

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 real-time captions.

>> [Captioner standing by]

>> Welcome. This is a continuation of the Judicial Council meeting. This meeting is now in session. Chief Justice Cantil-Sakauye, chair of the Judicial Council could not be here this morning. I am Associate Justice Ming Chan of the Supreme Court of California and as vice-chair of this council I will assume her roles and responsibilities for this morning's business meeting session. As the Chief Justice mentioned yesterday, we are living through the change in Judicial Council members during our September meeting. Today marks the beginning of the terms of service for our new council members. And therefore, this also means the end of terms for our now former council members. The Chief acknowledged them yesterday. But after so many years of dedicated service, I think it is only appropriate that we recognize them and their contributions one more time this morning. Judge Brian Back, Commissioner David Gunn, Mr. Richard Feldstein, Ms. Donna Melby, and Presiding Judge Dean Stout. Thank you for your years of service to the council and the cause of justice and Presiding Judge Jeffrey Barton and Presiding Judge Daniel Buckley and Ms. Deborah Pole have also transitioned off the council. They could not be here this morning. But we still acknowledge them for their service and their contributions to the work of the council and service of the people of California.

>> And completing the cycle, on behalf of the Chief Justice and chair of the council, and all of us, welcome our new and reappointed members, Judge Todd Bottke, Assistant Presiding Judge Kevin Brazile, Ms. Rachel Hill, Presiding Judge Patricia Lucas, Commissioner Shama Mesiwala, Ms. Gretchen M. Nelson, Judge Stewart Rice, Mr. Mike Roddy, and Ms. Andrea Allen Rahman. We also are joined this morning by some court clerks who are participating in the Superior Court of Solano County's mentoring program. There may be some potential future council members among their ranks. Welcome to Ms. Rose Aplin, Ms. Amanda Jean, Ms. Nefertiti Murphy, and Ms. Lucia Pereira. Their court executive officer, Mr. Brian Taylor, arranged the visit with the Judicial Council staff. We now begin our regular agenda for public comment, Justice Miller?

>> Thank you. We have six members of the public here today to present us with public comment. As I call your name, please come forward to the podium. I will call a second name, and if we can have you behind the swinging doors so we can do this efficiently and effectively. Please note that we have a new system that we are trying out today which is a system which

means that I don't have to interrupt you at one minute. It will tell you that you have three minutes. There is a light system on the podium. Green indicates you are within your two minutes and you have three minutes for public comment in a yellow will go off at one minute. The red and the trapdoor will go off at three minutes. [Laughter]. If I could have Barbara Bartoshuk come forward and Nancy Ruzicka. If you can come to the swinging door. If all of you here for public comment would remember that this is your opportunity to provide us with general public comments about judicial administration. We are not in a judging body and we are not a judge in your individual case, and we can't make any decisions about those, and we ask that you respect that and not talk about the individual case per se but you relate it to general administration. If I think you are going too far in your individual case, I will ask you to move on. So please begin, and you have three minutes.

>> My name is Barbara Bartoshuk and I am speaking about access to justice. This is something that I have experience personally in. And I think to ensure access to justice that three things lost really happen. One is that the judiciary must be foremost accountable and responsible to the people and that wrongful judicial rulings and opinions must not be tolerated. And then they must be met with corrective judicial justice to the people harmed. There is a huge gap that is evident to the public between accountability and responsibility and I realize that judges will make wrong decisions and I understand that not all legal errors have any effect on the outcome. But when errors go from being a product of the judges humanity to being a product of moral and ethical or competence failure, that is when a ruling goes from wrong to wrongful. And judges must comply with the law and the provisions of the code and I believe when it is apparent that a judge disregards the law, disrespects the people the law effects, it is imperative that the judiciary itself then ask because the need for competence in the administration of justice outweighs the concerns for protecting individual judicial independence. Back in 1960 when the Commission on Judicial Performance, which was not called that then, was established, it was supposed to be the real protection against incompetency, misconduct, and nonperformance. But there is still no real protection because just scolding or doing something behind closed doors to just a judge, which even though it is not right, it does not promote justice with the public, and it doesn't solve the issue for the people that are harmed by a wrongful decision. Again, I am not talking about just a wrong one. I am talking about a wrongful one, which does happen. The courts have all kinds of companies accountable and responsible to the people. Car companies have to recall their cars and fix them. But when a wrongful decision or an appellate decision happens, there is no accountability to the families and people that are harmed and it's devastating. There is no place to go especially when there is a wrongful appellate opinion. Because review by the Supreme Court is less than 1%. And if it goes back down to the lower court, they just do whatever it says, even though everybody knows it's wrong because wrongful opinions are evident. I thank you for your time and this opportunity.

>> Thank you very much. We appreciate your being here.

>> Next is Nancy Ruzicka and if I can have Alison Madden come forward next.

>> Good morning and welcome. You have three minutes. Thank you.

>> Good morning. I am Nancy Ruzicka and I am from Lake County. I was here last Thursday for a committee meeting. I hope I am not the right place. I was told to follow up by coming here today. I am not an architect or civil engineer but my husband and I own a civil engineering planning architectural and surveying firm. We have an abundance of local knowledge about our area. I have a department store and airline management background. One time I decided I wanted to be a lawyer but I would have been 35 years old when I finished law school. I would have been so old. I feel like I have a feel for the needs of our community and your needs and the needs of the staff throughout the state. I currently went to office buildings in Lakeport and to tribal Tanis and Social Security administration. Our Lake County courts need a new facility like so many other parts of the state. Lack of employment opportunities and drug and alcohol abuse and mental health issues crowd our courtrooms and our jail. Our county seat, Lakeport, can't afford to have the courts move from Lakeport's Main Street. To an industrial area with serpentine soils and metal sheds or out into cattle grazing area and sewage disposal are adjacent to the county jail. These sites might be donated and might look good on your laptop. But as the expression goes, you get nothing for nothing. Your staff tells me they have been directed to only look at donated sites for new court facilities. You spend so much more on studies and mitigation including infrastructure than if you purchased a shovel-ready buildable site. You purchased a difficult site and nothing has gotten built in Lake County. Perhaps it is time to sell it. I offered to make something work on a 3 1/2 acre site, but I am told you don't have any money to pay for land acquisition or demolition and in 18,600 square foot building, which would cost less than \$200,000.

>> Time.

>> Which you could repurpose and expand. We don't need a \$40 million courthouse for a population of 60,000 people. We don't have any money for construction because the Governor borrowed it.

>> Thank you very much and thank you for being here.

>> Next is Alison Madden and Kimberly Sweidy can come forward.

>> Good morning. Thank you. Thank you for your service. My name is Alison Madden and I am attorney in San Mateo County and I want to thank Irene to help me out on Tuesday. I came on Tuesday and delivered a confidential complaint and this pertains to San Mateo County and ordered a show cause and emergency relief practice. I won't read the whole letter, but I will read the germane part. I am asking the Judicial Council to assist us in canvassing the superior courts for the past decade to determine the percent proportion of emergency motions denied and granted and determine whether San Mateo County as I believe and have alleged disproportionately denies warranted emergency relief to applicants and [Indiscernible] facing imminent and irreparable harm. I followed up with a cover letter yesterday and the cover letter

does not need to be confidential but I do desire the Tuesday submission to be confidential because it does also involve a named judge. I don't know whether the Judicial Council has undertaken such a canvassing and analysis in the past. I did notice on the agenda for yesterday there is Judicial Council members presenting an update on statewide judicial branch initiatives outside of internal committee or other advisory body work. So whether it's an existing advisory body or some kind of committee, I would ask you to undertake this investigation and I believe it is something that should be tallied anyway on billing and perhaps the courts even report on it. I would like statewide guidelines on TRO and preliminary injunction OSC practice and as I said it is difficult for individuals to do. As a practitioner and a litigant I have two situations that occurred and this is in which entire communities were displaced when there was very warranted grounds for the relief and this is also on the report of other practitioners including very notable practitioners who have commented on this judges temperament and disposition and demeanor. And this is one single person who has heard every emergency relief for the past decade. I believe they are disproportionately denying due process and access to justice as the first speaker today mentioned. I believe this matter is an appropriate inquiry for the judiciary counsel and I think this is something that should be systemically tracked in any event. Although there is in any given case the need for much judgment and discretion, emergency relief to maintain the status quo is an invaluable element of our justice system and should be tracked on an ongoing basis. Thank you.

