent is and alienate her or a liar. That is the unintended outcome of this legislation and I forwarded to you and I believe that you may have it in your packet today. There are items that show how this has come about. It would take too long for me to explain that but you can read that. Thank you for helping to ensure the safety of the children.

>> Thank you. Mohammed and then Catherine Campbell, if you could be ready next. Good morning and welcome.

>> Good morning. I have a very brief oral comment to be followed with a written comment to be submitted to the Council. The California Supreme Court primary role in the state judicial system is to settle important questions of law that have not yet arisen and this is, in fact how the common law system has developed through history. Trial courts apply established law to facts that are presented for them and in rare cases where the facts introduce and create new questions of law, the matter rises to higher courts in order to settle those questions of law. In this way, through the law it builds upon itself higher and higher from every court proceeding and when looking up at the law, one cannot help but admire it as a series of monumental achievements by our society over centuries. Today I contend that in order to ensure the future of our democracy, the law does not need to be billed to greater heights but fundamental question of law needs to be resettled. There is rule of law still exist in our society. Marbury versus Madison was decided in federal court as long ago as 1803 and guaranteed that the government of the United States has been an statically termed government of laws and not of man. It will certainly cease to deserve this high alkylation if the law furnishes no remedy for the violation of a vested legal right. Today the rule of law is struggling against the most severe of challenges. I contend that our community has lost its commitment to this most sacred of all democratic ideals. If this important question is not resettled, and if we as a society do not reaffirm our commitment to it, the reason for our justice system it will cease to exist and its work will be frivolous. That concludes my oral comment and with the Chief Justice permission, I would like to distribute my written comments. But if you can set those to the right by that chair, I will make sure that someone distributes them.

>> Thank you.

>> Thank you very much. Catherine Campbell and next is Kimberly sweetie. Good morning and welcome.

>> Good morning. Thank you. Chief Justice and councilmembers, I am back today because the problem that we face in Family Court has not changed. This week, I visited 23 congressional offices on Capitol Hill to discuss this problem because we are at a point where we probably need federal resolutions to come in and to help our states and it is sad when it gets to this point, but we are still having mothers lose custody to abusers in California. I was very saddened to know that the facts, when I would present the situation on Capitol Hill -- I had to tell people that 60 to 85 percent that you will lose custody if you report abuse and it is at 60 and 70 in the nation in California is at 85. Being in California and reared in California, I believe that we are better than this. Experience does not make us better. We have to sit back and be honest. We are just getting older. I had to listen -- I was grateful to listen to a person present at our meetings telling how he was taken away from his mother and, even when he turned 18, he had trouble wanting to see her because he was conditioned to not see her. He discussed the hardship that he had with not seeing his mother for 10 years. It took him until he was 21 when a friend said, you should really reach out and see what she has to say. It took him, I think, he said six months before he actually saw her in person. We are crippling our children in California and across this country. When we want to put legislation together and say we do not want to hurt our judges --

>> One minute --

>> -- They might think that you are pointing a finger. When you want to do better, it does not mean that you will. We all know better about things and do things that we should not. But we do need to hold people accountable and if we need to address this in a way that we say, listen, we know that we have done wrong in the past but we can do better, do not let our past mistakes change our future for our children. Thank you.

>> Thank you. Kimberly sweetie and Clifford E from. Next. Good morning and welcome.

>> Thank you. Chief Justice, esteemed council members, my name is can release weighty and it was the first time that you saw me and it is not the last and I am back. To give you background I was trained as a family lawyer and I have an MBA from the Wharton School. I continue to be collecting information on how we got to where we are in the family law court system. My email is on a yelp review and I invite members of the public to give me feedback on what is going on in their cases. I am more than concerned. This started when I left family law 30 years ago because it was a mess and when I came back to do my divorce, it was even bigger. I get on a weekly basis just from a yelp review -- you can imagine how esoteric this is to actually be getting this many communications from a Yelp review of people that are terrified. People in the United States of America are terrified. They are terrified in their own divorces. This is something that we need to reflect on. Why in the freest country in the world are members of the public terrified of what is going on in their divorces? They are not finding counselors at law. They are not finding people who have the best interest of the children. These individuals. The public and the future of this country in mind. What they are fighting our people who are interested in nothing but dragging on divorces and bringing out the very worst in the litigants. So if there is one of the two parties who is angry, who has issues that are better addressed with a therapist or with a spiritual advisor or religious advisor, instead, they are being encouraged and emboldened by attorneys, not counselors at law. That is what I consider my cell. Attorneys, judges, therapist with unfettered power and immunity to prosecution, to drag out and destroy the mother or father of their children, whoever it is that is creating all of this adversity -- people get divorced for a reason.

>> One minute.

>> When I am hearing these telephone calls telling me that they are afraid that the attorneys fees are going to eat up their life savings, ability to send their children to college, and that their child is going to be put back in the hands of someone who has a history of mental illness, abuse, this is documented -- I receive the phone calls on a weekly basis and I will continue to come back and tell you about this because this is the United States of America. When I was married, I was married on 4 July and the theme was celebrate our union and I meant that very seriously and I toasted our founding fathers and mothers. I am a native Californian as Ms. Campbell said, and we, the people of the California and United States deserve better. Our citizen should not be terrified that they are going to lose everything including their children when they get a divorce, particularly considering about half of us are going to get divorces. This is not acceptable. Together we need to come up with a solution. Thank you for your time. You will see me again.

>> Thank you. Clifford. All right.

>> Thank you. That concludes the public comment.

>> Thank you, Justice Miller, and thank you, to everyone who spoke. The next matter on the agenda is the approval of the minutes. This is from our March 24 meeting. After you have had an additional chance to review, I will entertain any motion.

>> Move approval up expects second.

>> Thank you, Justice Chin and thank you, Judge Lyons.

>> [Vote Being Called] the minutes are approved. Thank you.

