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>> Please stand by for real-time captions.

>> Hello. This is Pat Kelly returning.

>> I invite people to please take their seats so that we can begin the public meeting.

>> [Pause]

>> This is the business meeting of the Judicial Council of California for Friday, January 12, 2018. Our meeting is now in session and we will adjourn our business meeting later today at approximately 1 p.m. Council member Judge Gary Nadler and council member Mr. Patrick Kelly are joining us by telephone. Good morning. Thank you for joining us. Since the last meeting, the Governor has been very active with his judicial appointments. He has appointed two judges to be justices on the Court of Appeal in the Fourth Appellate District, Division 3 in Santa Ana and the Sixth Appellate District in San Jose. He also appointed 33 judges to the superior courts of California in 22 counties. This is all good news for the branch and the jurisdictions who have had those vacancies. However, one of those appointments was for our now former commissioner council member Shama Mesiwala to the Superior Court of Sacramento County. We wish Judge Mesiwala well and perhaps we will see her again on council in the future. As you know, you come on council in the position designated, and if your position changes then our rules require that you step off council. I received a warm letter from Judge Mesiwala saying how unfortunate she was feeling to have to step off the council but will be assuming, and has already assumed, her new role as a judge at the Sacramento superior court. And I know that the Governor is also considering an appointment to the third level of our court system, the Supreme Court of California. And this past Wednesday the Governor released his proposed 2018-19 California State Budget. You know, Governor Brown and I took office on the same day, January 3, 2011. I swore him in. This is our eighth budget cycle for both of us. A lot has changed since 2011, thankfully. This marks the sixth consecutive year of new investment for the judicial branch, with this year certainly being the most significant of that investment. As I stated before, I thank Governor Brown for this very strong budget proposal for the judicial branch. With this proposed budget, the courts will be better equipped to truly provide equal access to justice. The proposed significant adjustments will support trial court operations and will increase access to the public. I am pleased that key recommendations from our Commission on the Future of California's Court System provide a focus for some of this investment, and the physical access component of Access 3D will benefit from the sound commitment to trial court construction. I know that

Martin will have more to say about this in his report to the council. Martin worked very hard on this budget. He gave himself pneumonia over it. He is coughing, I still think he might have some of that. And as always, I am deeply appreciative for all of his efforts on behalf of the judicial branch, his efforts and his team. I want to also acknowledge that we got to this point through the efforts of many people, through clear and supportable budget asks, and to your openness during our ongoing budget negotiations with the administration and the Legislature. This is a proposal. I look forward to working with all of you, our partners, our stakeholders, and our sister branches of government as the budget advocacy continues through May and ultimately June. As you all know, more work remains to be done. Our first order of business is public comment. It's in its new regular time, and we placed it at the beginning of our agenda to provide more certainty and convenience to those who wish to address this council. I will turn this over to Justice Miller for public comment.

>> Thank you, Chief. We have nine members of the public here today to present us public comment. For those who are here to make public comment, please remember that this is for general administration of justice. We are not an adjudicatory body. We cannot make a decision in a specific case, so we ask you to please be respectful and to refrain from talking about your specific fact situation or the judges and parties in those particular cases. There is a timer on the podium that will provide you the timeline for the three minutes that you have. At two minutes, the yellow light will go on and you have, of course, one minute left at that point. At 3, I will ask you to cede that time to the next person. If we could have speaker number one, please. Welcome and good morning. You have 3 minutes. Thank you.

>> Thank you for having me. I will try to be quick. I am here to take to talk about agenda item 18-010. The rule of court, rule 1.150 on recording inside the courthouse, inside the courtrooms, court proceedings, and etc. I will start quickly. Rule 10.75 needs to be amended because it does not comport with the law. If you read 10.75, section (k), it says requests to comment on an agenda item must be submitted before the meeting begins, indicating the speaker's name, the name of the organization that the speaker represents, if any, and the agenda item that the speaker wishes to represent. Now I am going to quote the Bagley-Keene Open Meeting Act of 2004. This is the law that was passed by the people. It says since one of the purposes of the act is to protect and serve the interests of the general public to monitor and participate in meetings of state bodies. Bodies covered by the act are prohibited from imposing any conditions, and I had to sign in, when I came in here, prohibiting the use of any conditions on attendance at a meeting. For example, while the act does not prohibit the use of a sign-in sheet, notice must clearly be given that the signing-in is voluntary and not a prerequisite to either attending the meeting or speaking at the meeting, but I had to send you an e-mail to request to speak today. And so I had to give up my anonymity. That's why I asked that I be referred to as "Speaker" and not my name because this is going out over the Internet, and you are going to "dox" everybody that speaks here today. You are going to give out their personal information over the Internet and that is illegal. Also, your law, section (l), says making an audio recording of a meeting an advisory body chair may permit a member of the public to make an audio recording of an open meeting or the open portion of the meeting. The Bagley law says, in addition, members of the public are entitled to

record and to broadcast, and so that says that we can record, as I am doing. We can record public meetings and we are entitled, because we are given the right and I'm down to a minute and I would like to quickly talk about this rule 1.150, which was written in 1997. The Supreme Court had not decided whether recording was a First Amendment right. They have come to that decision that recording is a First Amendment right. I would refer to Turner versus Driver of 2017 and Senate Bill 411. This is the Right to Record Act. It clearly says that the fact that a person takes a photograph or audio or video recording of an executive officer while the officer is in a public place or the person taking the photograph or making the recording is in a place where she has a right to be. I have a right to come and speak at this meeting. I have a right to record it. And that is a right given by the People. I have a right to record in the courtroom because that is part of -- I have a right to be there. The point of your rules of court -- it says, this rule does not create a presumption for or against granting permission. The law does. The law does give the presumption that it is for --.

>> -- Thank you very much.

>> 4-3-2. Thank you for interrupting me and taking up my time.

>> Thank you. Next is Barbara Bartoshuk and if I could have Paul Guevara please come to the gate. Good morning and welcome.

>> Thank you. When I last came before this council, I shared my judicial experience. It was a San Francisco appellate opinion where the court ignored the rule of law, made up some new facts of their own. The opinions wrote that I did not dispute the declarations which were written to the lower court. And that allowed them to change the ruling. Not only was that untrue, it was absolute nonsense. Because there would have been nothing to even appeal if that had been true. I also shared with you that, like our Chief Justice's mother, I felt disrespected by the system. Earlier this week I watched the Golden Globe awards. Women wore black in solidarity against sexual abuse. I was listening to the women speak, and I realized that is exactly how I feel. Each and every day I feel not just disrespected, I feel physically and emotionally violated by those appellate judges in the system that is supportive of doing nothing. A blatantly wrongful ruling is not different from sexual or other abuse. The abuser is in a position of power over the abused. The abuser understands that the person has no voice or will not be believed. And there is little or no accountability to the person or persons whom you are abusing. When lawyers and judicial colleagues know about, or even watch, this type of government abuse take place against their fellow citizens, and then they say and do nothing, not even for their own integrity but for the integrity of their fellow coworker, you might as well just be pinning that person to the wall themselves. It undermines our system, our communities, and our society as a whole. I experience being sucker-punched every single day at the hands of the judiciary. The experience of being abused is real. And I don't want this to keep happening to other people, not to my kids, not to your kids either. Correction can only mean fixing and making right what was wrongful to the person abused. In his book "Letter to a Young Lawyer," Alan Dershowitz wrote, there is no crueler tyranny than that which is exercised under the cover of law and with the colors of justice.

I also want to say that I think it would be helpful to employ some kind of follow-up or discussions, or to reach out, somehow, to the people that drive here to have 3 minutes of your time. I think it could really show that you are listening and that it matters. You are the policymaking body.

>> Thank you.

>> I am asking you to make a policy on this.

>> Thank you. Next is Paul Guevara and then Connie Valentine. Good morning. You can come forward. Good morning and welcome.

>> Good morning. This is my first time speaking. My name is Paul Guevara. I'm with the Family Rights Party. It is a pleasure to speak with you guys. One of the first things I want to talk about is I would like to see you guys put a manual together for self-represented litigants. The first part of going to jail -- I mean, to court, is that no one really knows how to establish their own rights and that is very harmful to a lot of parents. And then, also, filing complaints on mediators -- or giving a guide for people that represent themselves. It is really needed. So yeah, I see all kinds of manuals on your websites and, basically, all of them are asking for appeals and stuff like that but I would like to see the first section of it. Another issue I had was California rules of the court, I don't see that on the same page as all of the state codes. I read all of the state codes already and I never saw the California rules of the court, which really hurt me a lot and I believe it hurts a lot of people. I think that we should put them both together or have them all on the same page. California rules of the court is a very important thing that we need on the website there. I don't know if you guys are in control of that but I would like to see that done. Thank you.

>> Thank you. Take you very much. We appreciate you coming. Connie Valentine and then Roberta Fitzpatrick.

>> Thank you, madam chair, and members of the Judicial Council. I'm very sad to tell you that there have been two more dead children to add to the growing body count being tracked by the Center for Judicial Excellence. On New Year's Eve, two girls, age 9 and 12, were murdered by their father after he broke both civil and criminal protective orders yet still had unsupervised visits with the children. Two beautiful children came back home from visiting in body bags, in Yolo County where I live, and where you went to undergraduate school and law school, Chief Justice. Can you imagine how those girls felt being court-ordered to their death? Fifty-one children have been murdered in the context of custody and visitation in California in the past decade. These mothers who lost their children will never be the same. Their souls have been damaged incredibly. In Great Britain, it only took 19 deaths for the judiciary to begin a real self-examination. We have 51 and we are still going. Why is the policymaking administrative head of the judiciary not making and enforcing a clear policy that safety must come first for children in family court? Why does your body oppose a bill to let younger children speak directly to the court if they wish and try to protect themselves because they are not being protected by the court

when the parents have hearsay information brought forward about their children. Their protective parents are prohibited from protecting them by court order. You would think it would be standard practice to talk directly to the children, but it is not. Today we all have blood on our hands.

>> Thank you. Roberta Fitzpatrick? Ana Estevez? Good morning and welcome. Next is Kimberly Sweidy. Good morning.