>> We appreciate your being here. Next is Kimberly Sweidy and if I could have Catherine Campbell come forward. Good morning and welcome.

>> Good morning. Thank you.

>> Do you believe that you are public rulers rather than public servants? Do you believe that you are not accountable to the society that you serve? Do you believe that DCHAP should not be audited and do you believe that almost 100% of the complaints filed against judges are unfounded? How about psychologists? How about licensed marriage and family counselors, do you believe you don't have the duty to model to the public those characteristics that a free and just society should ask of its members? Do you believe that people getting a divorce lose their constitutional rights? Do believe that people in the therapeutic community should be involved in the legal community and to you believe that divorce should be a \$50 billion a year industry? Do you believe that lawyers and mental health professionals and judges should be bankrupting families and ruining the lives of children? You believe that ex parte motions should be granted in instances that are completely fabricated and denied in instances that are thoroughly factually documented? Do you believe that lawyers and judges should exhibit less common sense and fact-finding ability than the average plumber? Do you believe that lawyers and parties should not be prosecuted for perjury when they commit it text you believe that a knowing full divorce state means, in fact, that neither party was actually at fault or alternatively both parties were actually involved? Do you believe that people are getting divorced for trivial or inconsequential reasons? Do you believe that people possess parenting skills simply because they created a child? Do you believe that getting a divorce magically imbues people with skills and abilities

that they did not possess prior to the divorce? You believe that children are property? Do you believe that children have civil rights? Do you believe that complicated, hectic, and disruptive custody schedules are healthy for kids much less than the best interest? Do you believe that kids exhibiting classic signs of sexual abuse such as defecating on themselves are not actually being abused but rather are being coached by a mother to gain favor in a custody battle? Do you believe what is going on at one parent's house is not the business of another? Do you believe that two people with opposite values can coparent? Do you believe that children alternating between households of two parents with vastly different rules and expectations and agendas is healthy for those kids? Do you believe that you are not responsible for figuring out which parent actually possesses and instills those values that create responsible and accountable members of society? Do you believe that you don't need to discuss values, morals, and role modeling when discussing parenting? Do believe that with some exceptions mothers are not the primary caretakers of kids and do you believe that you should be enabling parents to use the courts as a mechanism to exact revenge on the other parent? Do you believe that fathers and sometimes mothers should be allowed to continue to manipulate and torment and control the departed partner through a custody battle over kids? And do you believe that 85% of moms in California who report abuse should lose custody of their children with kids being placed with their abusers?

>> Thank you.

>> I simply state that actions speak louder than words and this is what I have seen.

>> Next is Catherine Campbell and if I could have Joseph Silvoso III next.

>> Good morning and welcome.

>> Thank you. Thank you for having us here today and I am Catherine Campbell from Santa Clara County and with the California Protective Parents Association. I come to you today and as our previous speaker for those who are new are hearing that there is quite a problem in Family Court. There is not accountability and we are seeing this when people have turned and complaints about judges and they have been dismissed, even though they have been warranted and they had evidence and now we are seeing that the Commission on Judicial Performance is asking that all the records could be confidential. We need transparency. Families deserve this. Children who have parents who are getting divorced, usually are getting divorced for a reason. It may not be safe at home. If you have less money, or you can't afford a lawyer, it does not mean you don't have a valid reason to be in court. We are finding that our courts are not trauma informed in California which is behind the rest of the country. When we are not trauma informed we are going to continue to traumatize our children. We have a high number of divorces in California, and we are hurting our children. We are doing the adverse childhood experiences and we at CDC and Kaiser Permanente have done the study and they have shown how much this is hurting them, our future generation, our state. We need to do better and we have been coming here speaking to you about the problems, but they are continuing. That is

why we are here. We understand this is a difficult issue and abuse is something very difficult to deal with. We still have people being named [Indiscernible] instead of having the courts look at sexual abuse and documentation and we cannot allow this to happen and as a counsel, I am asking you to make sure that we make this the number one agenda for this new year for all of you. I appreciate the work that has been done in the past and there is a lot of work that needs to be done in the future. We know better and we need to choose to do better and I appreciate your time today. One second would like to add is that I do know in San Francisco you can actually get a copy, you can download a PDF of any of the scanned records so I think other counties should be doing that, especially Santa Clara County. On a personal note. I thank you for your time and let's try to do the best.

>> Thank you very much. Next is Joseph Silvosio III. This is a public comment on one of our consent items. It's item 17 135 criminal procedure firearms relinquishment.

>> My name is Joseph Silvosio III and I represent the National Rifle Association and California Rifle and Pistol Association in California and as he mentioned I will be speaking on the consent item coming up on your calendar. We view this item as a strong area of concern specifically for the courts that are already overburdened and really subject to a substantial concern. I don't know how many of you are still handling either a misdemeanor or a felony calendar, gone will be the days we are able to get to spell that case the day of an arraignment. This new law will require the courts to have an additional hearing following the entering of the plea with respect to the surrender and the disposition of firearms the defendant owns. Large areas of concerns that the format is proposed is not adequately and specifically addressed all of the requirements of the court and the probation department and resolving these concerns with respect to the firearms because there will be many. This is partly because the records that the probation department will be relying upon are not entirely accurate. The department will be relying upon the automated firearm system. We have seen in my career and the number of firearm cases I have seen that the records kept in the system are not correctly kept and as a result the information probation officer they will go off of to determine whether or not the defendant has properly surrendered the firearms will be an accurate , and unfortunately, coming back to the courts and advising the court and whether or not the defendant has letter followed the required surrender, their surrendered requirements. The court will be put in an unenviable situation to try to determine whether or not firearms that the defendant may or may not have owned for years and years were properly disposed of. Again, we fill the form, and we have submitted substantial comments and it was rather substantial in the early phases of this form, to hopefully address or at least clarify these requirements because education couple for the courts and for the reparation department will be key in implementing this law when it comes into effect on January 1. As a result of all this, I hope you have a chance or opportunity to potentially table the decision today with respect to the format because, again, we feel it does not correctly and fully address the concerns of this new law. If not, we would be happy to assist or provide additional comment with supplemental education language or information for the courts to use involving this process if for no other reason to make sure it's done accurately and correctly and make sure the defendants subject to these requirements are not put into an unfortunate situation. Thank you all

for your time and if there are questions, while this is being addressed during the discussion on this form, I would be happy to address them.

>> Thank you very much and thank you for all six of you for being here. We appreciate the time and effort. Justice Chin, that completes public comment.

>> Thank you, Justice Miller. Our next order of business is the review and approval of the minutes from our July 27 and 28 Judicial Council meeting. After you have reviewed the minutes, is there a motion?