>> Next is my regular report to the council, summarizing some of my engagement since our last meeting in March. I had the great honor of accepting as you know an invitation from a speaker rented and Senate president pro tem to deliver my state of the judiciary address and thank you to those there and who listened and with every address since I became the Chief, I was never allowed. Of course my family and my in-laws are there but also my fellow justices with the Supreme Court and my colleagues from the courts of appeal, superior courts and Judicial Council. Key stakeholders also attended and the Bench Bar Coalition, Open Courts Coalition, State Bar, and new to the organization for this event is the conference of California Bar Association as well as Judicial Council staff. My address to the Legislature also provided an opportunity to publicly recognized Justice Chin and my colleague Justice awarded her on her retirement. 55 years of public service and 23 of those spent at the California Supreme Court. Over the years I have learned that justice worker and bodies the three principles that Governor Brown urged us to be guided by during his State of the state. That is a truth, perseverance, and civility. In my address to those principles, as you know, I also added that we should be guided by the rule of law. Courts strive on a daily basis to protect California's vulnerable population including crime and abuse victims, children and families, limited English speakers and unrepresented litigants. Courts are critical to the checks and balances within the democratic system and that is why we continue to work for adequate and stable funding for the judicial branch. To protect civil and constitutional rights and equal access to the rule of law for those who come before us. To develop the future leaders and contributors of California, we created a Civic Learning awards, now in their fifth year, and they give me reason for optimism. This is to further develop the public's understanding of the judicial branch. Our civics initiative and our Civic Learning Awards are in partnership with our Superintendent of Public Instruction Tom Torlakson and it continues to grow. 180 schools in 26 counties have been recognized since our program began. All California public schools are invited to apply for the awards. I visited three schools that won the top awards and they were Eastman Avenue Elementary School in Los Angeles County, Pacific Pathways Preparatory School in Sacramento County, and Pacifica High School in Orange County. Another key benefit of the program is that the judicial branch can therefore go into their communities to participate in the awards at a local level and a joint the judiciary with the community and promotes greater understanding of who we are and what we do. It connects the courts with communities in a positive way. As with many of our branch activities, the program relies on volunteers. I want to knowledge the nine judicial officers who volunteered to personally present awards to local students in their schools and their communities.

Presiding Justice Tricia Bigelow, Justice William dado, Presiding Judge Raymond hate the third who is accompanied by the courting thicket of officer Nancy Eberhardt and chief deputy executive officer Terry Davis, Justice Judith howler, Judge Joyce Henriksen, Presiding Justice Jim Humes, Presiding Justice Dennis Purvis, and Justice Marsha Slough. Thank you. This is another opportunity for local courts and to participate in civics through our awards but also through our local county Civic Learning Partnerships. There have been six pilot partnerships that connect judicial officers with their communities, school districts, business leaders and promotes engagement in the communities as you know and as I have said, the civics award talks about the three branches but we emphasize on the judicial branch because it is our initiative. The six pilot partnerships are in Alameda, Butte, Fresno, Los Angeles, Sacramento and San Diego, and other counties expressed interest and they are gathering together leadership in their counties. I recognized one of these partnerships, and that is the Butte Civic Learning Partnership with the Chief award for exemplary service and leadership on law day in Butte County, Judge Christian Lucina has had an elementary school mock trial program at her courthouse for the last 10 years. The Butte partnership also includes the county superintendent of schools, Jim Taylor, Al local business leader, Mister Jack Danielson. Together they reach out to their respective communities to create a dynamic team. Butte was the first county to pass a civic learning resolution in all 14 of its school districts involving 31,000 students. You can be reassured that Butte is learning what the judicial branch does and what you do every day and the importance of our checks and balances for all three branches. Protecting the integrity of our democratic institutions was also the theme at certain events in San Francisco and San Diego. The ABA Section on Litigation -- we are keen to hear about the checks and balances at the federal level. They are also active in promoting diversity and education of the profession and they joined with many California judges and lawyers in an internship program that places 165 students every year with state and federal judges. The Informed Voters Project of the National Association of Women Lawyers hosted an event on the balance of power and in support of impartial court with a local bar associations and businesses and of course Justice Judy McConnell led that event. Because it is basketball playoffs season, I also had the unusual experience of receiving the women of influence inspiration award from the Sacramento Kings foundation at half court during halftime of a Kings game. I'm sure that there have never been high heels on that court. I am sure that they were in a hurry to get me off of that. As all judges and justices are required in California, I attended my qualifying ethics training as part of the appellate justices Institute with many of you. Justice Chin, Justice Miller and I formed part of the program with the conversation or modify Justice Brad Hill. I joined him with Justice Slough in Indian Wells at a joint meeting of the Inland Empire Inns of Court, where a major topic was why should we care about you Judicial Council and the judicial branch? As a reflection of the healthy diversity within our state and as they being Pacific Islanders Month, I attended the event in San Francisco and the Arab American Lawyers Association of Southern California annual awards reception in Los Angeles. While I was in Los Angeles I was happy to join presiding Judge Buckley in the and robing a ceremony for 10 of our newest state judges in Los Angeles court. And in Sacramento I had the equal pleasure of introducing a panel of some of our more seasoned judges at the County Bar Association past presidents luncheon on the role of judges with Administrative Presiding Justice Ray and U.S. District Court Judge Kimberly Mueller, Presiding Judge Kevin and retired Justice arts Gotland. And finally most recently in

Sacramento, I was honored to participate alongside Governor Brown, Attorney General and Senator Kathleen and California Peace Officers Memorial Foundation Wayne Quint Junior, the executive director and the 41st annual California Peace Officers Memorial Service honoring those who have made the ultimate sacrifice and have watched on their terms and see the surviving victim families and having an opportunity to spend time with them. That concludes my report. Next we will hear from Martin Hoshino the administrative director's report.

>> Thank you. Members, observers and listeners, I would like to take you through the elements of the written report as I usually do and give you an update on the state budget. But first, before doing so, I wanted to take a moment to publicly acknowledge and congratulate and to thank the new director of our Center for Judicial Education and Research, Karene Alvarado, who is in the audience today. As many of you know, we have been searching for a new director for this important and nationally recognized center at the council. We did get applicants from all across the nation, owing to its national reputation, but luckily for us, we were able to find right here at home in our own ranks probably without a doubt, the most qualified person that was available to us. And if you do not know, she has been with us in that program for about 16 years. I think I got that right. In that 16 years it is fair to say that she has probably participated and had a hand in and a developer in just about any element of the curriculum that is in that well-established program and so you could not find anybody that was more qualified and so we concluded our search and it was quite quick. I wanted to welcome her as well as congratulate her and to wish her the best. Thank you very much, Karene.