>> Good morning. Good morning, madam chairwoman and members of the Judicial Council. My name is Ana Estevez and I'm a mother, a veteran of the United States Army, a former elementary school principal, and most important, an advocate for children. Aramadz Andressian the second, lovingly known as "Beeki," was my son. He was violently murdered by his father 8 months and 22 days ago. With a show of hands, can you please tell me how many of you have children or grandchildren? None of you? Well I'm sure you do, and what I have to say applies to you because no one is immune to the epidemic that is sweeping our nation. Never did I imagine that I would be sentenced to life without my only child, nor did the thought of me standing before you advocating for children ever enter my mind, but here I am and I'm grateful for the opportunity. What I have to say may exceed 3 minutes and I humbly ask that you allow me to share my son's story. You see, this is my reality for the rest of my life. And if my testimony today can prevent another parent from living the heart-shattering, completely devastating nightmare of their child being murdered, then I will have kept my promise to my son, a promise to help protect innocent children who deserve to live, because my son deserved to live. In April 2016 I told my ex-husband that I wanted a divorce. A few months later, my ex-husband coerced my son, who was four at the time, to lie by telling him, if you do not say these things, you are never going to see mommy again. My son told a false story about sexual abuse to child protective services in Los Angeles, the Department of Children and Family Services. These allegations were investigated. My son told the social worker in the presence of two detectives that his father made him lie. The forensic child psychologist that interviewed my son informed the social worker that she believed my son was coached. DCFS closed the case and made no attempt to investigate the false allegations. Physical abuse started shortly after. My son shared with me that his father would repeatedly kick him on his bottom, pinch his cheeks with force while yelling at him in his face telling him he was a bad boy. He also threatened my son repeatedly by telling him you are never going to see mommy again if he did not lie or do what he was told. During the first week in November 2016 my son was interviewed by two police officers and later a social worker.

>> Please take another minute and then you can submit to us in writing whatever you would like.

>> Thank you. I appreciate that.

>> You are welcome.

>> Out of fear for our safety I filed a restraining order in November 2016. I had three officers present to testify on my behalf. The judge denied all three officers' testimony and said that they were there for custody reasons and not domestic violence. On April 12 and 13 of 2017, I appeared in court for two days for a parenting plan assessment. I shared undeniable evidence with the evaluator showing that he was a danger to my son. I requested sole custody for the third time with supervised visits and was denied. Eight days later he murdered son. For 72 days I search for my son along with law enforcement, fire departments, and search rescue teams. And on June 30 two detectives came knocking on my door to tell me that my son's body was found lifeless in a heavily wooded area on some random hillside in Santa Barbara County. While my son's lifeless body sat propped up --

>> I am sorry but can you print all of that up and can I have someone speak with you and get the information to us?

>> Can I read just one more thing? Thank you. As of today, 623 children in the United States have been murdered. My son was number 592. In April of 2017 when my son was murdered, which is a little over eight months, 31 more children have been murdered in our country, so I am here to humbly ask that you make child safety an immediate priority and not allow my reality to become someone else's reality. Please take a stand and be courageous, and let the people that you represent know that murdering an innocent child or children will not be tolerated. I look forward to taking a stand. As our state's leaders, I look forward to you taking a stand to protect children and embrace the idea of California leading the charge in saving the lives of innocent children like my son who have a right to live. I thank you for your time and your flexibility and attention.

>> Thank you very much. Kimberly Sweidy and Catherine Campbell. You are next. Good morning and welcome.

>> Chief Justice and council members, how do you follow that? I am going to raise my hand. I am a parent. Hashtag "Me Too." I'm going to read to from my 17-year-old daughter's common app that she submitted for her college application. She will be going away to college next fall. On what issue do you wish to persuade others? What is your argument? You are limited to 150 words. A significant problem I see in my generation is the apparent lack of personal responsibility that has seeped into our culture. People often seem to blame their hardships, shortcomings, and mistakes on forces outside their control. When things go wrong and it looks as if every force in the universe is against you, it is easy to look to every person and circumstance outside yourself and alleviate some of the stress by blaming these external causes but doing so further promulgates the problem. When others come to me for help, I try to show them how they can first look inward, and determine how much of the problem can be solved by thinking clearly and rationally about one's actions. I believe that only when people learn to take responsibility for their choices will we be able to focus on helping other people while improving the world. I sent to you last meeting time because I was not able to be present, attending another meeting, a bar mitzvah speech from a 13-year-old boy named Jake. You need to read that. I understand it was

provided to you in your binders. I want you to know that his voice was not listened to. He was put back with his father with the dubious claim that somehow this bar mitzvah speech was coaxed or whatever you want to call it by his mother, even though the facts on it are irrefutable. There is no way he could make these up. Even when we allow children to speak, we are disregarding them and twisting their words. This must stop. All of you need to have the sense of my 17-year-old daughter. All of you need to understand that when you violate the public trust by objecting to an audit of the Judicial Council, and the CJP, by the auditor's office, you are telling the public that you don't care if they trust you. You don't care about the responsibility, the huge responsibility that you have been entrusted with. You don't care about transparency and accountability and you don't care that you are not keeping the faith of the public. You don't care about this. If any public company did this, they would be laughed at. You don't care, as my 17-year-old daughter would say, to take personal responsibility. Shame on you.

>> Next we will hear from Catherine Campbell and then from Donna Levy. Good morning and welcome.

>> Good morning. I am actually not sure if I have recovered from listening to on Ana Estevez. Chief Justice and councilmembers, my name is Catherine Campbell, and I thank you for this time of public comment. Yesterday I read your quote, Chief Justice, the laws promise liberty and protection for all Californians and our courts ensure that the promise of the law is fulfilled. I sadly have to disagree with that. Even though I wish this was already true. Many people are here today because we have -- as we have been for years because the courts in California do not ensure the promise of the law. Laws are broken. Promises are not kept. Children are being abused and murdered. In November I wrote to all of you to ask you to stand up strong in this movement that is sweeping the nation and in workplaces to ensure that women are not being harassed, molested, and raped. We know the "Time's Up" movement is one step to ensure that the "Me Too" movement continues to end abuse. Home is the last place people want to look and the first place that needs to be safe. We have learned that when a protective parent states that their child has been abused by an abusive parent and requests for their safe home for that child, the majority of the time the child is forced into custody with the abuser, their named abuser, and in November, I asked if you were not able to stand up for child safety in our courts that you recuse yourself but since it appears that all of you were here except for the one that had to leave that we heard earlier. It appears that you are in. Let's get started. It is going to take all of us to stand together to bring positive change. Has this council set up a task force? Are you asking Governor Brown to set up a fund to ensure that there are court reporters and recordings of every proceeding in every courthouse? Are you supporting legislation that will aid child safety? The Commission on Judicial Performance can only hold off the auditor for so long. The truth will set you free. Transparency is needed. Please let us spend our energy on doing what is right. The time is up. The time is now to ensure that the promise of the law is fulfilled and it is time to protect our children. My children are still alive. And I can tell you every day I am not sure if they are going to continue to be alive. They might make it until their 18th birthday. I hope they do. I hope you can do everything to make sure that every child in California can live.

>> Thank you.

>> Thank you.

>> Donna Levy. Good morning. Welcome.

>> Good morning. Thank you. My name is Donna Levy, a fourth generation San Franciscan, born in the first half of the last century. I am a retired special educator from Santa Cruz city schools. I was a foster parent to medically fragile infants and medically at risk children. Eleven and a half years ago, I got a little crack exposed baby boy that was my foster child and a year later I got another one that was also a crack exposed special needs little boy. I decided to adopt them as they had nowhere to go and no one else wanted them and I was experienced with special needs children since 1958. When I adopted my children, I knew that they had special needs and I was equipped to handle them. My child who is now 11 was having more issues than the school and his therapist could handle. I asked them to put him in the human services agency to please put him in Edgewood Children's Hospital on a 30 to 45 day program. I was actually tricked into giving my child to CPS. They called me three days later and said that he was placed in foster care in Modesto. This is a child that is a fifth generation San Franciscan. He came home to the same house every day of his life and he attended Leonard R. Flynn Elementary School on Cesar Chavez Street from his first day in kindergarten through his last day of fifth grade graduation. He is being held virtual prisoner in Modesto at this time. The foster mother and his corrupt attorney and with the approval of the corrupt family court judge, he is being held prisoner in foster care in Modesto. He was placed into the wrong school and the wrong program by his attorney and the foster mother. When I found out about it, my court appointed attorney forced me to sign a consent form saying that he could be in that school. Two weeks later, after this poor little boy was suspended four or five days for acting out, tearing the classroom apart, threatening to kill staff, and having to be restrained, he was placed in another school and hidden from me. My child is almost 12 years old and he has put in writing, written in the press and the San Francisco Bay View newspaper and written his story. He wants a new lawyer. His lawyer is corrupt. He feels that he has been placed in the pipeline to prison. Every right that he has is taken away. When I go to family court, the judge has told me, I do not want to hear a word out of you. When I was in Santa Cruz city schools teaching the U.S. Constitution to eighth-graders for nearly 20 years, I taught and I firmly believe that you have the right to see and hear witnesses for you and the right to due process of law and the right to have witnesses and none of that is true in family court. The judge tells me to be quiet. I brought 12 witnesses and she said no one would be allowed to testify since you did not let my 12 witnesses be in court. I saved my child from foster care and now the system is putting him into foster care. He has been taken away from his brother on Thanksgiving, my 10-year-old, sent a text --.

>> Thank you very much.

>> Thank you.

>> We appreciate that. That completes public comment.

>> Thank you, Justice Miller. The next item on the agenda is the review and approval of the minutes from the November 16 and 17, 2017 meeting. After you have had another chance to review those, I would ask for any discussion and/or entertain a motion to adopt.

>> Motion to adopt.

>> Thank you, Ms. Ibarra. It is seconded by Judge Feng. All in favor of approving the minutes, please say aye.

>> [Vote Being Called].

>> Any abstentions? Any noes? The minutes are approved. Thank you.