>> So move.

>> Second.

>> All of those in favor say aye. Those opposed? Any abstentions?

>> Martin Hoshino, our administrative director will now provide his regular report to the council. Martin?

>> Thank you, Justice Chin. Good morning and in particular to the new members here, you will find my regular written report in your materials and what I usually do is try to highlight some of the things that are in there but also then add some issues or items of awareness that are more contemporary to make you aware of. I will talk a little bit about our budget and a little bit about the legislative update given this is the last session and draw a little bit on the items in the written materials. But before getting into that, I do want to taxi along with some of the comments in the Chief's report yesterday about the National Conference of the Chief Justices as well as state court administrators held last month. She had advised all of us that the focus and primary thesis and topic for that particular conference was federalism given the issues that are contemporary here in the nation, but by and large if there were a second issue that was equally on the radar and on the minds of every state in the nation, it was in the area of bail reform and there was a lot of concern and discussion and a lot of back and forth about policy reform in practices and changes in litigation and lots of litigation and responses that the states are going through and so it was a real concerted effort by part of the working group that I happen to be on to try to develop what we call a toolkit which is to try and gather the experience of all the states and create kind of a clearinghouse of what is going on in that available and not just to each state that given the size of our state, which arguably is many states within one state, to make that information available. I think there are some products coming forward and we will make sure those are available to our courts as they see them and continue to work with you on that issue and more about that later when I talk about the legislative update but with respect to budget, especially for the benefit of new members, the council prior to you all past and proved 16 budget change proposals that are on a deadline, usually to be submitted September 1 of every year and so this action was taken in August and those budget change proposals were submitted by the deadline and in fact prior to the deadline because we feel like we are in a hurry to get our

voices heard and to get our story out there sooner rather than later in terms of our priorities. So that sets the stage for back and forth in conversations and discussions and the priority of that is the top priority every year and continues to be this year and augmentation of discretionary funding for the operations of our trial courts. That effort begins and is under way and you will receive updates as we proceed during the course of the year because this is part of what is called the full development budget development that then culminates in the Governor's proposal, which is usually around January 10 of each year.

>> The second part of the budget update is an awareness item to make you aware of an education project for lack of a better term that is occurring right now between the Department of Finance and the legislative analyst's office and our courts. There has been a series of site visits in conversations with a variety of courts that have been out there. It's a project that is really spearheaded by an amalgam of our staff and the CEOs and primarily under the leadership of the court executive officers advisory committee. And it really has been a joint effort. It really has been led by Jake Chatters and Kim Flener and Mike Roddy as an incoming member in the leadership and the real effort is to try and elevate the understanding of the structural deficit problems and issues that face the courts at the ground level. It is particularly important at this time because we just happen to be in a phase with the administration is transitioning very soon next year and at a more granular level we actually have new staff, a brand-new staff team at the Department of Finance, and so it is an opportunity to provide more on the ground education of this. And so the team that I described selected six sites for people to visit. And I will name the sites but they were also joined by other courts, so it was more than just six courts that were part of it and I think they did a great job of picking a sample so that you have a mix of large courts, somewhat large courts, small courts and the like, to put it together. They completed those visits when they partnered up and the sites were San Bernardino, which was joined by Los Angeles and San Diego and Ventura and Santa Barbara which was then joined by Orange. Glenn County which was joined by Lassen and Shasta and El Dorado which was joined by Merced and San Joaquin in San Francisco which was joined by Contra Costa and Santa Clara. So the topics that they delved into, educationally, was the origin and Trial Court Funding Act itself from a few decades ago and are resource allocation study, which many of you already know is a predicate for our workload allocation funding formula and the 1% funding cap which continues to be a priority for many of our courts and then this whole area of fines and fees and civil assessments and collections as well as facilities themselves. It's generally a good process and one that is not without precedent. There are many programs that have done this kind of exercise in the state in the prisons of course they had done this in the Department of State hospitals does this on occasion as well as the Veterans Affairs group and there are a lot of other Governor operations that do this. So far some of the feedback we have gotten, not just from our leaders in the trial courts, but also from the Department of Finance is, of course they find it to be productive and valuable. We hope that is the case and we think there is sympathy to some of the constraints and issues and problems we face. The key will be translating that into actions that actually result in additional funding for our base operations. So, certainly, the tone in the mood and the optimism is right going into the fall. We just hope that again the bottom line we can get some results from that. With respect to the legislative update, this happens to be the last day, the first

year of a two-year session of this Legislature. There has been a lot of that to the tea that has gone on during the course and it gets kind of fast and furious and many of you see the coverage of different issues and not all of them pertaining to us that is occurring and it is creating a lot of focus and it's partly why people are not here today and they are monitoring the activities in the capital as the session winds down and once today is over and the bell strikes midnight, the rest of the bills there this Legislature will start a new clock and that deadline is for the Governor where the Governor will have 30 days culminating on October 15 two either sign the bill or allow them to become law without signature so that is the path we will be on in the next 30 days. I want to take a moment to recognize the significant work that goes on in that area because it is an opportunity to create some awareness about all the bills that directly or indirectly impact our operations and I think it is helpful for people to know that at any given time, in any session, there are literally 2 to 3000 bills that get introduced, and that is the size in context and the volume that occurs in California in this year 2017, the session. There were 2,495 bills that we start the year tracking at some level to figure out what they are and start to tease out the details. What it boils down to is a subset of that of about 600 is what our Governmental Affairs office actually then sets as a parameter. Says these may have some kind of direct or indirect effect on the operations of the judicial branch and they have anything to do with causes of new actions or expand a new crime summerlike. The council, again for context in terms of numbers , it generally takes positions each year on about 50 or 60 of those, so as it starts to wind its way down, that is what happens, and that is kind of what comes before you at the end of the effort. That doesn't count the 300 or 400 bills at any given time we are providing technical assistance on or information or education or awareness about four amendments or adjustments the house they could have some kind of impact on the delivery of our services so all this work occurs on behalf of the branch in public and it channeled to our Governmental Affairs office and it gets channeled through our policy and coordination of litigation committee that is chaired by Judge So. It channels their other advisory committees as we parse out this out. Is it an act assist to justice issue or technology or criminal thing. After we get done with all of that, we then turn to the Court Executive Advisory Committee as well as the PJ advisory committee to get their sense also on what that might portend. In addition to all of that, as the cycle begins to accelerate and deadlines start to approach, we have this phenomenon occurring where we have almost what I would call a virtual rapid response team which may or may not be part of the committee or advisory people but these are subjects that are experts that are either in the system or they have become the expert on a particular policy issue or bill during the course of the session. They are very responsive, especially when we get to this time of the year. And the good news is as of Monday, there were 623 bills and that doesn't sound like good news, that were pending in the Legislature. I guess if they are landing on your desk it's not good news. But that what was pending on Monday and try to put it in context, last year we were tracking out of that subset, very worried about 12 bills that we thought would have a dramatic impact on us. We think we have the list down to two or three bills this year that we are watching even as of today. The upshot of that is that the virtual rapid response people that we usually rely on, I want them to be aware, if they are listening and here in this room, this list is smaller. So we may be getting through this in a little bit better shape. In the event that the two or three we are watching have impact, then they get out of the Legislature and go to the Governor's desk they