>> [Applause]

>> Members, as always, in your materials is the written report that archives the activities that are in support of your goals and your objectives. It is contained in the materials. This particular report includes a summary of the information on the advisory committees that have occurred between the last meeting on March and there have been about 20 or so of those committee meetings in the reporting period. The updates cover a lot of ground on the work that has occurred and it is an expansive range, as it always is, of judicial administration issues including child support guidelines, evaluation of mental health legislation, development of intelligent court forms, legal help centers, the grant fund activity and it just yesterday the court facilities advisory committee meeting where the committee's discussion was bearing upon the important next steps related to updated seismic risk assessments in support of courthouses. Since the last council meeting that has been almost 50 different education programs, trainings and resources for judges, court personnel, on a myriad of topics including courtroom simulation of jury voir dire and improving permanency outcomes. As we all know, it is within the throes of the last budget season in California with lots of activities and so the report also talks about some of the advocacy efforts that have been occurring related to our branch budget for the fiscal year that is coming up in July 1. I want to provide a recap of the elements that are in the Governor's vision and it will be brief because it is not that different from what we saw in January. The budget, as proposed, contains \$3.6 million roughly for the branch at large, and this is about 1.9 percent of the total state budget and about 1.3 percent of what we commonly talk about a lot in California which is the General Fund, which is comprising the major part of the budget. There are no

reductions proposed for the judicial branch. Even though a \$3.3 billion deficit or so is productive for the next fiscal year. This is positive for us to a point and it is negative to us, for a point, in that last year there were pieces of legislation and bills passed, as well as propositions passed by the voters, that impose additional work demands and workload on the courts and those are not funded in this particular budget, so although it is proposed as it was last year, again, there are additional burdens that are imposed on the courts which we will have to struggle with and continue to. The positives are that the budget maintains 35 \$.4 million in new funding from the initial January proposal. This is a recognition of some of the general cost increases as well as technology initiatives. Another positive is that it adds funding for enhancing IT infrastructure for statewide e-filing initiatives and the migration of the Judicial Council services to a state system as well as implementation of the appellate document management system. Another positive is that the administration continues its commitment to backfill that Trial Court Trust Fund for revenues eroding related to filings, fees and assessments. There is also a recognition by the administration, not written or contained in the budget, but a recognition and commitment made to us that in the event that there would be fiscal impacts associated with the drivers license suspension proposal that is contained in their budget, that they would provide relief through some of the existing budget processes and tools that they have and so that is a welcome recognition or acknowledgment by them to us. There is also some provisional language, included to limit the amount the state comptroller's office is allowed to charge trial courts for audits and that concludes the positive pieces and the elements of the budget so what happens next? The chief budget statement after the release noted the proposed funding is not enough in the California court system is receiving little more than a penny for every general fund tax dollars and the message is that the impact of chronic underfunding and the absent of stable funding courts really something cannot maintain the service levels and access for the public that they have today. California courts regrettably are not alone in this program is my problem. It is a general source of funding for every court system in the nation. This is pretty much the same story nationally where the budgets for the judiciary comprise a fraction of state spending and yet they are expected to effectively and efficiently deliver constitutionally insurance services to the public. It continues to be a fundamental central message for our sister branches that we need greater funding stability in order for us to fulfill our constitutional responsibilities. The advocacy efforts between now and the end in the next few months is going to have to continue to need strong support from all of you at the council members as well as court leaders and stakeholders and partners throughout California. We have our budget snapshots that are in the Legislature and we have a lot of testimony that has been occurring and I would encourage everybody to keep it up and to continue to highlight the real world of vulnerabilities and impacts of a chronically underfunded judicial system. This is impacts on foster kids, families, and self-represented litigants and English speakers and veterans and the list can go on and on. In terms of where we are now, we have had two committee hearings immediately behind the revise that happened last week that were ably supported and attended by our staff as well as members in the system. We have another set of hearings, I think two or three, already scheduled for next week and the focus is on all of the committees and actions that they take and the actions that they do not take as we work our way towards the June 15 constitutional deadline and we will do our best to keep you apprised in real time and the council will not be meeting again prior to the conclusion of the

budget. We will update you at the July meeting when you will be asked to make decisions related to the allocation of whatever or wherever we end up in terms of their preparation from the state of California. With that, Chief, that concludes my reports of the members.

>> Thank you. We will hear from the internal committee chairs and their report starting with Justice Miller.

>> Thank you. My detailed report has been posted online as part of the Judicial Council meeting agenda so with my time, what I would like to do is highlight a few items that relate to the nomination process for the council and the advisory committees. As we all know, the volunteers from our branch of that offer their knowledge, experience, and expertise to the council are what makes it possible for the council to be informed and to effectively carry out its duties. We could not consider and I mean that -- we could not consider the huge volume of policy and rule changes required of our modern judicial branch without the over 400 volunteers that commit to, as the Chief says, a second job I think that most of them would attest that it is a very worthwhile job. Some of the changes that we consider come from our sister branches of government. The Chief noted in her 2017 state of the judiciary address that since she became Chief, there have been 6408 new laws and new laws as we all know can impact rules of court, processes, policies, and, of course, our budget. As part of the ongoing Judicial Council cycle of membership the executive and planning committee met yesterday to review nominations for our upcoming vacancies on the Judicial Council. We developed recommendations and those will be provided to the Chief for her appointments. We have also been soliciting nominations to fill vacancies on a number of our Judicial Council advisory bodies and that deadline for submission of applications was May 12, 2017 and E&P will meet to review those recommendations and applications and come again, make recommendations to the Chief, and we will do that in June. Lastly, we all work with truly dedicated judicial officers and court leaders on a daily basis. There is a wonderful opportunity to nominate and recognize someone for a 2017 and Judicial Council Distinguished Service Award the closing date for nominations is Monday, May 29. The honorees will be announced in July and honored in September. So please, please, think about someone that you know whose personal commitment has advanced the goals of the Judicial Council and the judicial branch for improving the administration of justice in California, someone who has overcome great challenges or someone who is truly committed to access and fairness. We have an online nomination form on the California Courts website so that you can upload a video and audio file and also you can download a nomination form if you would prefer. Please, please, think of someone in that capacity. Thank you, Chief. That concludes my report.

>> Thank you, Justice Miller. We will hear from Kenneth So, chair of policy coordination and liaison.