>> Next on our agenda is my regular report as Chief Justice to the council and summarizing engagements and outreach on behalf of the branch since the last meeting in November. I start with my calling from U.S. District Court Judge Morrison England, Jr. We have been partners in civics for many years. Since our mutual time on the Sacramento Superior Court bench we have gone in different directions. We have maintained our commitment to and believe in the importance of civic education and civic engagement for youth and the future of our constitutional democracy. We both graduated from McClatchy High School, attended Sacramento City College, and we are both glad to return to the McClatchy 30+ years later to address their AP government class on some 130 well-informed, inquisitive critical students. We covered history as well as topics including federalism, the death penalty, and collegiality on the bench and decision-making at the state and federal levels. The collegiality continued when I had the pleasure of participating in the Don Edwards Lecture Series, at one of the most diverse universities on the West Coast, hosts this lecture at San Jose State University. Don Edwards is known as, quote, the conscience of Congress, quote. It should be no surprise that the moderator for the event was his son, retired Judge Lynn Edwards. A commitment to civil rights and the disadvantaged runs in that family. In a wide-ranging conversation with Presiding Judge Pat Lucas present, Judge Edwards asked me about career paths, bail reform, immigration, life on the Supreme Court, and the importance of trial by jury. He also made sure that every student there who submitted a question was answered. Questions were the purpose of my annual Meet the Media in my San Francisco chambers. Every December we group into my chambers with members of the media. These are print and broadcast media who regularly cover the branch, politics, and the courts. They joined Martin and I around the table to address topics of interest to them. Sexual harassment and the “Me Too” movement generated questions there. Also questions related to current events, and Prop. 66 implementation, bail reform, and immigration issues were specific topics of interest to this media group. With oral argument sessions in San Francisco and Los Angeles the Supreme Court took the opportunity to connect with local bar groups. In Los Angeles Justice Chin and I attended the Italian-American Lawyers Association’s annual Supreme Court night. I believe almost the entire Supreme Court attended the Chancery Club of

Los Angeles where I entertained Q&A and received great questions, including from Gretchen Nelson, one of our Judicial Council members who is present. These engagements provide opportunities to connect with local stakeholders and foster bench-bar collegiality to explore their questions and to inform about the branch and our needs and our direction. As Chief Justice of California, I have a number of responsibilities that come with that role. One that I'm glad to participate in on, on a regular basis, is as chair of the Commission on Judicial Appointments. Any justice nominated or appointed by the Governor to the Supreme Court or the Court of Appeal must be reviewed by the commission in a public hearing. There we consider the candidate's qualifications and the nomination or appointment is effective only if and only when confirmed by the commission. The commission's three-member panels are made up of myself, the Attorney General, and the senior presiding justice of the Court of Appeal of the affected district. When a Supreme Court candidate is being reviewed, the third member of the commission is the presiding justice who has presided longest on any Court of Appeal in California. In December the commission met to consider three appointments by the Governor to the Second District Court of Appeal in Los Angeles and the Fourth District Court of Appeal Division 1 in San Diego. As I mentioned earlier, we will meet again at the end of this month to consider two further appointments to the Courts of Appeal. And finally, just yesterday I delivered the welcoming remarks at the first day of the two day Supervising Judges Institute. Over 40 new judges to this supervisory role at the courthouse -- the site supervisor and bench assignment supervisor. As you know, they deal with many topics including leadership, ethics, management, and the unique challenges and hard conversations faced by supervising judges. Judge Marla Anderson, our councilmember, was part of the team that put that worthwhile program together. That concludes my report to the council. I ask Martin Hoshino to present his report.

>> Thank you, Chief. Members, my regular report is in your materials. It is shorter than usual. I think that is owing to some of the slowing of the activities related to the holiday period between the last time that you met. Included in the report, however, are what we refer to as the year in review. There are some elements there. It also references the year in review branchwide for what the activities are for the council in terms of highlights and major initiatives and projects and things going on. The year in review is also conveniently placed on our website for folks to see. I wanted to call attention to a couple of things because we focus on how it highlights the administration of justice, improvements, and it has what I call annual metrics in there for how it is that we are performing and things that we are doing and it tries to put at least some quantity on the activity and the things that go on out of there in the system. With respect to legal services, one example -- I do not think people are aware of the volume that occurs there -- but our particular legal programs is putting out opinions in the order of about 220 a year, and last year it was 224. At any given time, they are managing external lawsuits and claims in our trial courts, in our Courts of Appeal and throughout the system. Last year's number was 496 of such claims. In addition, as you know, we have a fiscal operation that pays the bills and processes the checks and one of those checks that gets processed every year is the jury checks and we are processing between 240,000 and 260,000 jury checks a year. Another area to highlight is facilities. We manage and are responsible for maintaining over 500 facilities and in those facilities at any given

time, there are a number of modification requests. Last year we had completed about 1400. The buildings, given the state that they are in, require service maintenance and if things go wrong, in that system, the system is calling us about 66,000 times a year for what it takes to keep the facilities running. The last thing I want to highlight is the education program. We put out about 230 live programs in terms of the order of magnitude for education each year. We put out about 45 judicial publications each year. That was the number in particular last year. I want to mention a little bit more about the budget as the Chief highlighted. Just a couple of comments and I'm going to keep them brief. I want to make sure that we manage the clock of the meeting. We did get a pretty decent proposal that came out just this last Wednesday. I think it reflects and recognizes the high priority that the council and its members and all of its courts put on funding and how valuable and important that is to actually restoring, maintaining, and expanding services for court users who need these vital services. It reflects the hard work of the branch over the last several and for many years, with respect to grappling with prior reductions and coming up with efficiencies and innovations and different ways to deliver service and it is gratifying to see that hard work being recognized by the Governor's office and by the Governor himself in terms of his proposal of making an investment in that area and recognizing that for state government to be effective it also means that you have to have an adequately functioning judicial branch in California. I would direct your attention to the details in the budget to our budget memo that we put out each year as well as the Governor's budget itself. I would highlight a couple of the bigger elements in there, certainly the element that we are most pleased to see is about \$150 million investment in what we call trial court base operation funding. This is the funding that will actually directly impact operation so that we can improve and restore and maintain the services out there. There is also about \$90 million in what we call backfill money. That means that the \$150 million investment proposal is actually real because we know that we have eroded revenue sources in our system because of what the funding formula is. To have the combination of the two in terms of the new money as well as 90 -- that goes a long way. Lastly we are very pleased to see what could potentially be a restart of our correction program -- excuse me -- that is a PTSD moment there. Of our construction program. We are particularly pleased to see this because the council made a difficult decision, not all that long ago, to actually cease the construction program again because of the failing revenue stream associated with those projects. Typical of that decision is I think it is recognized that it was a fiscally responsible improvement decision to make and there was recognition coming out of the Governor's office that it was the right decision and we have some assistance to try to get our program rebooted and restarted. I would remind everybody that even though it is a good proposal for us, it is just a proposal. It is a big deal because it is the Governor, of course. But it is January. The legislature now takes its turn as the appropriating authority in our government. So we look forward to working with the legislature, the Governor's office, and the capital partners and stakeholders and interested parties in our system to see if we can end the budget cycle here with the same good news that we started with. That concludes my report, Chief.

>> Thank you, Martin. Next we will have reports from the internal chairs and vice chair on the ongoing activities and I turn it over to the Justice Miller, chair of Executive and Planning.

>> Thank you, Chief. As usual my written report will be within your materials and posted on our webpage and today I do not have anything in addition to add specifically to that written report. Other than taking some personal time to thank you, Chief, and Martin for your tireless efforts on behalf of the branch and specifically with regard to the budget. Thank you. Thank you. That concludes my report.

>> Thank you, Justice Miller. We will hear from Judge Kenneth So.

>> The policy committee has met once and we dealt with a piece of federal legislation, labeled of the Useful Resources To The State Act which -- we took a support position because it talks about child and family service programs. As part of their court improvement program grants. That concludes my report.

>> Thank you, Judge So. Next we will hear from Justice Harry Hull, Jr., chair of rules and projects.

>> Good morning. My report is going to be equally short. The rules and projects committee met twice and has acted by one e-mail since my last report to you at the November 17 council meeting. On December 7 RUPRO met by telephone to consider a proposal to circulate on a special cycle and a proposal to recommend to the council. RUPRO recommended circulation of the first proposal. Have to get my technical things going here. The first proposal recommends approval of the second, having to do with ability to pay considerations in traffic and other infraction cases, which is item 18-013 on today's consent agenda. RUPRO met by telephone on December 14 to considered nine proposals to circulate for comment during the winter cycle, which RUPRO approved. The following circulation and review, further review, by the proponent advisory committees and the rules and projects committee. These proposals are expected to come before you at the May business meeting. Finally, RUPRO also acted by e-mail on January 5 to consider recommending approval of an item that is circulated on a special cycle and recommend approval of this proposal which deals with the advisory committee membership and terms. This is item 18-201 on the consent agenda. Thank you. That concludes my report.

>> Thank you, Justice Hull. We will hear from Marsha Slough, chair of the technology committee.

>> Thank you, and I thank my esteemed colleagues for ceding the time to me this morning. I appreciate that a lot. Actually, good morning, Chief. First let me quickly talk about the work of JCTC since the last meeting and then, with your indulgence and permission, I would like to speak briefly on the work and progress of branchwide technology for 2017. Since the last Judicial Council meeting, JCTC has held an open meeting conference on December 11 and then again on January 8. At the December 11 meeting the committee received our standard updates on the work of the Information Technology Advisory Committee, also known as ITAC. We also discussed technology budget change proposals and received an update on the strategic and tactical plans for technology. At the January 8 meeting, we approved ITAC's robust annual