will have that clock to start addressing those things along the way. I have to give some recognition to everybody that is part of this but to our Governmental Affairs office. As I described this you get a feel for the size and dimensions and the coordination of the effort it takes not just of the bills but of the family that touches it that is part of the process as well as the members of the Legislature and their staff and then there is the technical substance of all the things there and I think they do a remarkable job and I think it's time to recognize them at this time of the year. One more legislative item. I do kind of want to mention the number of costly bills that were held in committee and there is one in particular that we were all following very closely and it connects with my initial opening remarks and that was SB 10 which is named the California Money Bail Reform Act and it had a companion bill with a similar, Senator Herzberg is the author of this and it was converted to a two-year bill near the end of a session on September 6. Yesterday the Chief talked about this a little bit, and we did make the commitment to work together this fall with those legislative members as well as the administration on this particular subject to see that if we could find some reform in that area that is workable for us and that prioritizes public safety and cost efficiency in some balanced way. We call the sometimes a tripartisan solution as it were in California but we are at the table and trying to find an sort our way through this and we hope that we can make some progress that really balances all of the interests that are implied. The effort will be informed by the Chief pretrial detention workgroup which is cochaired by recently departed council member, Judge Back as well as Judge Rodriguez from the San Diego court so those folks are some of you may be aware have been working on this diligently and quite some depth for the better part of the year and they are very aware of the issue and they are pursuing these things and we hope we see the recommendations sooner than later so they can form a blueprint of what our discussions will be at least in terms of the branch . So we know they are developing a set of recommendations and guidelines on the issues and right to counsel and court imposed financial obligations and ability to pay determinations and any alternatives. The companion to this as I said earlier is the Conference of Chief Justices and state court administrators they are also trying to a broad which provide advice and recommendations that make sense for the voices of the court , but I think their final reports will be sometime later in 2018, so I don't think that information will be available because they are on a slower track and pace than us. I want to stop and explain why I spend so much time on this along the way. I do so because there is a tendency to focus sometimes as we come out of these sessions and in by human nature we focus on things that didn't go well for us and the bad impacts. So I wanted to spend some time explaining and talking and highlighting the point that there are a lot of things that are not bad or not harmful to us that have been effectively addressed and they have either been stopped or mitigated or adjusted in some way or fashion and it really takes a collective team effort to be able to do that and that long list of participants and processes are described and it is an effective effort to make sure we're taking care of the interests out there and at any given year there is a lot of stuff that goes on and the efforts of the council and the efforts of the staff and the committees and our courts come together in this way to be able to do this and it is part of how all of this works at the end of the day and I think it is appropriate equally not just to focus on your the bad things that happened but take the time to realize that there probably was a long list of other things that

could have happened but they in fact did not that we found workable solutions to the problems that our justice system face in any given year and attempt to resolve them.

>> Lastly, I did want to highlight a program that we had here that I don't think a lot of people are aware of for 21 years we have been administering a fellows program and I get a chance and it's a better part of the job, not that there are not-so-good parts of the job, [Laughter], to go and visit this group of 10 or 12 young folks who have graduated that have an interest in the area of policy and judicial administration or the law and it's people that just by nature have an interest and are drawn to this area and I've mentioned they have been doing it for 21 years. This year there are 10 fellows and they spend 10 months in our trial courts partnered up with either some kind of high-ranking executive in the court and many times it is the CEO herself or himself in that area. The participating courts this year are Alameda and Butte and Los Angeles and Merced and Orange, and San Bernardino, and San Francisco and we always have someone actually in our Governmental Affairs office. We do an orientation with them and that is when I get a chance to meet them and we also for the last few years have had Jake Chatters as well as CAM [Indiscernible] to give them an idea of what it is to be in a court and you can tell they are on the list. And one of those fellows will actually go to their court and I don't know if you guys know this but I will make you aware, one of the graduates of that program is actually Jamel Jones who is a member of our IT staff that many of you work with and she is a former fellow of that program. The reason I want to dwell on that is it is encouraging and the caliber of this group that was coming was really really top shelf and I think Laura [Indiscernible] who runs that program, does an incredible job of putting that program together and not that the caliber of the other classes weren't extraordinarily high, but each year they seem to get higher and higher and the reason why I find so much inspiration in this that even though I am supposed to go and inspire them. [Indiscernible] and the state of democracy, and how important the courts are in the cornerstone, and if you don't have the court system that will be the end of the world. They are so positive, and they are so high energy and it is the next generation of people that are in that bubble of the 8 million millennials that are coming and they are into it and engaged and they are much smarter than any of us were at that age and I will speak for myself, much smarter than I was at that age and much more aware and it's very inspiring and encouraging and so the opposite effect happens for me that I come away excited from them rather than maybe getting them. It's an incredible thing and I wanted to spend some time and thank you for the indulgence to be able to do that, and I will complete my report there.

>> Any questions for Martin? Thank you for bringing us good news and we are also enthusiastic about the new generation that we will be working with. We will now hear reports from our five internal committee chairs or vice-chairs. The first will be from Justice Miller, chair of the Executive and Planning Committee.

>> Thank you, Justice Chin. My full written report will be posted online and I will be brief . Martin, I don't know if you know, but the light was red for about three minutes. [Laughter]. One of the oversight roles is to direct the nomination process for the council. We solicit and review nominations and forward recommendations to the Chief Justice for her consideration.

This week the Chief Justice announced new members of the advisory committee on audits and financial accountability, which will be chaired by one of our former council members, Judge David Rosenberg and the vice-chair will be Justice Peter Siggins. This committee reports to the Executive in Planning Committee and it will review audits of superior courts and Courts of Appeal and make recommendations to us as the Judicial Council on promoting best financial part to serve to further fiscal responsibility and efficiency throughout the judicial branch. Lastly, Judge Marla Anderson and I and Marla as the vice-chair of the Executive and Planning Committee would like to welcome and thank and serve on Executive and Planning for this next upcoming year. Thank you for being willing to do this and they are Judge Samuel Feng, Justice Hull, Justice Nadler, Justice Rubin, Judge Eurie, Judge Patricia Lucas, Ms. Kimberly Flener, and Ms. Gretchen M. Nelson. Thank you very much. That completes my report.

>> Justice Chin, any questions for Doug? Thank you. Our next report will be from Judge So, chair of the Policy Coordination and Liaison Committee.

>> Thank you. Our policy committee has met four times since the last council meeting, most recently we met on Wednesday of this week and our meeting included an orientation meeting for our new PCLC members and we welcome Judge Todd Bottke, Ms. Gretchen M. Nelson, and Mr. Michael Roddy. At Wednesday's meeting our policy reviewed six proposals for legislation for 2018 and those recommendations will be presented to the full council in November. At our August 10 meeting, we dealt with drug courts and sex offender registration and convictions. A complete report is listed on our website of positions the PCLC has taken. On August 15, our committee did that in accordance with Assembly Bill 103 and the issue of which specific vacancies shall be transferred between counties dealing with judgeships. That proposal is on today's discussion agenda and that is item 17-149. That is the relocation.

>> The committee also acted to approve the sponsorship of our legislative proposal from the facilities policies working group for disposition of the West Los Angeles Courthouse, which is on today's consent agenda and that is item 17-171. From the Language Access Plan Implementation Task Force, we have approved the legislative proposal to go out for comment dealing with interpreters and small claims cases and the council will see this in January of next year. Finally, the Governor signed into law one Judicial Council-sponsored measure AB 1433 dealing with court records and our other council-sponsored bills turned into to your bills.

>> That concludes our report, Justice Chin. Thank you.

>> Our next report will be Justice Hull, Harry?