>> Thank you for the policy committee has met twice since the last meeting and taken positions on 12 separate pieces of legislation including civil, probate, criminal law and procedure, bills and veteran treatment bills. A complete report is posted on the website. Instead of talking about each of those individual bills I would like to highlight a few of these. On March 30, we took a no position on AB 83 which would make the Ralph Dills Act applicable to employees of the Judicial Council. Additionally the committee has voted to oppose AB 1128, AB 1128, the bill

which would impose upon the local trial courts the requirement to keep exhibits. That is of great concern to many of the trial courts because we do not have the room or the ability or the technical expertise to keep exhibits. For example, storing DNA for years and years and years. Additionally, we have taken positions on jury selection bills, both on the civil side and the criminal side. I would like to particularly thank Todd Bottke and CJA for helping us and the judges Dan Buckley and Jeff Barton for helping to discuss the jury selection bills with the appropriate interest groups. They have been very helpful in trying to craft a bill which the judges and the branch can live with, which will still allow us to be efficient in handling cases. The legislative deadline for policy committee is to hear and report on the non-fiscal bills and it was May 12 and the deadline for fiscal committees to hear and report bills to the floor is May 26. As this fluid season continues, we will continue to update you on all of these bills. Thank you, Chief. Thank you Judge So and next Justice Harry Hull Junior, --

>> Good morning. The rules and progress committee has met twice since the meeting on March 24. On April 4, the committee met by telephone to consider proposal to amend rule 10.63 and to change the name of the committee established by the rule to the advisory committee on audits and financial accountability for the judicial branch. The rule is to circulate on a special cycle following public circulation and review by the proponent committees. This proposal is expected to come before the council at the July 28 business meeting. The rules and projects committee met by telephone on April 19 to consider six items that circulated for public comment during the winter cycle and a proposal for technical amendments. The rules of practice committee recommends approval of these items this morning which are items 17-076 and a 17-079 through 17-084 on today's consent agenda and at the April 19 meeting, they approved amendments to the annual agendas of five committees that overseas to allow them to form a joint ad hoc subcommittee to develop rules for remote access to records. The rules and projects committee approved for circulation at that meeting and one proposal on a special cycle and a proposal that makes minor revisions to civil jury instructions which I would remind the council that you have delegated authority to take those technical point of revisions to approve. As always, I would like to thank the truly hard-working and dedicated Judicial Council staff members who support our committee and their efforts and their value is ongoing. Thank you. Thank you, Justice Hull. Next we will hear from Justice Marsha Slough, chair of the technology committee.

>> I will be reporting on activity since I spoke with you at the March meeting. I just had to outdo Justice Hull. We have had three meetings since then. Spyglass expert try to work harder.

>> We met yesterday, on April 10 and May 8. The April 10 J CTC meeting, members receive the update of the activities from the information technology advisory committee also known as ITAC. We also received an update regarding the video remote interpreting project. JCTC reviewed and approved the initial funding request and concepts for potential budget change proposals as they relate to technology and at the May 8 meeting, we again received an update on activities from ITAC, particularly regarding the six or seven work streams that they have moving forward that is going to provide great progress as it relates to access to justice for our state in addition, we had two action items. The first was a request to amend the annual agenda for ITAC, to authorize it to form a joint ad hoc subcommittee for the purpose of developing rules on remote

access to court records by parties, attorneys, and are just as partners. We approved that item. The second was a review of the ITAC approved case management system, data exchange workstream. They presented a final governance and operation plan and, again, we voted to approve and accept that final deliverable from that workstream, and we appreciate the work that they accomplished on that workstream. Yesterday at the JCTC meeting, we reviewed and discussed potential technology BCPs for the fiscal year 2018 and 2019 and we prioritize the BCP concepts as it relates to technology, and ranked them and they will be -- a ranking will be submitted to the budget committee for the June 2017 meeting and then ultimately to this body at the July 2017 meeting. Preparations continue for our Small Court Technology Summit, which will be held next week in Sacramento on May 25. I want to thank the member Rick Feldstein. His CIO, Jeannette, as well as Linda of the Merced Superior Court for helping us to put together what I think will be a really important and robust agenda for the small courts to make sure that we understand what their technology needs are and I also wish to thank Justice Chin who has agreed to join us. It is meaningful to me and to the small courts that you are present to hear what their issues are as well. That is in preparation for a larger branch wide state technology Summit, which will be held in August. We have been meeting with our technology stakeholders, including the CIOs, CEOs, presiding judges, appellate courts, to gather information as to what they would find important as such a branch wide technology Summit. The last branchwide technology summit occurred in October 2012 and, really, it served as the launching point for this councils approved court technology governance and strategic plan which, I have said before and I mean it and I will say it again and again, truly has served as the foundation for some of our success over the last couple of years. I am hopeful that this coming summit will be as successful and that it will serve as the kickoff for us to update our technology strategic plan. We will continue to meet regularly more than Justice Hull's committee.

>> [Laughter]

>> A little competition is always good.

>> The meetings are more efficient.

>> We have now planned six meetings.

>> [Laughter]

>> More importantly, we look forward to continue to build our relationships with the trial courts, with the courts of review, with our sister branches of government, to allow people to know what our technology needs are, so that we can work together to provide better access. Chief, I also wish to thank you yesterday for the letter that you sent to the internal chairs, outlining some of the work that you wish to be accomplished as it relates to the futures commission. I know that there was a very important segment from that report related to technology. I wish to report to you that we have scheduled the meeting in the next 10 days with ITAC to sit down and help them to develop their goals and strategies to make sure that your direction is accomplished. Thank you for that.

>> Thank you, Justice Lau. We look forward to that. Last but not least, Judge David Rubin shared our budget committee. Thank you. Thank you to the members of the Council. Morning. The judicial branch budget committee -- I am reporting on the behalf of the judicial branch budget committee and our charges is to administer the fund, coordinate the branch budget, change proposal request that goes to the state Department of finance. We have heard a fair amount from the justices -- just to slough about technology. And to administer the \$25 million grant program and budget tasks assigned to the committee. I mentioned previously that the budget committee takes a branch wide approach to its work. That means that the committee promotes the efficient, fiscally prudent, effective and fair allocation of limited resources reflecting our branch overall statewide interests. This and next sentence I'm not loving. Since the last meeting on May 24 the committee met one time in person but -- spoke [Laughter] spoke -- we have 48 plan for the next three days.