agenda and the final deliverables for both the ITAC Disaster Recovery Workstream and the Next Generation Hosting Strategy Workstream. These deliverables include framework documents and planning tools to provide guidance to the trial courts for their disaster recovery and their next-generation hosting efforts. Both sets of deliverables were approved by the committee and we recommend that they come to this body at a future meeting. So with that, and, again, while I have the floor briefly, I would like to talk about accomplishments in 2017 related to judicial branch technology. In 2017, this council approved the first update to the Tactical Plan for Technology. It is the tactical plan that is what I will call the muscle behind the branchwide technology initiatives. Now work has started to update the strategic plans for technology which will cover the time frame of 2019-22. If the tactical plan is the muscle, the strategic plan is the neurological system for the tech and neither could function without its counterpart. In the Judicial Council technology committee we view these updates as critical to the overall health of our technology body of work. The last week of December, we actually held a kickoff meeting to update the strategic plans. The call took place shortly before Christmas on a Friday afternoon, starting at 4 o'clock. I am sorry. What I will say is that at 5 o'clock it was still going very strong. So I think that is incremental evidence to the commitment to technology for the branch and its critical role in accomplishing, Chief, your 3D access, which includes physical, remote, and equal access to justice. Each of which technology, I think, plays a central role to each of their success. Last year JCTC collaborated on a budget change proposals, one of which was the expansion of the California court protective order registry. We were very pleased to see that funding for this expansion was included in the Governor Brown's proposed budget released on Wednesday. Completing the expansion of this registry to the remaining seven large courts will provide judicial officers, authorized court staff, and law enforcement agencies across all 58 counties access to protective order data and to assure that all jurisdictions have access to these very important public safety data systems. In May, we held a small court tech summit, which was hosted by the California trial court consortium as well as JCTC. This event was successful with over 80 attendees from more than 30 of the small and medium-sized courts and it was followed in August by the statewide Judicial Branch Technology Summit. That had over 150 members of the branch attending, representing the Supreme Court, the Courts of Appeal, trial courts as well as judicial staff. This event was very successful and provided a framework for continued discussions related to the use of technology in providing better service to the public. In 2017, Chief, ITAC fully became engaged in the three directives that you assigned to them related to the outcomes of the futures commission report. These directives included three specific technologies. They are remote appearances for many of the non-criminal court proceedings, voice to text and language interpretation services and court filing service counters and self-help centers, and also intelligent chat technology to provide self-help services. ITAC will be working on these three directives as well as other workstream projects in the coming year. In addition, the trial courts information technology officers, the CIOs within the 58 county courts, continue to be fully engaged and working together. I had the opportunity to attend two of their quarterly meetings. Not only are they a very engaged group but they are a fun group to hang out with so I like going to those meetings. They really are the true definition of what it means to work in a culture of collaboration. These technology professionals on the ground level -- they share ideas and efforts and energy in such a positive way. By way of example, the technology innovation

grants that were awarded last year -- this group of professionals got together and rather than silo off their respective grants, they began to immediately leverage their ideas and their efforts and work together to how they could share the information and spread the good news and the good work amongst each other. I think it is a great testimony to what happens when we have the organic ground level process. They really are at the ground level. They are a fun group. It is a given when it comes to technology innovations, expansions, replacements, technologies, this is premised on collaboration. With that, I generally report on the Placer Court Hosting Consortium and its progress. I would like to take a moment and ask if Jake Chatters, the CEO for Placer to speak to that. That is in initiative where he and their efforts brought on six other courts to host the technology services rather than being hosted at a centralized statewide level. So Jake, do you mind speaking about that effort?

>> I would be happy to. Thank you. We do not often hear about technology projects coming in on schedule, so I wanted to officially say that we kicked off the Placer court hosting center project and the approvals were in place and we said the last court would come on on January 8 and on January 8, the last court joined the court and the network, so we were very happy and pleased to meet the schedule. Six courts joined the Placer court – Plumas, Sierra, Trinity, Lake, Modoc, and San Benito. The project was only possible through this council’s approval of one-time funding of \$736,500 to support the courts in a one-time move to the network. It was an effort that ultimately should save roughly \$670,000 per year from the state for the improvement and modernization funds, so roughly one year return on investment, which is great for the branch. I want to say thank you to what was one of the great collaborative efforts between the state-level Judicial Council and staff IT department, obviously, the courts that participated and the third parties necessary and, of course, my great staff, which I will give them kudos although that too many to name individually. In the end, we believe both of the largest geographical area in the state covered by the IT department. Among courts, obviously, may be the 10th largest court network in terms of users in the state. I want to say thank you to the council for helping to fund the project initially. We believe that we came in under budget but that will not be in until March but we came in on time. I cannot thank enough the work of my staff, those from the courts and the IT department. It was a collaborative effort not without peril and difficulties but in the end, it was successful, so thank you for the opportunity to congratulate those that participated. I appreciate it.

>> So Chief we are on a good path and I think that our path supports your vision and this council’s vision for the branch as a whole and we look forward to reporting out and thank you, gentlemen, for giving me your time.

>> [Laughter]

>> Thank you, Justice Slough and thank you, Mr. Chatters. This is such positive news to be discussing the collaboration and the engagement and the expansion and the integration of technology. We are in such a different place. I say that all of us around the table actually understood every single word of your report this time and it is something to know about all of the

plants that have been approved by the council over the years but you have really brought us along. Thank you, Justice Slough and Mr. Chatters, thank you for your good ideas and the Placer know-how and generosity in hosting the other courts. I turn it over to Judge David Rubin, chair of the Judicial Branch Budget Committee.

>> Well, thank you, Chief. With little time, that Justice Slough has left me [Laughter] the Judicial Branch Budget Committee update. Thank you for the opportunity to report on the activities of the judicial branch budget committee since our last November Council meeting. The budget committee's charge is to administer the \$10 million branch emergency fund, coordinate the budget change proposal requests that go to the state Department of Finance -- more on that -- and administer the \$25 million Court Innovations Grant Program and any other budget tasks the body assigns to the committee. The budget committee takes a branchwide approach in its work, meaning that the committee promotes the efficient, fiscally prudent, effective, and fair allocation of limited resources reflecting our branch overall statewide interest. I should just say that our committee also joins in thanking Martin and the others and outstanding work in terms of phase 1 of getting the proposal for Wednesday. Thank you for that work. We met one time in person since November. That meeting occurred on January 11 during which we heard a presentation about the Governor's 2018-19 state budget proposal. We heard from the administrative director, Martin Hoshino, and the head of the council's Budget Services, Zlatko Theodorovic. It was an interesting and informative presentation. In addition the budget committee continues to monitor and address needed monetary modifications to innovations grants. We also remind everybody that the fiscal 2019-20 budget change proposal process is underway. If you have ideas for budget change proposals, that process actually will close in March, so we are going to the end of that so keep that in mind. The budget committee action, any given time, is juggling three fiscal years. We have the 17-18 innovations grant proposal going and the 18-19 budget issues and then the 19-20 starting out. So just as a thought. As always, I will conclude by thanking our hard-working staff, Ms. Fogarty and Zlatko Theodorovic and all of the hard-working committee members. Thank you. If you would indulge me a minute, Chief, I did want to sort of switch gears and put on my hat as the chair of the Litigation Management Committee. Today is a very happy day and a very sad day for our committee. Today, if you don't know, is Ms. Linda Foy's last day before she retires but happy for her as she starts the new adventure and very sad for us. I want to tell you a little bit about Ms. Foy. She came to work with the council about 10 years ago as a supervising attorney and, at the time, she was working in the labor and employment law unit. For the last 3-1/2 years she has been the managing attorney over both labor and employment law and litigation management unit, which is how I have come in contact with her through the litigation management committee. She is invariably a voice of reason. She is perhaps quiet but she has also got a great sense of humor. She is very smart. She is calm in the middle of storms. She has been an amazing advocate on behalf of our clients in the branch on very difficult and tough cases. What you may not know about her is that she is very, very accomplished. She rarely talks about it. She was not only a partner at Howard Rice, three years. She was also a law clerk with Judge Patel in the Northern District, but before her legal career -- she actually has a Ph.D. in philosophy from Cornell. She taught philosophy at Harvard, Stanford, and at UC Berkeley. Just like I did.

>> [Laughter]

>> No. She was that student -- blowing the curb out of the top. We are actually her second career. She went to Boalt, she became an attorney, and then she joined us. She really is an asset to this branch. She was an amazing partner on the Litigation Management Committee. She has just been an amazing person. It is so sad to see her go. We wish her the best in all of her new adventures, which I guess start Monday -- today at 5 PM. If you will all join me in wishing her a healthy, long life ahead. Thank you, Linda.

>> [Applause]

>> That concludes my report.

>> Thank you. I want to add, all that you say about Linda is true. Linda is always calm in the storm. I would say that she is the master of the high wire act. Litigation in the branch is fraught with a number of concerns, and Linda is always the first phone call. Linda is always the consult. To talk with her, it makes sense to me actually. Linda, with your philosophy expertise, when you talk with us and your review and your calmness. We will miss you. I am sorry to see you go, it is going to be a void. You have held our hands in lots of litigations. I do not think that litigation is going to stem, but we wish you every good wish in your retirement and I know that it sounds like from what David has described -- it sounds like it too will be a resume of accomplishments. Thank you very much for giving us the years that you have, Linda. Yes, please.

>> [Pause]

>> Just give me 30 seconds but I just want to tell you what an honor it was to work with this group and I came to realize in the last 10 years that there is incredible amounts of bureaucracy, detail work, preparing agendas and filling out BCPs, but this is the body where policy is made and that means it is the body in which values have come to bear. I have been doing some reading recently about approaches to work, now that I am not doing it anymore. [Laughter] It is the deep work and they talk about the fact that in your daily lives, you do incredible amounts of e-mail and form filling and telephone calls but what really matters about this is that you do the deep work as well and bring the values of access to justice and budget constraints and you juggle all of this in a way that does not happen in a corporate board. For that I have been really grateful to work here and this is a wonderful way to go out on my several careers and take time to exhale. Thank you all very much.

>> [Applause]

>> Next on our agenda is our members' liaison reports. I turn this over to Justice Miller.

>> Thank you. We have one report today on Plumas County and we will be pleased to hear from Judge Stacy Boulware Eurie. Thank you and welcome.