>> Thank you. We have met twice since our July Judicial Council meeting and the committee met by telephone on August 22 and reviewed the proposal for revisions to the criminal jury instructions and Rules and Projects Committee recommends approval of this proposal which appears as item number 17-130 on the consent agenda and on August 30 the Rules and Projects Committee met by telephone to consider a proposal from the Civil and Small Claims Advisory

Committee that the Rules and Projects Committee initially considered on July 28. As you'll recall from yesterday's discussion during our business meeting, this proposal has to do with the forms used for requesting entry of judgments in their debt buying practices act cases. On July 28, we estimate advisory committee to reconsider its recommendation and the recommendation of its proposal in the public comments to the extent that the proposal found that the act allowed the entry for default judgments by clerks in judgments that were in error. On further consideration the Civil and Small Claims Committee amended its report to the council to address these concerns and forwarded the proposal to the Rules and Projects Committee. On August 30, Rule and Projects Committee that recommended approval of this proposal as outlined by claims and recommended the proposal be placed on council's consent agenda for this month meeting. As you are aware again from yesterday's discussion Scott it was decided that given the interest of various parties in this issue placed on yesterday's discussion agenda as item 17-146 and yesterday after public comment and further council consideration the item past. Justice Chin and ladies and gentlemen, I would like to recommend our new members to the Rules and Project Committee, Judge Kevin Brazile and Judge Harold Hopp on the Superior Court of Riverside County and Commissioner [Indiscernible] Superior Court of Sacramento County and Judge Stewart Rice of the Superior Court of Los Angeles County and attorney Rachel Hill from Fresno. I would also like to note that given the departure of Judge Brian Back from the council, he was vice-chair of the Rules and Projects Committee, Judge Lyons has agreed to serve as the new vice-chair in his place and I appreciate that and I appreciate the work of the Rules and Projects Committee and we certainly look forward to all of the contributions and new members. Thank you. If there are any questions, I would be more than happy to answer them.

>> Thank you, Harry. Our next report will be Justice Slough, chair of the Judicial Council Technology Committee. Marcia?

>>> Thank you. I am in a spot where my brothers really like me to be in because I might not keep a voice for very long. You guys prefer that, right? To lose my voice? I will be reporting on that to the duties of JCTC since I reported in July. As many of you recall we were talking about the upcoming technology summit and we had not held a branchwide technology summit since 2012. That took place on August 23 and 24 and we had over 100 place on August 23 and 24 and we had over 150 members from the branch, justices and judges and CEOs and members from a lot of individual courts and I have to say that it was well received, well attended. Thank you, Justice Chin for your participation in reading one of the workshops during that summit. The presentations included how expectations of government related to technology are changing exponentially and also included embracing change in the judicial branch, something that we all need to work on and we are great at embracing change. Very interesting presentation on service focused web design by [Indiscernible] who was great. A young guy. An update on the work stream efforts and the ever-present cyber security issues and we received positive feedback from the attendees and the information that we received back on this summit will help inform us in moving forward in trying to continue to improve our technology initiative so that we can better serve the citizens of our state. Shifting gears, the Information Technology and Advisory

Committee continues their good work and they held a meeting by telephone conference on August 7 and at that meeting the committee approved the self-represented litigant e-services work stream to move forward on the request of information which has now been posted and ITAC was also one of the committees that received a specific directive from Chief Justice related to the Futures Commission report with the Chief directing them to report on the feasibility and resources necessary for free pilot projects, first to allow remote appearances for most noncriminal court proceedings and second voice to text language interpretation services at court filing service counters and then self-help centers and then lastly intelligent chat eley to help with self-help services. ITAC had reached out to CIOs throughout the state and they performed a webinar and a lot of folks participated in it and gathered a lot of information and they have put together their work plan and ITAC has approved it and it was submitted to JTCT and they approved that at our last meeting on September 11 we did hold an open meeting by teleconference and we received updates from all of the work streams that ITAC is working on. This is as well as their progress on the futures report. The sustained justice addition courts have started their work replacing their legacy case management systems. As many of you know, this has been an ongoing project for the last year and a half or more. Their new case management systems are being funded by the most recent budget change proposal that was included in the Governor's budget. The court is getting his new case management systems and may include the superior courts of Humboldt and Lake and Madera [Indiscernible] San Benito Trinity counties. These courts have worked hard and diligently in getting to this stage and they continue to be excited in moving forward as they move into the next stage of this progress. As Justice Chin mentioned, we both were in Salt Lake City and along with a lot of other people from around the state at the court technology committee conference it is a nationwide conference in dealing with all of the to eley issues being utilized within the court and it's amazing what is out there already being done and what I will say is we are catching up and in some ways we are leading one of the most amazing things. What was great for me is to see folks from our branch standing up and presenting on really important things. Heather gave a presentation.

>> Judge Hansen, the chair of ITAC, also presented. This is on what we are doing in this state to move technology forward and as I counted just roughly there was probably close to 30 participated from the state of California at this conference . It was well attended by our state and I can say that while some states have progressed in some ways, we truly are a leader when it comes to our energy and effort and desire to continue to improve services for citizens through the use of technology. I will call it a day, Justice Chin.

>> Thank you. I just want to underline Marcia and Dan did a terrific job on the technology summit. And Rob, in putting together interesting material for the 150 participants and the energy in the room was just incredible. The Chief graced us with closing the meeting and highlighted the request that she once in the area of technology.

>> We are all reading from the same book. I think that we have a lot more energy now than we had in recent years. Let's together try to bring the California courts into the 21st century. Our final report will be Justice Humes a vice-chair of the judicial branch and budget committee.

>> Thank you, Justice Chin, and members of the council. The judicial branch budget committee that person one time since I last council meeting. The meeting was on September 13 and the committee met to discuss issues related to budget change proposals. These proposals are better known as DCP's and we submit them to the Department of Finance to try to get new funds included in each year's budget. The Judicial Council as part of its responsibility for the judicial branch submits this budget on behalf of the Supreme Court and that Court of Appeal and the Judicial Council themselves and the facility program in the trial courts and the Habeas Corpus Resource Center. One of the responsibilities of the committee is to assist the council by reviewing and coordinating proposed [Indiscernible] and by ensuring their timely submission. As you may know, last year, the council itself and the new members will know this but the council last year established a new internal process for how we were going to process hours before submitting them to the Department of Finance. The purpose of our meeting on September 3 team was to collaborate with and get feedback from other advisory bodies about the new process so that we could explore ways on how to improve it if we can. Several representatives of these advisory bodies attended and in addition to receiving feedback from these representatives, all of which we found helpful, we had a lively discussion about the status of the current fiscal year 2018, 2009 team, which were approved by the council and sent to the Department of Finance. I will note that even as these are being considered by the Department of Finance, next month, we will already begin the branch process of developing these for the 29th seen 20 fiscal year. It never stops. I would also like to welcome our new members to the budget committee and I hope I have them all. I believe it is Judge Pat Lucas, Judge Hopp, and Mike Roddy. I don't know if I missed anybody. If I have, let me know. Welcome to our committee. With that, I will conclude my report. Thank you.

>> Any questions? Thank you.

>> Our next items are that liaison reports and I would ask Justice Miller to introduce the reports. Thank you.

>> We have two reports from one of our Judicial Council members, Judge Buckley, he will report on Alpine and Sierra.