>> [Laughter]

>> At that meeting, we have received an update regarding the governor's revised budget but we also heard about progress made by the staff on drafting the 2018, 2019 fiscal year budget change proposal concept that the committee is considering and just a footnote on that, the amount of work that the staff has to put in to get a budget change proposal concept into a finished budget change proposal is enormous so we want to say thank you to the staff for their hard work as they begin to take these initial funding requests to the first step of the concept and later on to the full BCP. These BCP concepts are being presented to all applicable advisory bodies for their review and at the BCP concepts will be further analyzed and prioritized for the budget committee for the June 25 -- 2017 meeting. Once we're done with that, the concepts will be presented to the body for discussion and approval for the July meeting. Following that meeting, counsel, staff will create the BCPs and those will be submitted to the Department of Finance in the first week of September as we start the advocacy for the 2018-2019 budget. The committee also at the last meeting had an educational session about the Workload Based Allocation and Funding Methodology. We refer to that as WAFM and that was presented by the Judge Laurie Earl from the Sacramento Superior Court and Jake Chatters, court executive officer from Placer County. They gave us a fascinating overview of the WAFM design and origins. Judge Earl as you may recall chaired the budget working group at the time that WAFM was approved by the council and with the assistance of many, branch leaders, including Jake Chatters, instrumental in getting the landmark policy approved. Switching gears, as I reported to you back in May, the innovation grant recipients will be giving us quarterly progress reports and the committee will then be reporting back to the council about those reports. Since the program is now about to begin its next phase which is basically funding and kickoff on June 1, let me give you the first such report in advance of the quarterly reports and we will start later this year. Of the 53 grants that were made, four courts have reapproach the committee regarding four grants, seeking changes. Those courts are Contra Costa, Mendocino, San Diego, and San Joaquin. Mendocino, San Diego and San Joaquin are seeking augmentation to their project budgets. You will recall that we had gone through and we had reduced many of them. These courts are seeking augmentations. We are in the process of informing those courts of the preliminary decisions and seeking more information about those request. As to the San Diego matter, Judge Barton and I were not in the room when it

was discussed nor did we discuss the application or the request with anyone on the committee. Contra Costa has asked to withdraw one of their four approved grants so that the other courts can benefit from that allocation. Given outcome data they gathered very recently from a similar collaborative core program that they have and the court determined that the grant money could be better utilized by other counties and we are pleased that they notified of this early and it will go into the reserve fund for the collaborative court programs. Chief, in closing I would like to thank the nine very hard-working committee members and to tell you that it is an honor for me to chair the committee and I think that the committee is honored that you placed them on the committee. This committee this month devoted countless hours to work and we have been assisted in the task by incredibly talented staff without whom we could not get the work done and thank you again for the opportunity to address the council and this concludes my report unless there are questions.

>> Thank you, Judge Rubin. When I hear the report, I ask myself, where were we five years without a budget committee? And then I remember how we addressed the scramble of BCPs here at council and the other audits. Thank you for the report and thank you to the members of the budget committee for taking on this very technical but necessary work for the branch. We have 12 items today on the consent agenda. We thank all of the committee members and staff who worked on the report and provided input. As you have heard in part from Justice Hull, our consent agenda items, the fact that they are on that list means that in no way anything is de minimis about the recommendation and they are, however, unanimously approved and vetted and you have had an opportunity and you know that the members may remove any item from the consent agenda and place it on the discussion agenda with appropriate notice so at this time, having reviewed the consent agenda items I will entertain a motion to move and a second part I so move.

>> Thank you.

>> Thank you, Mister Kelly.

>> [Vote Being Called]

>> The consent agenda items are so moved.

>> Next is an action item pertaining to juvenile dependency, small court dependency workload, final recommendations. Before I ask the presence of the presenters and I know, thank you, Judge Rosenberg and welcome back on the telephone. We may have a speaker, I understand on this topic? But we have someone who requested to speak but has not checked in. I want to make sure they are not in the audience. Michelle Chan? All right.

>> Thank you. I know that Don will be here, Judicial Council set for children family and the courts at the panel. Thank you for being here Judge Rosenberg.

>> Thank you, Chief. It is good to be back and I want to thank the Chief and members of the Judicial Council. I'm going to say a few words about this item and then Don will bat cleanup and then we are open for your questions and then hopefully action. The issue is the funding. The basic problem that we are facing is the courts are required to provide and pay for counsel for

children and parents and juvenile dependency proceedings. This includes the costs of attorneys, the investigators, on some occasions, travel, experts, and lots of other things attendant to being an attorney. There is a statewide need of that has been analyzed and determined to be about \$202 million that is needed to fund dependency counsel throughout the state of California. The problem is that we have about \$114 million available. For the entire state. So this is certainly a problem for every court in California. It is particularly hard-hitting for the small courts in California. That is primarily because they have the same fixed needs and infrastructure as every other court, and there is a certain minimal number of attorneys that have to be available. It is like being in a county with only one attorney. You cannot have just one attorney. In dependency, you need to have three attorneys available at a minimum to handle dependency issues. So based on that, let me give you a little background and then we will dive right in. Back in April 2015, the Judicial Council approved a recommendation from the trial court budget advisory committee to reallocate court-appointed dependency counsel funding so that all courts in California would receive an equivalent percent of their funding need as calculated by the workload funding model that existed at that time. The Judicial Council also directed a subcommittee of the Family and Juvenile Law Advisory Committee and also the Trial Court Budget Advisory Committee to review the workload funding model and to recommend updates and revisions so that rolls us into April 2016 and the joint subcommittee presented its recommendations for revising the workload funding model, Judicial Council approved all of the recommendations, except for one, a recommendation relating to funding of the small courts. One of those recommendations approved was that they consider a comprehensive update of the workload data and the time standards and the current workload model. So now we will roll to June 2016 and the Judicial Council voted to suspend any funding cuts for court-appointed dependency counsel to small courts. For the period of one year. It directed that a working group called the small court dependency workload working group be formed to consider changes to the court-appointed counsel funding methodology. As it related to small courts. And then to report any recommendations to EMP. The working group was directed to seek input on proposed recommendations from the trial court budget advisory committee. So in December 2016, family juvenile incorporated the charge to consider a comprehensive update of the workload model and it is in the annual committee agenda and the advisory committee has not taken up the items from November 2016 until February 2017. The working group that was appointed by the Chief met, conducted research, formulated recommendations. In April of this year, the working group presented its recommendations to the trial court budget advisory committee, gather feedback, and a number of questions were asked and feedback was given. Ultimately, we presented our report to E&P and E&P put it on the agenda and here we are today. This small court dependency workload working group was very hard-working entity and I was given the challenge of chairing it and the members included judges and CEOs from throughout the state, small courts and large court, including Los Angeles. There were 11 members. It was a hard working group. We had a number of high-level staff, including Don, participating in the development of our recommendations. We met many, many times by telephone and also in person. Once we have fulfilled our mission, which, hopefully, will be today, we will dissolve and we will be a faint history and memory. In any event, the recommendations that we are making received unanimous approval of the working group. First, let me define some terms. We defined small courts as the