>> Thank you, Chief. On September 27 of last year, I had the pleasure of conducting the Council liaison visit with Plumas Superior Court. The County of Plumas is located on the northern end of the Sierra Nevada and is about the size of the state of Rhode Island. There are approximately 18,000 residents and the median household income is \$44,000, with about 14% of the population below poverty level. Quincy is the county seat and the only incorporated area is Portola. More than three fourths of the county is national forest land which includes at the Plumas National Forest. From May 1942 until November 1952, Annette Abbott Adams served as the presiding justice for the Court of Appeal Third Appellate District and she was a true trailblazer. She was one of the first two women to receive a law degree from the University of California. One of the first women to be admitted to the California State Bar, and the first woman to serve as an appellate court justice in the state. She was a native of Plumas and thus the history and contributions to the judicial branch begins. There is a single courthouse for the county located in Quincy. As you can see from the photograph, it is a large four story historic building that was opened in 1921. The court in Greenville closed in 2012. The Chester court facility closed in July 2014. And the regional court has unfortunately closed in November 2014. The interior of the courthouse includes blue and gray marble from quarries in Tuolumne County for floors and stairways while pink Tennessee marble was used for accent. Plumas is a two judge court. Janet Hilde is with Judge Kaufman who retired last year. They are also seen -- the court executive officer Deborah Norrie. As a former president of the California Judges Association and a member of this council, Judge Kaufman probably displays a photograph of him with the Chief Justice and other former SCJ presidents in his chambers. With the retirement of Judge Kaufman, Presiding Judge Hilde is presiding over the all-female court. Literally. The Plumas Superior Court has an all-female staff of 10 and currently an all-female bench. The Commissioner Jerry Hamlin works for the Plumas court one morning a week and serves on the two human, Glenn, and Lisa courts other days of the week. This two Judge court lies on the Assigned Judges Program on a monthly basis. There is a small town. There are many instances where a full bench recusal because of Janet Hilde's and Judge Kaufman -- their knowledge about the community residents -- the full bench recusal is often necessary. They have an effective set of visiting judges and reciprocal judges from other small courts who assist them. CEO Deborah Norrie has been with the court for 10 years and previously she worked with the San Luis Obispo and Santa Barbara courts. As is the custom in small courts, she wears many hats. From overseeing the camera feeds because there is no sheriff's control room to age are duties -- HR duties to managing the resources, she does it all and Plumas utilizes and is grateful for the services, virtually those provided by the legal services office. Based on the court's size and filings, Plumas's funding does not allow for many new programs to be established. While the court is making every effort to reduce technology costs while improving technology capabilities, Ms. Norrie describes how technology is not always the answer. Plumas does not have enough cell towers, and when the weather knocks out service, the topography is just too challenging and the lines cannot be serviced. So there are instances where the technological advancement does not help them because of where they are located. Here you can see a picture of the first floor

courtroom. Commissioner Jerry Hamlin sits in the only courtroom on the first floor with a jury box. As you might imagine, the 1921 winners are not made of bullet resistant material and the county has not agreed to replace them because of the concerns it would interfere with the historical integrity of the building. Given that this historical building was not transferred and also it houses entities such as the County Counsel, the district attorney, and others, the court does the best they can with what they have. Notwithstanding fiscal and structural challenges, Plumas has new and expanded collaborative cords for veterans, substance abuse, and mental health cases. In partnership with the Plumas County Sheriff's Department and alternative sentencing program, the pretrial release program has proven beneficial to the court and the community. Department one is actually on the second floor of this multiuse courthouse. There is one elevator for the building. That one elevator is utilized by the judicial officers, court staff, the public, witnesses, as well as the inmates. This is a view of the bench in courtroom number one. I am hoping that everyone can see this photograph. On the left is the sunlight coming through. The photograph on the right -- there are metal pieces down below each of the seats. When I asked the purpose for the metal holders, I was informed that it was designed so that the men who came in with their hats, particularly their cowboy hats, would have a secure place to store them while they sat in the courtroom. I found that fascinating. Here is a photograph of the conference room. Plumas is one of seven courts for which the Placer Superior Court is providing technology infrastructure. It has been able to enter into the MOU and obtained a stable technology environment at a manageable cost. As the lead on an innovative nine court case management collaborative the electronic court program will allow for e-filing, electronic document management, and online court user portals. This leverages the power of small courts. They do the best they can to provide timely access to justice for its litigants. Chief Justice, with that, that concludes my liaison report for the Superior Court for Plumas County.

>> Thank you, Judge Boulware Eurie. That was very interesting. I love the old pictures. Thank you. At this point, we will take a short recess for approximately 15 minutes and return at 11:10 AM. Thank you.

>> [The session is currently on a 15-minute break and will resume at 11:10 a.m. Pacific Time.]

>> We can reconvene our meeting.

>> Okay. Welcome back. The meeting is now in session. Next on the agenda is the consent agenda with six items. I want to take the opportunity to thank all of the Judicial Council advisory body members and staff. For the enormous amount of work that is dedicated, volunteer work, that goes into preparing these reports and recommendations for our consent agenda. The dedication enables us to accomplish so much policy and decision-making on an annual basis. As you review the consent agenda, if there is no discussion, I will entertain a motion. Thank you, Justice Chin.

>> Second.

>> Thank you. Seconded. Thank you, Judge Lyons.

>> [Vote Being Called]

>> The agenda item is moved. Next is the discussion agenda. Today it has three items. The first is the trial court budget, workload based allocation and funding methodology. It is an action item. I welcome the presenters and invite you to introduce yourselves. Thank you.

>> Good morning, Chief, and members of the Council. Thank you for allowing us to present I am the chair of the trial court and budget advisory committee and the cochair of the funding methodology subcommittee. Joining me is Rebecca Fleming, the CEO of Santa Clara and the cochair of the subcommittee, and I think that you all know Lucy and Leah that will also be presenting. Today, on behalf of TCBAC we will be asking the council to adopt recommendations for a new funding methodology or revised funding methodology for the fiscal year 2018, 2019, and beyond. I would like to preface my comments with a brief thank you to all members of the Judicial Council staff, Zlatko, Lucy, Brandy, Leah, and others, as well as Rebecca and, in particular, the members of TCBAC and the funding methodology subcommittee. As all of you know being leaders, generally, the head of the group is the one that has the least role in the work and accomplishments of that group and that is typical in the circumstance. I thank you all for your work and I hope that you appreciate the work that they have put into these recommendations today. TCBAC was assigned a responsibility to come back to this council and provide a recommendation for a trial court funding methodology after the first five years of the workload allocation funding methodology fondly referred to in the past as WAFM. I am going to begin today with a brief, and I assure you, brief, overview, of the history of trial court funding methodology. Please do not mistake I attempt at brevity and sissy goodness for a desire not to fully discuss these issues, including history. If there are questions, I am happy to entertain them but I'm confident that most if not all of you are familiar with the history. As a brief summary, as you know, prior to 1997 the trial courts were funded mainly by their individual boards of supervisors in their county. That led to a wide disparity in the funding levels for counties throughout the states. Frankly, in equities. Between 1997 and 2013, the funding for the trial courts was based on a historical allocation, including some recommendations by this council that are identified on page 2 of your report. As with many other governmental entities, ending in 2013 and 2014, the trial courts were devastated by significant reductions, including a \$261 million cut to their budget at the time of the great recession. This council acted promptly by engaging a group of judges, CEOs, and other staff to develop a new funding methodology, which was the birth of WAFM. WAFM was implemented in July of that year and set a path for a shift away from a funding methodology based on historical allocation to one of workload. That will be the main theme of the recommendation that you here today. That being workload. The five-year rollout of WAFM culminates this fiscal year which gave rise to our task to then step back and examine WAFM, its successes and, frankly, shortcomings and come back before the Council with what we think is a responsible, efficient, transparent, model, for use by the trial courts. At the present time, 70% of trial court-based funding is allocated consistent with WAFM. I'm going

to turn to Ms. Fleming and she will explain the approach taken by the funding subcommittee as we ultimately develop the recommendations for your consideration today.

>> Thank you. The funding methodology subcommittee was formed in November 2012. That was to address the inequity of funding in the trial courts. The results of the work done by the original subcommittee resulted in a 5 year approach to those in equities. In 2017, year 5 of the original methodology, the subcommittee met seven times. Some of the meetings lasted over multiple days, making us very popular.

>> [Laughter]

>> We revisited the parameters of the methodology to propose a direction for what would be referred to as year 6 or 2018 and beyond. To start, we took an evaluation of the first 5 years of WAFM, a report summarizing the progress can be found in your report in Attachment D page 21 of the materials. The report will show that funding equity between the trial courts has improved as a result of WAFM. These results are illustrated in the displayed map. This map is basically a heat chart. The original version shows the color red, orange, and yellow areas of the state, indicating the most severe underfunding. By year 5, and the second map, you do not see the red areas. There are a greater number of consistently colored counties which indicate more consistent funding from one county to another. Once we identify the progress of WAFM, we broke it down into the benefits and concerns with the existing methodology. We literally started making lists and filling whiteboards. The items are listed in the report. We established a set of objectives, principles and measures that would form the basis for the refreshed funding model. Those principles are on page 7 of your report. The subcommittee committed to minimizing volatility, maximizing stability and predictability to the extent possible and committed to evaluating all submissions as submitted on the adjustment request process. We wanted to give as much time as possible for adjustment and adaptation to workload adjustments. Responsiveness to local circumstances, a commitment to transparency and accountability. We wanted to maintain the independent authority of the trial courts and, finally, simplified reporting while maintaining transparency. I will turn it back over to the judge.

>> Throughout the meetings we receive significant input mainly from the trial courts, most impacted by the budget decision. We had obviously as the body experienced, public comment and that that we received was focused and important to our considerations. Also on behalf of TCBAC and FMS, we met with the Presiding Judges Advisory Committee and the Court Executives Advisory Committee and solicited their inputs into this final product as well. All of that input was carefully considered and summarized in Table 5 on page 11 of your report and those comments were taken into consideration. Significantly, this proposal itself includes a place where the trial courts can submit proposed changes to the funding methodology that we hope is adopted by the Council today. The most current deadline for that is this coming Tuesday. So the model itself will include the ability of trial courts to submit as the funding methodology progresses recommendations for improvements and changes. TCBAC met itself on December 4. So the recommendations of FMS were prepared in a report and submitted for the December 4

meeting and like the members, the TCBAC members were informed and knowledgeable with their questions. The questions were appropriate and at times challenging. We ultimately developed through TCBAC and through the approval of the TCBAC members, a policy recommendation for the funding methodology based upon workload. I am going to turn to Leah and Lucy to give you the details because, as a judge, I am not in detail oriented in that factor but I will give you a brief flyover as to the way it is structured. Generally what happens is the funding methodology looks to workload and determine need. The work determines the funding need of those courts. We then build allocations based upon those needs again, based upon workload. The allocations are framed around three scenarios and those involved a year of no new budget money, a year of budget cuts, or, optimistically, a year of new money, including discretionary and nondiscretionary funds. The centerpiece of the recommendation in the policy is an ongoing statewide average funding methodology. It is a 3 year rolling average that is updated that is updated every year. Depending on the scenario, there will or may be increases or reductions to courts based upon their position related to the average funding level for the trial courts. After significant discussion, we decided to adopt a band rather than a precise number because we found that the precise number led to micro changes that were difficult to navigate. By creating a 2% band, it gave the course of more flexibility, stability and predictability for their budgets. The objective was to continue to make progress towards equity, which is accomplished, if there are flat funded years that will be explained. Also to take into account what we can perceived to be more significant concerns and that is predictability and stability. Trial courts shared with us a scenarios where they were taken by surprise, perhaps, by budget changes that resulted -- they had to account for this. We are hopeful and confident that this model, while perhaps not completely eliminating that, drastically reduces that risk. There was extensive discussion in our subcommittee, and our committee and in the proposal for what was termed a hold harmless approach which essentially was a suggestion that there be no adjustment. To account at any time. For in equities or other differences. After significant that thing and recognizing those concerns, while we did not feel it was appropriate to eliminate that approach, we did modify it, as will be explained to where, if there are any reallocations, they will be limited to 1% of the courts budget. It will once again give the courts the ability to plan ahead and for what would be a maximum of a 1% reduction. I know that I am repeating myself, but I want to help you understand that, in the room, it was a common theme of our discussion to develop a proposal that was transparent and predictable and provided courts with the ability to plan for funding changes, likewise to provide to staff, simplify displays. I am sure that many of you are familiar with the charts that, at best, you could decipher with a microscope. What we are hoping to do is to do away with those. These displays would be much more user-friendly. Additionally, looking outside the branch. We are hopeful that if this recommendation is adopted, it will emphasize two other branches that all trial courts will benefit when additional discretionary money is appropriated, when additional discretionary money is appropriated. There will be no readjustments, other than the average workload readjustment that we will talk about. But none of the equitable readjustments that was a concern earlier and for those details, I will turn to Leah and Lucy to help you understand those.