>> It is my pleasure to present on our two smallest courts, certainly by population, Sierra and Alpine County. With Alpine first. I promised Judge Back last night that I would get 10 minutes of your life back cutting off some of my time that I took from you yesterday. I will do my best on that. He said that was okay since he was gone. As you can see, Alpine County is just south of Lake Tahoe in the center of the state and borders the state of Nevada and other counties. It is, to say the least, remote. I think the takeaway from both of these reports that for many of you that live in larger counties, specifically Southern California, when you look at a map or maybe a globe, depending on your perspective, it looks like we're kind of all in the same area, but we are not. You are talking about terrain, when it comes to mountains and what-not, that make travel very difficult. You can see just by way of the map here, and I know it's small, but I left Red Bluff and traveled to the judicial college where I was teaching a class, and that is in San

Ramon as you can see towards the East Bay. That is quite a haul in and of itself. I left San Ramon and drove to South Lake Tahoe and that for lack of a better term is quite a haul. It is 3 1/2 hours and you can see when you get into the National Forest area and what-not, the roads are not really straight . So it's quite interesting. From South Lake Tahoe, which is probably the nearest population center so to speak to Markleeville, which is the county seat of Alpine, you are talking about a 42-minute drive and that is with perfect conditions in the middle of the summer. In the winter, with the proximity of the mountains and what-not, you are talking about roads that are generally speaking at times not passable. This makes it difficult for the court to function on a day-to-day basis with respect to employees and contractors and litigants and access to justice. Alpine County was established in 1864 and had an original population of 11,000, which was large because it was part of the silver boom. It's the smallest population in our state countywide and just over 1,000 which means that LA County is 10,000 times bigger than Alpine County and my county where we have 4.3 judicial officers is 66 times larger than Alpine County, if that gives you any idea of the perspective. The county seat of Markleeville is 202 as of July, idea of the perspective. The county seat of Markleeville is 202 as of July 2017. It's 743 square miles and Markleeville itself is at about 5,500 feet in elevation. The courthouse was built in 1928 and there are two judges there.

>> The other judge is the CEO and I have three employees and one courtroom in three offices and a clerk's office.

>> They average about 1,500 filings per year and you can see the revenues and expenditures which left them a fund balance of about \$200,000. The judges do sit on a reciprocal assignment basis almost regularly. And Alpine, those judges have set recently and continue to do so in Amador, Calaveras, El Dorado, Mono, and Mariposa, and Merced, and Modoc, and Nevada, and [Indiscernible] in Sacramento, and San Joaquin, and [Indiscernible], and Sierra and Stanislaus, and Sutter, and [Indiscernible], and because they have a set schedule with calendars, it can be difficult scheduling wise because both of the judges may be out of county sitting by assignment so if something comes up somebody has to get back and it can at times be a challenge. Because of the remoteness, Alpine has had to do a lot with respect to getting to the point where they have successes. You will see these in the pictures. And a public restroom that restroom and secured enclosures. This is from a county that small a huge win. It seems like an afterthought for larger counties when you're talking about this is just a bathroom. Well, when you consider the entirety with the exception of the courtroom of the Alpine offices are probably is because this room, that is a huge win. And the judges were certainly, as they are and Sierra as well, very complimentary with regard to the services they receive from the Judicial Council, specifically with regard to facilities. Bullet-proof glass, this is huge. You're talking about axes right outside the window and you will see that in the pictures. The ADA electronic lift was a huge win and you can see pictures of that and a new sound system, which really did, they demonstrated it for me, it did make a difference for everyone to be able to hear.

>> They did go to Tyler, and that has been a success for Alpine. The self-service and managed self-service electronic timecards means they have a seamless interface with the Judicial Council

with regard to the payroll survey they don't have to scan and send them. It has been a huge timesaver and another thing you take for granted in a larger county even in mine, would be the empowerment of a grand jury. They had their first grand jury impaneled in 2016, 2017 since 2010 in this is because there are so few people in the county and there is a transient population because it is sort of a resort community with Kirkwood and what-not being nearby. Sending a letter to all registered voters in the county does not get you enough people to impaneled grand jury as far as who shows up. So that certainly was a win. The anti-slip services, because of the weather, obviously, that will be a big deal and you'll see a picture of that as well. So challenges? No onsite IT employees for assistance. There is no dedicated fiscal manager or clerk. There is no county jail. The inmates are housed in El Dorado and transported. The security issues regarding access to the courtroom and clerks, and there is a bailiff while court is in session, and that bailiff also mans security. That is sort of a difficult thing to do because you are not in the courtroom. When court is not in session there is no security, so literally, you can just walk right in, which obviously is a potential problem. Staff recruitment and retention, most of them live in Nevada and have to drive to work to remote locations. There are no court reporters and they contract with Nevada court reporters and it's very difficult to get interpreters in person and when they do, they are very expensive. Self-help is on the third Thursday of each month and the Judicial Council provides rules previously performed by staff and in some instances regarding accounts payable and daily bank reconciliations and fiscal and budget assistance. The CEO is responsible and is along for all HR jury services and bookkeeping and fiscal functions and they have a joint agreement with El Dorado for commissioner and facilitator services. That is the one courtroom that both judges use from the back. This is the entirety, in essence, of the clerk's office. That is all of it. And downstairs, this is the old jail. This is from antiquity. And they have converted it into storage space, which certainly they are very pleased to have, even though sometimes you may lock yourself in there and you may not get out for a few weeks. [Laughter]. This is part of the downstairs as well and there are shared offices with I think probation and the District Attorney's Office if I remember correctly. This is part of the old bathroom that was a bit penal in nature, and maybe it was a holdover from the jail but it was grim to say the least. I thought it was important to make sure that everybody knew that when you drink, your baby drank with you because this was in there and this is obviously a throwback when they were still telling people this is a public service announcement in the bathroom.

>> This is the new ADA bathroom, the outside. This is the court security where you come in from the front of the courthouse. The bathroom is ADA compliant and it is obviously a huge upgrade from what used to be there and this works well certainly for everyone including the public and litigants. The outside now provides a list and that is housed on the right side so that it does not get exposed to the elements and that has obviously been a huge help for people who need assistance with respect to the Americans With Disabilities Act and the chair comes out and goes around and up the ramp and this is the nonslip surface or nonskid surface that was installed with respect to the stairs and this is obviously mitigated a huge issue with regard the people having difficulty when the weather was inclement going up and down the stairs. That is the plaque regarding the original construction of the courthouse, 1928. And here is the front of

the courthouse and it's quite picturesque. That is the judge and CEO who agreed to have their pictures used in public. Here they are. This is one side of Markleeville. That is the other. [Laughter]. That is one side. That is the other. Literally. I might know that the judge and I went to lunch and a few people commented in this room and they will remain nameless about my wisdom in having the fish tacos in Markleeville [Laughter]. I must say, they were some of the best fish tacos I ever had and I was fine. Yes, it's hard to get to Markleeville but apparently, the fish make it. This is the shared government center and you have the sheriff and administration in the courts. It's all sort of together, one-stop shopping. I certainly want to thank the judges and CEO Long. They were helpful and I will submit by written report under separate cover with the nuts and bolts and to end, the judge is pointing to the person who really runs the show which of course is CEO Long. So thank you to the Alpine Superior Court.

>> We have next Sierra. Any questions on Alpine? So, the next day, I was in Sierra County.

>> How do we move there?

>> You can move there but you have to sign an MO where you are on the grand jury for 50 years. But the fish tacos would be worth it. I can put you in touch with somebody who could help you out.