30 courts in California with the lowest child welfare caseloads. In other words, courts having a caseload of less than 400 children in child welfare. These are the small courts. And then we determined that we need to really establish yet another category that we call the smallest courts. So 23 of those 30 courts we identified as the smallest courts which had their own unique challenges. Those are courts with a caseload of less than 200. The larger courts, if you will, are those that are the 20 courts that are not in the small courts group. I'm going to ask Don to quickly review the recommendations that we made and also to review with you briefly the two charts that are really relevant. What we have done is come up with a fair recommendation. We believe that it is fair. It covers a two year period. It essentially does not add new money to the equation because we do not have new money. It ships some money around so that the small courts are helped and accommodated. I will tell you that I found the discussion to be remarkable and enlightening because the recommendations that resulted in the shift came from the larger courts, actually, from LA, which will take the largest deduction to help the smallest courts. So that was very gracious. I am very grateful to them. And for the other courts in this area. Don, do you want to take us through the recommendations, please? But -- spoke thank you. The recommendations are on page 2 back of your counsel report and just to summarize, they are for the next two fiscal years. The exemption from relocation reductions from the Council gave to the 23 smallest courts last year, the working group recommended that it continued for the next two years. The working group looked at a number of ways to account for the testimony heard from small courts about their higher costs, their difficulty in finding qualified attorneys, their inability to conduct competitive bidding and negotiation because of the small number of attorneys or expert witnesses that they had, the high cost of travel, and other items that attorneys face in small courts. After looking at a number of scenarios, the working group decided that the best way to adjust for this kind of overhead and extra cost was to adjust the bureau of labor statistics, which, as in WAFM, the current dependency counsel funding methodology uses for all of the small courts that have a BLS index of under 1.0, to adjust that up to 1.0. The committee recommended that despite these adjustments, no small court should receive more than its assessed funding need using the Judicial Council model. It recommended that the cost of these adjustments, which would be about \$1.1 million, in FY 17, FY 18, and about \$1.2 million in the following year, be offset by those larger courts among the 28 larger courts who are receiving increases. They are due to the counsel reallocation policy for dependency counsel. \$1 million would be of the increase, transferred from the large courts to the small courts. However, this would not cause any larger court to receive a reduction. Finally, in the methodology approved last year, \$100,000 reserve for caseload spikes in small courts was established. The working group recommended that this reserve be continued because the issue of caseload spikes, for instance, one or two families with very competent cases, basically blowing out the dependency counsel budget of a small court is a different issue than the overhead issues and so the reserves should be continued. The financial chart projections that judge Rosenberg mentioned are called attachment A and they follow page 8 of your report. There is one for 2017 and 2018 and 14 2018 and 2019. This shows the impact of adjusting the Bureau of Labor Statistics index, the impact of adjusting the small courts taking a reduction to suspend that reduction and finally who would be paying, so to speak, among the larger courts for the changes to the small court budgets. Spoke thank you, Don. Are there any questions? Comments? Concerns?

>> Yes. Thank you. We have judge Barton.

>> I had a comment and I would like to thank judge Rosenberg and Mister Will for the work on this. This has been a primary concern for many of the presiding judge is in the state. The methodology that has been developed takes care of a critical need in many courts. I think that in a great example of branch wide thinking, the courts that are receiving less of the increase under the formula, Los Angeles, in particular, have supported the proposal. So it works for the good of all and those who are losing a little are participating in this for the benefit of all. Spoke thank you, judge Barton.

>> Ends. Judge -- yes. Judge Stout.

>> judge Rosenberg, I would like to mention that since you have left the counsel and having the benefit of your expertise and Parley Mitchell procedure -- we have been careful to avoid a parliamentary problems and to keep things as straightforward as possible.

>> I have been listening to the Chief and she has done a great job. She was a quick learner on parliamentary procedure.

>> She has. I want to join in the thanks judge Rosenberg to you and your committee and the staff and especially Don will who is incredibly talented member of the staff. I know that you have put tremendous work into this along with your committee. It is incredibly difficult. It is a no-win situation, frankly. As we all know, that is due to the substantial lack of statewide funding. We often talk about dividing up an ever shrinking pipe and it occurred to me that we are not talking about dessert. I prefer the analogy of a smaller meal. With less nutrients. I am afraid that some of us may not be getting enough food to survive. As judge Rosenberg mentioned and the report indicates, statewide we are funded at just under 57 percent. I think those numbers have been used for quite some time and with all due respect, I believe that our current statewide need is probably much higher. We obviously need to continue our efforts to obtain greater funding for our most vulnerable youth and families independency courts and I want to thank the Chief and Martin and Corey for their tireless efforts to obtain increased vital funding. Judge Barton is circulating a letter amongst the presiding judges, juvenile court judges, dependency lawyers, and others. They are joining in this effort to increase statewide funding, and I think that they all deserve our appreciation for their efforts and their perseverance. I think judge Rosenberg and his committee did an excellent job in identifying unique factors, the increased cost in smaller courts. With respect to the recommendations, I would indicate that I support maintaining the \$100,000 reserve for caseload fluctuations. In fact, it might be too low. I think the \$100,000 reserve is a very critical piece of the recommendation. This nuanced approach of the reserve makes a lot of sense. I am aware that some of the concern to having any kind of reserve might be misconstrued is suggesting that we have too much money. I think that it makes tremendous sense in this context. The recommendation to address the local economic index for all 30 small courts adjusting the BLS factor to 1.0 is a tremendous recommendation. It is a recommendation that I personally hope will be implemented in the counsel looks again at WAFM in general. I support the recommendation and concept of exempting the 23 smallest courts for the next two fiscal years. From the reallocation related to budget reduction. My concerns at what amount that they are