>> Thank you. The funding model has two components. Determining funding need, and then establishing an allocation methodology and I'm going to talk about the former. TCBAC unanimously moved it to reform the policies used to determine funding need, specifically that the model will continue to be based on a workload model, the resource allocation -- resource assessment study model. This measures the amount of nonjudicial time that is needed for case processing work and the measure time is updated in a time study and the most recent was conducted in 2016 and approved by the Council last July. It is a weighted caseload methodology and this is a type of workload measurement that was first developed by the national Center for State courts and it is used in about 19 other states for case processing staff workload measurement. Case awaiting allows us to measure and quantify differences in workloads. That is across case types and jurisdictions. For example, the workload required for 1000 infractions filings requires a different number of resources than that for 1000 felonies. The case weights are multiplied by three years average to determine the number of full-time equivalents that are needed to handle the workload for in that FTE number, it is converted into dollars as part of the funding methodology. TCBAC approved updating the workload every fiscal year using a 3-year average of the most recent filings data. The filings remain for the branch the most complete and consistent measure of court workload. As courts have moved into new case management systems and as the technology for analyzing and compiling data has become more sophisticated, we continue to evaluate the type of data that the branch collects, as well as the quality of that data. We will receive a report from the subcommittee regarding recent enhancements as we are making to filing data collected from courts. You have heard previously the filings are now audited as part of the trial court audit process..

>> [Captioners Transitioning]

>> The model will use a funding floor to provide a basic open-door level of service.

>> The model will retain the graduated funding floors which provide they use levels of support for courts whose need is partially measured by workload. As Lucy will discuss, they will be retained until such time as the smallest courts in the state, become fully funded. In addition, there are a total of 9 adjustments in the funding model made primarily for the benefit of the smallest court because they like the volume to be funded solely on workload. They are detailed in attachment H. The committee voted to retain all of these adjustments. The committee also remained committed to using a salary adjustment factor and voted to retain the current methodology for calculating cost of labor adjustment as well as other model parameters for calculating funding needs. Finally the subcommittee discuss whether civil assessment and local revenue should be included. It was determined that policy changes concerning civil assessment were too new to make an accurate judgment. The committee members want to have a better understanding for local revenue and as a result a review of all funding sources and allocation models have been added to the work plan for 2018-19. Now we will talk about the allocation for the methodology.

>> The first is to propose elimination of the historical base. The base calculation had become difficult to track and predict. You want to give calculations and going forward they will be established using prior-year ending which provides for more predictability and supplication of reporting. The subcommittee then considered, if the courts are like this we do that right away which would have resulted in significant swings in funding reports which would not have been beneficial to the branch as a whole and contrary to the principles outlined by the subcommittee. In light of that decision the committee considered how dollars should be distributed. As potential budget reductions could not be determined it will happen the year they recur with special consideration given to the courts below statewide average. Similarly allocations of nondiscretionary dollars will also be considered as they occur. My committee wants to committee to make progress toward equity while being mindful of the reductions that have been made in past years. As such they determined that allocation changes that only occur after two years of known money which provides for one year delay before reductions with time to plan.

>> They established a plan below the statewide average and no courts will see an allocation change. This is to prevent annual fluctuation, minor fluctuation based upon small changes in workload. For courts that are subject to allocation changes, funding would be reallocated from courts above the band to below the band. Allocation changes are limited to 1%.

>> Other reduction amounts were considered. This is recommended as the most appropriate to achieving the goal of greater equity and more stability. Four years with new money the methodology proposes the corporate hundred percent of their funding needs and 50% of the remaining funds will go to courts below the statewide average to accelerate the progress to funding equity. Remaining funding will go to all courts with none exceeding 100% of their need. We have provided various funding scenarios in attachment S.

>> The next steps will include a continued monitoring and assessing of the methodology to ensure that it continues to meet the principles and objectives set out by the subcommittee as well as the directives provided by this council. The subcommittee will continue to work through a full workplan continuing into fiscal year 2018-19, which can be found in Attachment D.

>> So now the recommendation. I want to emphasize the collaborative nature of the discussions of these committees. To pair it off about her internal committee much to the consternation of Judge Rubin there was a significant consternation. There were no quiet voices. There were passionate discussions at times but it resulted in the recommendation that you find on page 2 of your materials and while I know you can read I think it's appropriate to read those recommendations to you and then ask that you consider and adopt them. TCBAC recommends to this council the following actions be taken effective July 1, 2018. To step away from that, I also remind you that our approach was these recommendations are a model, not a statute, and are designed for continued input and modification for purposes of efficiency. Approved a new policy parameter for a workload base funding methodology for use in allocating trial court operation funds starting in 2018-19, direct to back to the Judicial Council changes or modifications to the model as needed, and finally to delegate authority to council staff to make technical adjustments

to the methodology as needed, and at this point we are more than happy to entertain questions concerns or comments.

>> A lot of us have lived with this issue for a number of years and it's a monumental task. One of my counties is a small county and I noticed as I've visited them that the statistics and the use of those statistics was detrimental to their funding. Others apparently did not feel that way even though they were small courts. I'm just wondering without getting into that debate, because frankly I'm not qualified to do that, but there was a recommendation from a group to stop further implementation until funding requirements can be more accurately identified and predicted which this proposal certainly does not accept that. In page 12 and through footnote 19 we identify the courts. Now that we have come to this point, how are the small courts reacting to this proposal? Is there general acceptance that this will at least work through some of their problems? Or do they object to what is being proposed?

>> Our perception as they do not object. This was candidly one of the more spirited discussions in the room and had spirited representation on the subcommittee and the committee. There was a discussion that I will let staff adjust if necessary, the general validity itself and the precipice that we may perhaps step off of if we try to modify it. But it was not ignored, it was fully discussed and one of the examples of compromise. Even the small courts came to understand how it play into the recommendation. I think they accepted the BLS outcome.

>> I don't know if there are other responses that I will just say that's awfully good to hear. I don't think any of us expect a funding formula that everybody is going to take out their cheerleading for but at least there was acceptance and no objection which is a comfort to me, at least.

>> I would add that we did reach out to some of the courts that posed the concern and had some discussion about the BLS specifically and one of the things that came out was the question around the intersection open with the BLS. When we were putting together this methodology there was not enough research around that to connect the two of them so we have added that to the workplan so we can specifically work into if there's another issue masking itself so I will turn it over to the more specific items.

>> I think the discussion around the cost of adjustments came in the context of those other adjustments made in the models so the contrast between the adjustments that are made according to the cost of labor index and the other adjustments made to the benefit of the smallest courts, I don't want to speak for them but they did not comment after that point I think because there was a recognition that the dollar value may have outweighed any sort of changes that could have been made. There was also concern expressed to the committee that if we modify a labor adjustment factor that it would call into question the integrity of the index as well as the potential model itself and they may have felt assured that the re-examination is not going to put the issue to rest completely but that there was an opportunity to continue dialogue in the future.

>> Thank you for undertaking a monumental task that has apparently brought us to the point where there is no significant objection to the recommendations you are making today.

>> I will not speak for small courts but I will speak to the small court issue. We are a cluster 2 court and I know there was significant involvement with respect to take back and the funding methodology subcommittee. The two issues that they had were always the parking lot issue that were left and the funding. As Judge Conklin's report indicates, if you mess with the BLS you may be messing with the top line as well, which may undermine the integrity of the report but as Leon noted that eight or nine SCAs that do apply, I think they are cluster 1 courts and I'm not speaking on behalf of the group but they realize as Leah indicated that the equal application across the board had a better outcome for the smaller court because when you take the FTE and round up to the team versus 975 point 975.2 or 76 there's a much bigger disparity as far as the funding you will get on the smaller end of that and no one is happy about 100% as it has existed but I think that take-back took into consideration a lot of the very particular issues that the smaller courts face where is the reports from Alpine and Sierra, you are talking about things that cannot be accounted for by pure numbers when it comes to caseload and trying to get an employee to drive an hour and a half for certain amount of money it's indescribably difficult. Although there is no 100% solution I do believe, and I'm not speaking on behalf of the small courts but I will say that the best methodology that could be applied that was fair to those courts are there and there will be a commitment to continue to redefine that going forward.

>> Just briefly thinking back, as you said to the beginning and being reminded of the heat map coming from a county that was blazing hot red, I just have to say that where we've come from and how we got to where we started as you laid out in the history and the need to have this change in the original dialogues to come up with the funding model at the outset proves to be so beneficial to those of us in the red zone and those of us in the red zone never lost sight of this-- the fact that it came to the detriment of other court systems. We always continued to be grateful for the collaborative approach but where that original first 5 years has taken us is a testament to what happens when people like you and your committee's get together and work it out and sometimes the due process is equally as important as the final results. Knowing you Judge Conklin and knowing the latest, how you handle yourselves during those meetings and the inclusiveness that you bring to that I think is confidence in the foundation of your ultimate work product. I just want to say thank you. It is making as a better state for all of our citizens and if it is not too early, I would like to move that the recommendations be approved.

>> Thank you, Justice.

>> I believe your proposal is thoughtful and well vetted but as a representative looking in, I did not know what WAFM was and I can't imagine how much work it must've taken to bring all parties to the table and which a consensus recommendation so as an outsider and representative I will have to say I am heartened to see the final product. Thank you for your proposal.