>> I was in Sierra County the next day, our second smallest. You can see from the map this was also a hike. That is from South Lake Tahoe to Downieville, and I think I may have done it in three hours. I can see. It was long. There was a lot of construction on the west and north side of the lake and it is very difficult to get there and you can see the remoteness with respect to Downieville not having a large population center nearby. Sierra County is marked in red there, and it is bordered by [Indiscernible] in Butte County. Down a hill to Red Bluff, where I live, that is two hours 30 minutes and I actually went home a different way. I stopped and went by Plumas County as well. No matter how you cut, it's difficult to get there. It's remote and in the mountains and people coming from the west side, excuse me, the east side of Downieville would go over depending on if they are coming from places like Turkey where Judge Durrant drives from and to 7,000 foot plus passes which in the winter would make it very difficult. You had employees living in Nevada as well. It was established in 1852 in the second smallest population with just over 3,000 as of 2010. So Los Angeles County is larger and other counties would be larger just by way of comparison and the population, which is not the county seat, and is actually only incorporated city in the county and that 282 population and northwest of your those Lake Tahoe 962 miles. The courthouse was built in 1952 and two judges with a .3 commissioner shared with Nevada County and CEO and five employees and Charles Ervin is the PJ and Yvette Durant is the acting PJ and Lee Kirby is the CEO and one courtroom in three offices in the clerk's office. About 850 filings per year and I think you would ask well what is the disparity when Alpine has twice as many? Well they have 395 going through so you are talking about more traffic and other related matters as well whereas Downieville is not on the way to anywhere unless you're going to loyalty and. Revenues are \$835,000 with just over \$1 million with the ending fund balance and the judges sit on a reciprocal basis in many of the

same counties that they do in Alpine. They have had many successes and many attributable to the help received by the Judicial Council specifically with regard to facilities and the pictures will show this. A new roof with a waterproof building shell which is important and energy-efficient windows and the state of the windows as described to me apparently it was just awful and in a small county just receiving upgrades like windows makes a huge difference and the ADA compliant bathroom which is a staple among smaller courts to have an upgrade like that and there are additional facilities and projects under way with respect to security and open space and upgrades. The court was recently able to hire a local mediator and attorney that can now provide facilitator services locally were as they were usually relying upon Nevada County for assistance including with the 1058 Commissioner with the support of the council's facility and real estate staff. As I said, the restroom and as other upgrades would not have been possible. That is their flowchart with respect to their employees including the PJ and a PJ and the .3 Commissioner and the CEO, Ms. Kirby plus of their employees for you can see and I know it is hard to read but on the left their contract staff that contract out a lot of their services, which is standard in a smaller county with issues regarding how far they are from established population centers and collaborative courts have been a focus for Sierra County and they have established successful mental health and drug and alcohol and veterans court. They work with the DA NPD and the other agencies listed with respect to beat those criteria and implement those successful courts and even in a small county, they are proof positive that that type of court works. There challenges, of course, they have overcome the one initially with respect to the real security problems with regard to those issues as to secure entrances and what-not. But there is an ability for people not to walk around as they please but certainly there are you can see unsecured areas and you will see this in the picture. I walked through court offices from the elevator to reach the courtroom holding cell which creates problems. Recruiting, recruiting, recruiting. And qualified staff which actually stays is hard to get because available housing is almost nonexistent in Downieville. There is a lack of medical care, the things we would take for granted in a place where most of us live and in Markleeville. In Downieville, like having simply a grocery store, it does not really exist and it would be more along the lines of a general store. The severe weather, you can see the 2 to 3 hour roundtrip at least over mountain passes discourage people from applying and staying if they have long-term career goals. There are limited resources for repairs. If a copier goes down, you need the copier. Well, it may be a day or two before somebody can fix it. So what are you doing? It's obviously a challenge. They have in fact through Ms. Kirby and PJ Durant, they have developed a successful videoconferencing network where they work with the nearest jail facility reciprocal judges and regional appellate panels and professional service contractors and that has worked out well. That is the one and only courtroom in Downieville.

>> Those are the new windows which is again a huge upgrade for the court with respect to people being comfortable in the courtroom and not having weeks. That would be on the other side. That is the video conferencing setup which is actually quite advanced and works well for the court. That is the old justice court office. You can see there, use your ashtray no matter what. Always want to do that. I don't think anyone is smoking in the building. [Laughter]. This is the front self-help area at the clerk's office and then again and ADA compliant bathroom is

the same the core as Alpine County and a huge upgrade. This would be going back towards the rest of the administrative and clerk's offices and the sub the elevator, which in this picture would be off to the right and the inmates would come right to their so obviously they have to give you a heads-up so that the staff is not present in the way of the inmates when they come through in this is the back half of the administrative offices. It has become a repository for these documents regarding records of naturalization and otherwise that you can see go back a long time and I was going to have their CEO talk to ours because we had many types of documents that we were trying to get to the state historical society because she didn't feel like she was the proper repository for those and that certainly makes sense. This is in the lobby of the courthouse and these are not actually gold nuggets. [Laughter]. They are actually reproductions of giant gold nuggets that have been found over the years in Sierra County. Nonetheless, they are not real so don't go looking to see if they are real. Here is the judge and CEOs, and they agreed to have their pictures use publicly. Here is the sign coming into Downieville. These ramps were set up at the confluence of these two rivers. There was a mountain biking competition and festival going on that we can and literally brought in hundreds if not thousands of people. It's certainly a big deal for Sierra County.

>> People were going to be able to go off that ramp into the river and it appears deep enough, so I am told, so as not to kill yourself on your bike when you go off the ramp. But things such as this, you don't realize how much that brings into a place like Downieville and Sierra County for a whole weekend. The town was literally packed while I was there. It was not because of me being there but because of the mountain biking. This is the main drag. You can see you are right up against the foothills going into the mountains. And I must say, everyone there was very hospitable and I was very impressed just like Alpine, with the knowledge of the CEO and the court staff and the judicial officers with respect to what they are doing and they should be very proud of how they are able to accomplish what they are able to accomplish in light of those challenges and they do a great job serving the litigants. They were ready for me to go by the time I left, and I was faced with the gallows if I did not leave quickly. That is right outside of the courthouse. I don't believe they hang people anymore. But, nonetheless, the gallows are still there and it is a historical marker as well. I will deposit my written report under separate cover. Thank you.

>> Thank you. That completes the liaison reports.

>> Thank you, Justice Miller. Next you will have our consent agenda with some 31 items. Any single council member has the authority to move an item to the discussion agenda. The council Executive and Planning Committee sets the items on the agenda to optimize the best use of the council's meeting time and the council's Rules and Projects Committee provides guidance to Executive and Planning on which items to set for rules and the fact that an item is on the consent agenda does not reflect its significance. As always, we appreciate the many hours of work put in by the committees and the staff that has brought these recommendations and reports to us and we also appreciate your concern and you're coming here to express those concerns.

>> I would move to approve the consent agenda.

>> Second.

>> It is moved and seconded by Judge Lyons. That the consent agenda be adopted. All those in favor say aye. Those opposed? Any abstentions? The motion passes.

>> Our discussion agenda has three items today, and we will begin with the first. Judicial branch and judicial branch administration fiscal deployment of Judicial Council budgets. The presenters are Mr. Doug [Indiscernible] and Mr. Zlatko Theodorovic.