frozen for some of us. This current recommendation means less money to the small courts than we are currently receiving with the freezer this year. Keeping my statewide hat on, I am conflicted and I probably will abstain. I think this recommendation is very good. I know. I have spoken with Dave Myers and his firm represents the three northern California small courts. They are very pleased with the recommendations and support it. We saw in the materials the correspondence from the presiding judge and CEO from Lake County, very much in support. I think that there is a lot that is very good in trying to be fair as judge Rosenberg said, with a difficult situation. So, perhaps, for future consideration, if you will indulge me for a moment, I would like to express my concerns. They are really two fold. The working group expressly rejects the concept that instituting a minimum funding base and related to that the working group recommends capping small court allocations at 100 percent of the total need and they emphasize, as calculated, through the workload methodology. As indicated on page 7, item of 3, the working group considered but rejected instituting a funding base minimum courtroom staffing. The group determined that it did not want to recommend an alternative that would be based on factors different from the underlying funding methodology, which was based on caseload and dependency petitions. The recommendation 4 on page 2 indicates that if the impact of these adjustments results in a small court being allocated more than 100 percent of the total need, again, calculated through the workload and funding methodology, the court will receive an allocation equal to the 100 percent of the total need. These recommendations continue to allocate funding to the small courts from within the caseload or workload base methodology. I think that we previously found that work when we were dealing with WAFM and I respectfully submit that it is not necessarily work in this context and it depends on the funding as well. I believe, in the long run, we need to determine the true minimum need and minimum flooring levels. I recognize and appreciate the desire to allocate funding in all courts from the methodology and avoiding so-called external adjustments. Some would say adhering to the integrity of the model and methodology. I think, as indicated in the report, the adjustments here are perhaps as stated more transparent adjustments. The increase in the BLS factor, I think, is very positive. But these internal adjustments are striking a compromise and I am not convinced adequately to address all of the small court concerns. As one member of the working group commented, the larger courts with severe funding deficiencies will be transferring funding from their allocation to small courts. They are not severely underfunded by the existing workload and funding methodology. Part of that is certainly true. The larger courts do have severe funding deficiencies. They will be transferring funding from their allocation. Again, the determination that the small courts are not severely underfunded is being defined by the existing workload and funding methodology, which I would respectfully submit, as we did with WAFM and find it to be flawed and creating anomalies for the small rural courts. We do not have the money, frankly, to open the doors to some dependency courts. I mean, that is really what it gets down to. What is the fundamental need? The minimum flooring level? To have adequate resources to open the doors to our dependency courts. The recommendation has some benefits. I use this as an example because I know it best. If the methodology were to rollout for 2018 and 2019, the allocation would be over \$21,000. There is no way in the world to find three qualified competent part-time attorneys to be in a position to take this work on until -- tell their private practice clients that they are canceling their private practice because they have to be in Independence for a detention hearing. The

recommendation obviously helps. It would increase the \$21,321 to \$45,348. That is a significant increase which I said -- certainly appreciate but not nearly enough to retain three qualified attorneys to meet the needs of the dependency court. Even at \$45,000 and change, we are not being funded at 57 percent of the actual need. I would define it. It is probably more like \$107,000. We are probably somewhere closer to that 40 percent of our true minimum need. The impacts on smaller courts, as we have noted, are often more severe. We do not have the ability to share the pain, so to speak, through other resource -- resources. I think the cost and the allocation to address these issues is relatively small. We talked to may be under two percent. Again, I think that the approach that we took with WAFM is -- I hope it is given consideration seriously over the next two years. I need to know that all small courts are not the same. With WAFM, I think that we landed on multiple -- I am looking for guidance. Multiple minimum flooring levels. Even under the caseload methodology, for dependency, there are, I think, at least one small -- smallest court -- that would see an increase under the caseload methodology and I'm thinking of Calaveras where they have had a significant increase in dependency filings. Again, one size does not fit all even for the small courts. I will quote the judge Kaufman who was on the working group and supports the recommendation. By the unanimous vote. Rural post offices do not pay for themselves. They are expensive. But we value the service and access. I think that is what we are talking about here as well. I appreciate very much the fact that the working group thought it appropriate not to make long-term recommendations but rather interim recommendations for two years. Of course, I strongly support the direction to the family and juvenile law advisory committee and the trial court budget advisory committee to consider a comprehensive evaluation, not just in caseload data and measurement standards but in all of these concepts in general, to make a comprehensive evaluation and some long-term recommendations. So we do not have to keep repeating this process. I would also caution that, while this recommendation strikes a compromise, I would really urge that this approach not be taken with WAFM. Again, I know there is a real desire to stay within the methodology. Again, the and all of -- anomalies in the parking lot issue and WAFM and his approach to not work and even, as I assume it will be adopted for the dependency counsel, and again, the BLS factor increases, I think, wonderful. I would hate to see this internal approach, as I call it, carried over to WAFM. Thank you.

>> thank you for your input and your view and thank you for the experience that you bring in your court and the challenges, as well as recognizing the state had -- hats. I invite anyone to make comments. Judge Buckley.

>> I move that we accepted the recommendations.

>> I second.

>> Seconded by Judge Lyons. Before we take the vote days I want to point out that all of us know how the dependency formula has roiled that counsel and you have heard from Judge Rosenberg how many times the issue has come before the judicial Council and the world of funding in this area is minute. It is wretched. Yet we show our concern by the multiple times that it has been before counsel, trying to divide up this amount of this paltry amount that is substandard and insufficient for the needs that we have for the caseload and for all of the counties. To that end, as many of you know, some of the first words out of our mouths in these

meetings with legislators is dependency funding. Not only the amount needed but that the amount in question is already not enough. We have been asking for this for years. Last year, we thought that we had agreement because we did not hear objection to it. We heard support for it. We know that last year it was eliminated from the budget. This continues to be an area where all of us are in heightened awareness and we continue to make this advocacy patch. Hopefully, we dearly believe that this year, based on our conversations there is a commitment to it. We will not know that in the next several weeks. It continues to be the top of the list. I also want to say that I'm grateful to the working group. I realize that lots of interests are at stake and working with a wretched amount of money, I am proud that our courts with the able help of the Judicial Council staff, could come to a resolution. I say that because we have been in many instances where the Judicial Council and our expertise and our courts have been unable to reach a resolution and when that happens, the issue leaves our hands and goes elsewhere. For us to come to an imperfect and flawed but as fair, quote unquote, under the circumstances for this division of paltry amount, is amazing and monumental and I say thank you to all of the courts for their input because everyone is hurting in the situation and everyone has given something up and no one has enough and so we continue our advocacy and Judge Stout to your point about WAFM, yes, it needs to be reviewed for a number of issues and instances and applicability and it had a five year life span -- this is the most difficult year. I know how difficult it was to get WAFM in the first instance and this was the gateway to additional funding in the court and in terms of very clear and loud to the judicial branch, several of you five years ago. We have always been working in an environment of limited funds and trying to make the best of it and we hope to revisit these and try to find the methodology. What we really need is more funding. Our methodology can never make up for the loss and lack of funding and our needs in this state for the judicial branch. All in favor of the recommendations on page 2 back of your articles, --

>> [Vote Being Called]

>> Thank you. The recommendations carry. Thank you, Judge Rosenberg. Thank you, Don.