>> I was going to second the motion.

>> We can still have discussion. [laughter]

>> I think in a family discussions turn to money and it can be very stressful and difficult. The way that takeback in the subcommittee were able to manage that and the participation of all of the courts and their willingness to discuss with each other really reflects where it has come and how it has developed. And I want to thank everybody for their work.

>> As the president of the judge's association when I first got involved, I was always concerned that we had the potential of courts fighting with each other when we are all really fighting the same battles and it is important that we stand together. As I watched the debates and read a whole report and listened to the presentation, not only is it hard work but to really get buy-in from all of the courts small medium and large for what you've come up with is really magnificent work and sitting here as the president, my thanks and gratitude and appreciation was for having gotten to this moment and I certainly support the motion.

>> I just wanted to comment while I truly appreciate the thanks, I have to emphasize that other people who have done this work, this is a group effort and was from every single person on the committee that should share and appreciate the comments made today because they deserve it.

>> I'm on the phone and unable to raise my hand.

>> [laughter]

>> This is how.

>> I just wanted to comment in reviewing this report and looking at the diagrams presented I am taken with the level of progress made from the time that this was initially discussed. I think it's an incredible benchmark from using historical data to using our current baseline which shows that we have allocated in the correct way, that we are to the point where we have a strong baseline to move forward from. I just want to congratulate the committee and say again how proud I have been to be a part of the process.

>> I'm going to say that like many of you I was the trial judge when the counties set our budget and how equitable or inequitable it was depending on your relationship and how persuasive you were in the nature of your community, we have come a long way. The first instance in 2014 with the able and expert aid of Judicial Council staff, then five years of testing the formula that brings us here and again the teamwork that shows the transparency, collaborative, the willingness to work on a very complex formula that is heads and shoulders above what it's-- what it used to be. I would pile on as well, I believe we have them motion to adopt all the recommendations and ask those in favor to please say aye. And any negatives or abstentions? Thank you for this work and thank you for your continued work.

>> Now that the decision has been made I want to thank you chief and-- your work and budget advocacy and I wanted to be careful to separate the discussions but thank you for your efforts.

>> Thank you, Judge Conklin.

>> Next is an action item also. This is the judicial branch education plan and we welcome our presenters. I will have you introduce yourself.

>> Good morning chief and members of the Judicial Council. I'm happy to talk to you about something other than WAFM today. I am the chair of the governing committee and it's my pleasure to submit to the Judicial Council the proposed 2020 education plan for your approval. The proposed plan was developed by well over 100 judicial officers, court managers and supervisors. With the able assistance of Judicial Council staff it represents their recommendations to do judicial branch education with an eye toward the most cost-effective manner in which to provide that education to members of the branch. I would like to overview the process behind this proposed plan. Since 2009 there have been 9 subcommittees which we refer to as the curriculum committees. Each of those have a specific subject matter in audience expertise such as the criminal law curriculum committee, family law, judicial branch leadership and others. Each of those committees is comprised of justices, judges, CEOs and court managers. Each of the curriculum committees meet typically telephonically and through WebEx to identify the educational needs in their respective areas and the curriculum committee submits its recommendations to the CJER governing committee. The committees typically identify the needs of their respective audiences by reviewing attendance, reviewing the currency and relevance of the online curriculum represented on the appropriate CJER toolkits reviewing analytics on the usage of existing online products, identifying gaps in the current curriculum and anticipating emerging educational needs. Under the leadership on each of the curriculum committees, they prioritized the need that indicate and submit those to the governing committee. The governing committee with a more global view of the educational needs and resources of the entire judicial branch makes modifications to the plan if warranted and we then submit a proposed education plan to you for approval. Assuming Judicial Council approval the committee oversees the execution of the education plan. This model provides accountability to the Judicial Council for branch education as well as costs associated with that education. At the conclusion of each plan the CJER governing committee reports to the Judicial Council on the execution of the plan and the success. Included in this proposed plan are all of the life programs and courses as well as multiple distance education products like videos, webinars, online courses, podcasts and publications developed for justices, judges, subordinate judicial officers, clerks and administrators, court executive officers and appellant and trial court management and staff. This plan maps out the education and training that CJER will develop for delivery to the education branch from July 1, 2018 through June 30, 2020. The plan includes 247 statewide courses, 78 regional courses including the qualifying ethics core course, 35 webinars, 35 video products of all lengths and formats, 8 podcasts, 12 online courses, 26 updates to online courses, 16 publication updates as well as bench tools published on an as-needed basis. This itemizes the latest numbers and areas of content emphasis and target audience for the high cost items which

are the statewide education events including the new judge orientation programs, Witkin Judicial College, primary assignment organization courses and criminal family juvenile probate etc. and all the institutes including criminal law, family law, juvenile law, Cow County, mental health, appellate justices, domestic violence, CEO leadership, the supervising judges Institute going on in the Milton Marks Conference Center as we speak as well as leadership training for managers and supervisors, judicial attorneys and appellant judicial attorneys. Court Clerk Training and Core Leadership as well. This plan also specifies the number of and anticipated audiences for the lower cost live courses such as regionals and webinars and the recorded distance education projects including 60-90 minute education videos, podcasts, as well as online tutorials and courses. I would like to address one difference in the proposed plan from previous plans that have been submitted for approval. You may have noticed this change. Although the 2018-20 education plan specifies the audiences for the low cost items, it does not specify the detailed topics or low cost education items and I'm speaking of webinars, podcasts and online tutorials and so on. The content detail for each product will be developed on an ongoing basis using, as always, the topics developed and prioritized by the curriculum communities. Specific topics, faculty and delivery methods will be reported to the governing committee as part of a detailed education implementation plan. This document is based on the approved education plan and tracked for lower cost live and recorded distance education products as they are finalized. The curriculum committees continued to determine the topics and their priorities and will continue to suggest faculty. A hard and fast list of content stretching over a two-year period injured CJER 's ability to respond to emerging legislative trends and procedural and legal issues. The need for the governing committee to repeatedly make modifications to a document that had already been approved for a two-year period proved cumbersome. The new proposed process removes an efficient and repeated modifications of a previously approved document and replaces them as they are finalized. There are 125 legislative changes to California's statutory law every year. Each of those changes can potentially pose a new educational need that the curriculum committees may not have anticipated. The explicit line items in the previous plans hampered responsiveness. Previous education plans, the governing committee also needed to approve scheduling changes for education products. CJER relies on officers and court staff to help develop and deliver the education products. A pool of talented leaders and personnel who already have demanding daytime jobs, distance education products often need to be rescheduled because of the operational demands on our faculty. In the past, to move a product from one fiscal year to another to accommodate faculty schedules, we would require the governing committee approval which was an interesting use of the governing committees time and an appropriately low level of operational detail. The education implementation plan will reflect the detail of content and delivery as they are determined on a quarterly basis ensuring that oversight and the work of governing committees but at the same time staff will be able to respond quickly to emerging needs like new laws and procedures and to accommodate the schedules of the faculties best suited to specific distance education products. The product will be more nimble, flexible and accommodating and the governing committee will be able to focus on issues of policy while being apprised of operational details. On behalf of the members of the governing committee and all the curriculum committees as well as staff, we deeply appreciate the value that the Judicial

Council places on education and that it remains a high priority for the branch. With that I am happy to answer any questions that any of you might have.

>> First I want to congratulate you. The number of mandatory courses that included implicit bias training. I know that new judges orientation has it but does not have the detail of the content of the educational programs but whatever courses are mandatory for judges that include implicit bias component?

>> We have made an effort to include that in all of the mandatory courses. It is included in the Judicial College and the primary assignment orientation program which is something that has been incorporated at the direction of Judicial Council cash for all of those programs. We encourage faculty to reference implicit bias in each of the other nonstate way programs so there's certainly an effort made to do that. As far as specifics I know that we have provided to the Council a list of specific courses which incorporate implicit bias issue.

>> May I comment on that? The ethics class has recently been reformulated to include a section, and instructors as well as seminar leaders are trained to be alert for teaching opportunities in every program to raise and discuss those issues.

>> Thank you, Judge Lucas.

>> It's likely that Governor Brown is going to fill a lot of positions. Was the demand increased?

>> We are aware of that possibility. It's a question as to whether or not it's going to happen this year or perhaps in 2019 so we don't know when the Governor is going to do that. We are planning for it to accommodate all of the folks appointed by this Governor. In terms of the Judicial College we expect to be able to accommodate a certain number for this summer as well as the summer of 2019.

>> I just wanted to thank all of the staff attorneys and all of the staff. Having been on the governing board I can tell you the compilation of the education plan is a huge effort in trying to do what you do in light of the lack of funding and otherwise, it's very impressive. I think you guys continue to do a very good job. We were at the national judicial College regarding a faculty development seminar and it was pretty obvious that California is way ahead of everyone else generally speaking across the board. You guys have continued to make that happen, so very nice work.

>> Very quickly, our newly appointed judges uniformly to the individual come back with incredibly high praise for the way they prepared for their new jobs in the college so thank you for that work, it is universally appreciated.

>> Judge Anderson?

>> I would also like to thank you both for the efforts to have such a valuable education program. I think education is what binds the branch together. The more information you have the duties and responsibilities as well as staff, the more we understand and can come together as a branch so I will move that we accept the education plan.

>> Was your hand raised?

>> I just wanted to say this is another example of outstanding effort. I wanted to thank the team and all the judges and managers who did this outstanding work, thank you.

>> I want to say that I signed up for every webinar and also appreciate the accessibility of the online learning. In person learning is also fantastic. CJER never disappoints with your product, the presenters, the subject matter, so thank you also for looking out for our education which surprised at the number of people that drove through that. All in favor please say I. Any oppositions? The motion carries, thank you very much.

>> Before we address the last agenda item which is judicial branch and revisions to the statistical information system I will turn this over to Judge Anderson.

>> We do have one public comment for the revision agenda item. We have a Mr. John Jacobs, if he can go ahead and step forward to the microphone. You will see there's a timer in front of you and welcome. Thank you for your comments this afternoon. There will be a green light and a yellow, you have one minute left. Go ahead and begin with your comment with respect to revisions.

>> Great, thank you. Did the Council receive my e-mail? A one-page e-mail? Anyone?

>> With respect to you sent an e-mail? We receive public comments-- we have received materials and anything that was sent in.