>> Thank you. We are here today to seek your approval to implement a computer system for our budget accounting and procurement transactions and that system is called Fi\$Cal. The system is for the Supreme Court, and the Courts of Appeal, and the Habeas Corpus Resource Center, and the Commission on Judicial Performance, and the Judicial Council and it's not for the trial courts and we have started looking at the system about two years ago because our existing system is in need of significant upgrades; for example, our current reporting system that we use today is at its end-of-life which means that the vendor is no longer enhancing that system or maintaining it or providing support for that system and so thinking about our existing system and the changes that we needed we looked at alternatives and that is where we looked at this Fi\$Cal. There was also some request for additional functionality in our system around budgeting and procurement specifically and these additional functionalities are included in the Fi\$Cal system. And some of the benefits of implementing Fi\$Cal are a tighter integration with a state comptroller's office and the state treasury in the Department of Finance and we spent a lot of time now mapping stuff out of our current system into the state system so we no longer have to do that. The audits that we are under from the state are very cumbersome for our staff because we have to explain to the auditors how our system works and why it's a different and if we were on the Fi\$Cal system, the state system, they would understand that and it would be easier for them and us to do those audits . What else? Are processed now for paying our vendors is a very cumbersome and it's very paper intensive and if we were on the Fi\$Cal system, that process would be automated in our purchase orders and invoices and goods received and it would all be hooked together and that would be a huge benefit for our staff. So there are other reasons in the report that we submitted why we think this is a move you should support and we are open to any questions that you might have.

>> I am very supportive of this and my question is how far along is the rest of the state in deploying Fi\$Cal and how long will it take for us to sort of connect up with it?

>> So there are currently 162 state entities that are on Fi\$Cal, and I use the word entities because that includes a small commission and things that are not really state departments but the big departments are rounded also. But this next fiscal year is the last major way for Fi\$Cal and there are 62 entities involved in that of which we would be one of them. So the system is fully deployed and all the functionality is there. There won't be any development for us and it's

more of configuring the system and implementing it in adjusting our processes as we need. So the goal is by July 1 of 2018, we would be live on the system.

>> Justice Chin, I would move for a motion of approval.

>> Second.

>> Any further comments. It has been moved and seconded that we adopt the judicial branch administration Fi\$Cal deployment for the Judicial Council. All those in favor say aye. Those opposed? Any abstentions? Motion passes. Thank you.

>> Our second discussion agenda item is judicial service implementation of Assembly Bill 103, reallocation of vacant judgeships. The presenters are Justice So, chair of the liaison committee and Laura Speed.

>> This is a relatively straightforward item. In your materials you will see an attachment B. There is a Government Code section which requires the Judicial Council to determine which specific vacancy shall be transferred between counties. In your materials, staff has taken a shot at picking which vacancy should be transferred, and they recommend that we start with the vacancies that have been there the longest. This is our way of implementing Government Code section [Indiscernible]. I am happy to answer any questions.

>> I don't have a question. I have a big thank you on behalf of all of my colleagues in Riverside and San Bernardino. It has been 10 years since we got any new positions, and our population keeps growing and we are delighted to see some progress on reallocating some resources to where they are needed the most.

>> You are welcome. [Laughter]

>> Haven't voted yet. [Laughter]

>> As one sitting on one of the courts slated to receive some of these funds, I wanted to publicly state what I think is obvious, but I think it needs to be emphasized nonetheless, which is, although certainly our court is grateful for the increased positions, this, in my view doesn't represent anything like a real solution to the funding challenges that the branch faces. This is in my view a much appreciated and valued thing but nevertheless a really small part of a solution to a very big problem. I won't say that it is like shuffling deck chairs on the Titanic. I don't think that is the right metaphor. But I think the solution to the resource problems that the branch faces will have to take a real hard look from the Department of Finance and our own internal process and how we get adequate funding for the branch as a whole so with that understanding I do want to acknowledge that our gain does come at a loss to other counties. I think that is not something that should be understated, and I think it's something that I am confident our court recognizes. Thank you.

>>Justice Miller?

>> I wanted to follow up on what Judge Brodie said. This is a first step and it is a big first step in it has taken us a long time to get to this point. But I wanted to thank both Alameda and Santa Clara for your assistance in this process. It was not easy on your part I know. But I do thank you for the leadership from your to courts because this is something that I think we had to go through first and I think (I hope) it leads to a more and fair distribution of judges and funding. So thank you to the leadership. Please take back my thanks and the council's thanks.

>> I also support this, but I do have one comment . I hope it's not my former seat in Alameda that is going south. [Laughter]

>> I would be honored really to move this forward. It's something from Riverside to San Bernardino and [Indiscernible-low volume] that we have worked on a long time. I would move for approval.

>> Second.

>> Any further comments or questions? All those in favor of the motion say aye. Those opposed? Any abstentions? Motion passes.

>> Our final discussion agenda item is trial court allocations, trial court trust funds held on behalf of the trial courts. The presentation will be by Zlatko Theodorovic.

>> Thank you. The report does lay out the issue as it has been, but for the benefit of the new members to take a moment to explain what is going on. Several years ago, historically trial courts had the ability to maintain fund balances as approved by Government Code. Several years ago it was part of budget adjustments and fiscal crises, the Department of Finance took the general fund adjustments effectively in the fund balances maintained but also added a change to the policy that taps trial courts' ability to maintain those. It significantly hampered their ability to manage their finances locally and as Martin mentioned in his report, 1% means to be an issue but with that the council took it upon itself looking at the statute to see what fiscal tools could be provided to trial courts and so the process you had before you is a result of that effort to provide courts of that level of greater flexibility in managing the resources. So what happens is to the extent that there is a need for managing long-term cost cutter is an ability for trial courts to come to the council and ask that funds be held at the state level as opposed to the local level and reallocated back to them and this year exercising one of your most important functions, which is the allocation of resources and assisting trial courts in managing finances. The request is to provide courts with those resources and help them manage their programs. Many of them are expenses and important IT and one-time expenses for facilities. This is the request before you and I am here to answer any questions that you might have.

>> Jake?

>> Just to take a moment to go deeper in one of his comments part of the dialogue that we have an very much appreciate have with the time and want to reiterate thank you to Martin and to John and to Zlatko Theodorovic to give us the opportunity to have this educational sessions to just expressed appreciation for anybody involved in that conversation. But one of the main items that we wanted to talk about with them and did and I think that they listened which is always all you can ask of anyone about her concerns related to the 1% fund on the health cap and while this process is a partial piece of the problem, we did articulate with them that it is not a planning tool and the 1% cap while it may have been a necessary act at one point in time to request that they look at that again and decide what factors exist today. Is that an appropriate level that allows the court branch to effectively plan for long-term purchases and long-term planning efforts in our budget? It does not relate to whether this should be approved or not but I did want to take an opportunity to say that this is a good process but not a solution. With that, I am happy to make a motion if that is appropriate.

>> I second.

>> Any further discussion? It has been moved and seconded that we passed the trial court allocations and all those in favor say aye. Those opposed? Any abstentions? Motion passes.

>> Thank you very much.

>> We seem to be on time. In closing, I want to welcome our new members. We look forward to working with all of you and we say thank you and farewell to our departing members. Todd, thank you for that wonderful presentation on Sierra and Alpine and I will see you at the CGA meeting. Finally, we conclude today's meeting as we often do with brief remembrances of our retired judicial colleagues recently deceased. Judge James Alfano, Superior Court of Orange County; Judge Wesley Mason, Superior Court of San Diego County; and finally, Judge Roy Wonder, Superior Court of San Francisco. I just want to make a personal note that when my colleague, Justice Robert Merrill passed away, Judge Roy Wonder and yours truly had the privilege and honor of speaking at his memorial. We honor all of them for their service to their courts, the cause of justice, and to the people of California

>> [Event concluded]