>> Thank you, Chief and I want to thank the members of the working group and we are now dissolved, having completed our mission and if you ever have another insoluble problem, just look me up.

>> I know who to turn to.

>> yes. But just a clarification on that motion. That motion, as I understand it, is related to the underlying methodology so in the materials is a calculation of each of the allocations, what it would be assuming so -- somethings. That was not a motor dish that was a recommendation on how to apply the recognition once the final amount is on the budget.

>> Yes. Correct.

>> Can I make a comment?

>> Following up. However people end up in the justice system, it is a journey. I know that we all understand this but we need to continue to convey that if you put the money up front in the journey, you might not have as many people towards the end, if that is Family Court, criminal

court, whatever. I would take the money further back. I would take it to the point of conception and the first five years of the child's life with the family. In terms of just fiscal thinking, if we can convey that you put the money up front and the attention upfront, maybe we can go home at 4:30 PM when we are sitting in the criminal committee and the calendar, when the person now has -- we all know that a horrible statistic of coming out of the dependency system. Whose head do we need to continue to bang on those statistic to say, what are we thinking? I just had to say that.

>> I understand. Thank you.

>> Moving onto the next agenda item, it is an action item for fiscal year 2017-2018 allocations from the State Trial Court Improvement and Modernization Fund. We welcome Judge Jonathan Conklin who is the chair of the Trial Court Budget Advisory Committee joining us by telephone. Are you here? But he was in trial and he said that he would call if he was able.

>> Thank you.

>> His day job is keeping him from coming to the council. He has got a jury expected to come in today.

>> We understand. Thank you, Zlatko, for being here. The judicial budget counsel services and with Ms. Donna Newman. Welcome.

>> Thank you. Good morning. First, bring you the issue regarding the State Trial Court Improvement and Modernization Fund and for those of you that are new to the council, I want to give you a moment of history in terms of where the fight has been. It has been at the depths of fiscal peril, with significant negative fund balances and forecast into the future and luckily if you look at attachment A, you can see at the bottom positive numbers. There were times coming to the council with reductions and negatives in the tens of millions and so it has been a good turnaround and in part that has been some recognition of a sacrifice. There was money coming from this fund to the trial court trust fund to help offset prior reductions. Given the criticality of the programs, there was a recommendation made and adopted by the Council a couple of years ago to retain this \$20 million. There will be an eventual impact on trial courts and we will bring it to you later but you can understand that part of the physical health is because we recognize the programs. It is critical that we need to retain the revenues. There has been a good investment from the state and some of these recommendations reflect recent budget change increases particularly in IT, which are critical that maintain solvency. And also the IT office with the leadership has done a great job in looking at all of the programs. There were efforts to do that and there were many reductions taken but, again, even further sharper eye at the programs, looking to save money so what you will see is some of the negatives are not a result of the program reductions and levels of but finding ways to reevaluate our service levels. That is important for you to understand in terms of this critical fund. We bring to you a recommendation, pending final actions and reflection of the funds in the budget. \$73.5 million of allocations, a substantial amount that provides great service to the trial courts and 6.2 of that is for state operations managed by the Judicial Council and \$67 million of funds going to the trial courts. There are some highlights in the report that I will not go over. I will note that this was

unanimously voted on by the advisory committee but there was a good discussion about one particular program. The California protective order registry. That is an important program and in so much as the current level of funding did not reflect a rollout to all 58 courts. The remaining courts are the biggest and therefore there is a plan from JCTC in terms of the proposal to get the funding so that the courts like Los Angeles can be funded. So the command from the JCTC is that all courts will have this program but, again, the remaining courts before us are the biggest cost and we will need support from the state to make sure that this program is fully rolled out statewide. So that was really effectively the issue and not a dispute but rather an acknowledgment and a need that we have a fiscal plan to ensure that the program is rolled out. Otherwise, I am here for questions and Donna is here for anything.

>> Thank you.

>> [Captioners Transitioning]

>> To occasionally have a breath of fresh air it has to feel good and I've had the of-- I've been able to sit on one of the committees and look at each item as to which one should be cut and how much should be cut and it was never a good choice. So to be a place where we are not having to have the groom cut meeting it had to have been great. Thank you, and even though he is not with us thanks to Judge Conklin and other members of the committee.

>> There are no other comments that entertain the motion to approve the recommendation.

>> Thank you judge Gordon and seconded by Judge Nadler. All in favor please aye. Any opposition or abstentions? Recommendations carry, thank you for your good work. You get to stay seated. We do another financial question action item.

>> Thank you, Chief, this is related to funds held on behalf of the trial courts, while these have become fairly routine we do see these as important actions by the Council to provide the flexibility of trial courts to manage the best that they can given the limitations of the 1 percent fund balance so what is bring brought to you is a recommendation to approve seven requests from six trial courts and three amended requests to have funding held on behalf of them. They are typically for case management systems and those have been significant investments locally but this is our request to authorize the holdovers. The funds would be returned based on an approved expenditure plan and we think it does provide them a substantial improvement on fiscal management and we appreciate your support.

>> Thank you. Any comments or questions on this? I will entertain a motion, it is well explained and we've done this in the past.

>> Judge Nadler moved and seconded. All in favor please say aye, any opposition? Any abstentions? The recommendations carry.

>> I just want to say that these requests do come in at the last second and stuff really took a lot of time to make sure they are reviewed and vetted and presented to the planning committee so I want to commend the staff who go above and beyond to make sure these can be brought to the Judicial Council so courts are well away of future fiscal constraints will be.

>> I understand that and appreciate it. I know it always has to come in toward the end of the fiscal year, thank you very much.

>> We conclude today's meeting as we often do with a brief remembrance of our colleagues who have recently passed. Judge Terry Cole, Judge Donald Constine, Justice Daniel Curry, Division 4, Los Angeles, judge Robert La Font, judge John McOwen, judge John O'Rourke, presiding Justice Richard Schauer, Justice Jerome Smith, judge Lillian Stevens. All were retired from the bench and we also honor today presiding justice Paul Turner from the Second District Court of Appeal who recently passed, was not retired from the bench. We honor them all for their service to the courts and to the cause of justice. Our next meeting will be July 27 and July 28 for Judicial Council. The meeting is adjourned, safe travels.

>> Thank you.

>> [event concluded]