>> That's one of the foundation of part of what I would like to say here. Someone mentioned earlier about deep work. The staff and Judicial Council staff in the beginning part but I don't have in front of me, it talked about giving a little history saying how 20 years had gone by and not very much have been done in that particular area. I see this as an opportunity to expand and direct staff to be extremely bold in this area, watching old reruns of law and order you get to the point of where they are going back and forth and dragging people in and finally the DA says okay you-- they wanted to be about this but you make it about that. So what is this about? Justice? Administration justice? The access to justice? The last 20 years if not much has been done here, we probably missed some opportunities. Let me step back. I see this not as a feeling that maybe as a floor. One court that I'm dealing with is telling me they have to follow JBSIS and I said okay great but why don't we expand the technology and allow the courts to be used as a learning tool? You talked about education binding and I think you're right. Using the courts computerized systems and case management systems to be used as a tool so individuals can learn

by being able to do searches on case types and I think the number of cases that we have coded are not enough. Here's where the boldness comes. Direct staff to look at expanding the search capabilities based on case types that are also based on every California cause of action. Everyone. Don't leave any out. Then we can go to the courts and do searches, focus, optimize searches on those case types.

>> Thank you so very much. That concludes the public comment for the revision item.

>> Welcome to the panel. Could you introduce everyone for people who are listening?

>> Thank you chief and members of the Council. I have Jake Chatters, team member, CEO and chair of the working group and Chris from the Office of Court Research. Who is running this? Just for a little background, the statistical information system falls under the oversight and as defined by California Rules of Court, they are charged with reviewing and making proposals concerning JBSIS or other large-scope data collection efforts. Over the last few years this working group has been reviewing the filing definitions and has developed a final set of revised definition and reporting categories based on court input and comment which will be further discussed momentarily. He recently received approval to convert the working group to a subcommittee beginning in 2018 due to the nature of its work. The subcommittee will continue to provide input and support for court during implementation of these changes being opposed today. It is appointed under the direction of the chair and with that I will turn it over to Jake.

>> I have the pleasure of walking you through updates of statistical information. We don't have a lot of charts, this is about the underlying definitions which can be very nuanced. This is a report that goes through the individual recommendations. I will not go into excruciating detail. Instead my plan is, as I often do, speak very quickly so stop me as I read through this process. I will get a timer set on me.

>> First I want to talk about the guiding principles of the revision and why we are really here. It does mention that JBSIS was established in the late 90s and without going into a lot of history, what occurred is that we talk about a statewide case management system and a lot of work still existed and we all report data through it in a secondary way which we will talk about, portal submissions. It stalls for a while because the idea was that we would implement one case management system and it would be collected uniformly. As we started to shift into a different norm this effort was resumed and we will talk about how the process worked several years ago. Through those principles we focused on a small number of items. You want to focus on filings, case types and defining those more specifically around court workload as it is defined in the resource assessment study. Because we study these as a cornerstone it became important that we all fully understand how we divide and find filings. The focus is exclusively on filing data. Trend captures information on hearings etc. but this of focus was on filing and how to decide on case types. It focused on what definitions needed clarity and all line categories between those. They were able to fully submit to the automated data submission protocol and those who still use the portal which is a more manual way of reporting the same definition. Because of the more

comprehensive amount of data not all courts have been able to report and instead had to report a smaller set of data in this effort sought to align some of those definitions.

>> It started in November 2013 which went through April 2015. The workgroup was reformed and focused on filing definitions. We got extensive comment from 40 courts and the workgroup itself started to refine those two critical areas of what could be focused and modified to make sure we were counting things correctly and appropriately? There was a bit of a pause which brings us to what we have focused on over the past year. 2018 reinvigorated the workgroup. The workgroup itself there had been many retirements and it was left with two active members at that point. The review focused solely on the work that had been started in phase I. We did not solicit new comments but instead we focused on taking those suggestions, refining them into recommendations so we could present them to you. We went through an aggressive timeline determining what the final decision was, sending them out to comment and their own data analysts to receive an iterative comment process into the summer and fall. Ultimately we came to our finalized definitions and to the Council itself. Ready for me to keep going? So mostly straightforward changes, updated language definitions and clarified mapping, the primary changes came around filings versus reopened cases so there are instances where they have been disposed of and subsequently reopened and we want to clarify that once a case always the case. It does not count as a new filing and then we did work around civil case coordination to ensure that we are counting those consistently. There may be 500 filings but a single jurisdiction is receiving that filing so there needed to be clarification on how those were counted so that is included in the recommendation. I'm going to focus on 2 for criminal. Medicinal--

>> It has been a confusing element so we spent time finding examples of what those are. Most of those center around where there has been some interaction of law enforcement but there is a petition that comes to the court to resolve whatever is held in law enforcement. There has been a lot of discussion about violations of probation. You hear about are we getting credit for the resource assessment study? And we reiterate that a violation of probation is not a new case. We count them but it is not a new case for filing. So how they deal with that is really an issue for RAS. We did a little bit of work around cases that were dismissed so felony cases that are ultimately disposed of are counted as a felony case because they were filed as a felony case. In cases which a felony is filed and refiled as a misdemeanor can count both as a felony and misdemeanor because it was refiled which is a question that came up multiple times and that we clarified in this revision.

>> Clarification around subsequent filing, there was a major concern related to child support servicing cases. It indicated that a filing could only be counted if a specific filing was considered on an underlying family law case. They are two separate types of filings and hopefully addresses that concern to appropriately count them. We've made adjustments to add non-minor dependent cases and adjusts what occurs when there are no court cases but interactions that result in a petition.

>> The last major group is mental health and probate cases. It underwent substantial change and we can go into some of that. We had a large number of categories that did not make a lot of intuitive sense so this is designed to make it legitimate. Cases in which it is challenged in court can occur multiple different ways so we have taken the most broad definition to count those whenever they occur which was not necessarily clear in the old definition. Those are the changes.

>> We will go over the recommendations and call for questions after that point. CEAC is recommended the Council approved the revised statistical reporting definitions contained in attachment a and also requesting that the Judicial Council direct staff to update the manual, the data warehouse, and any other associated databases or electronic reporting interfaces consistent with that recommendation. And lastly to delegate authority to make technical non-substantive changes to the revised definition arising from court input to Judicial Council staff always subject to review by CEAC.

>> Thank you. To talk about the next steps, obviously pending council to approval, some of the next steps in implementing these changes will require work for both Council staff as well as courts. Council staff will need to create the technical specifications for the technology platforms as sort of a website of the web portal as well as JBSIS that courts use to submit their data . We will also need to revise the statewide data warehouse that houses the data that the courts report.

>> Council staff will need to update the manual with all of the new definitions outlined in Appendix A. I think there are 80 or so pages of those and we will also need to include technical specifications that are part of the manual.

>> The working group anticipates that courts may have questions about new definitions as we work through implementation of their new reports so the working group wanted to establish a subgroup of subject matter experts in specific operational areas such as probate or mental health to provide technical assistance and guidance to courts as they are working on implementing and making changes to the system.

>> Kim or Jake?

>> Along with that one of the items that comes up our questions around how do I count blank? This group we're mentioning is that we want to start with revisions which require updates to systems and how we do data entry. Those members of the workgroup also volunteered their stuff who do analytical work to do that sort of subject matter expert pool. We also contemplate there may be questions as courts come under new circumstances that they may want to submit requests and say I think we should counted this way but the rules say we should counted this way. That would go to the subject matter experts and they can look at the databank. If they have a consensus, they can provide that to the court and allow the court not a formal appeal, but to raise the question further to the workgroup. If they still do not agree with the assessment, to take that

to CEAC itself. And there are disagreements on its interpretations we have a way to address those in a formalized system.

>> In terms of the final steps the Council staff will work with the courts and coordinate on the development of the new JBSIS report coming out of the case management system and provide technical assistance in testing and validation based on these new definitions and standards and then ensure that the courts are ready to go in terms of implementation by the effective date of July 2018 to begin reporting live data based on these new standards. In terms of case management systems, it gets reported out of the courts so from there locally managed case management systems they will need to reconfigure the reports based upon these new standards. One of the things that the working group will do as well as Council staff is work with the courts and help the courts to coordinate with case management system vendors to ensure that all of the systems get configured consistently across the different system and across the different courts.

>> Finally we have a subcommittee so in recognition of that we will be identifying areas for future study. The original study was on filings and case types. I imagine there will be changes that will be identified but potentially expanding to some of the other areas in JBSIS such as dispositions or some of the other types of data that gets reported.

>> On the last bullet, we are also hearing from the internal audits group as they go through filings and audits and are passing on to the subcommittee questions or clarifications that they think would be appropriate to make sure we are counting the same way and dealing with that appropriately.

>> Thank you Judge Gordon. Much of the reform has added, really, new types of postconviction many times going to old cases like expungement that are different than the work we've seen in the past. Are they being counted separately or just placed in that postconviction module?

>> A property seven, Prop 64, some of the new 12 of 3.4 petitions, all of that.

>> Those are not counted as a new felony filing. The criminal justice services group is counting those as a data metric but in JBSIS themselves there isn't a category.

>> Some general area for post-disposition workload. For hearings and other matters--

>> We have always counted post-disposition workload and this is really a new form and volume of work for courts on cases that may well have been dormant for 20 years so my concern is that we are not getting an accurate picture of the workload.

>> When we do upload the study, we measure the workload both generated from the initial filing to the post-disposition activity so what's part of the workload standard used in that model does include the workload even though it may not be counted based on the definition as a new or separate felony filing.

>> Judge Brody and Lucas.

>> Turning to a sentence regarding cost, you indicate the courts will need to work with system vendors to reconfigure their systems to meet the revised standards. Have any courts expressed concern about being able to do that reconfiguration by the effective date of these proposed changes?

>> One of the questions that we asked is are there costs or other considerations? Other than people expressing that this is going to be some level of work, there wasn't anyone that says we see this as an insurmountable problem. While the definitions would take us back to July 1, 2018, they would like to have them reported every month true, but they don't actually get used for data analysis until about one year later so the implementation timeframe is not just six months of. It has more time than that before we need to start producing annual reports on data.

>> Judge Gordon's question was a great example of the sort of thing that PJs worry about. There are plenty of examples of that type of concern. Chris your answer is very helpful that we need to look at RAS as part of what makes this right across all the courts. That just emphasizes to me how important this work is that you have done and how this is going to go a long way toward helping all of the presiding judges understand that JBSIS make sense and that it's thoughtful and fair. There's a lot of work in the details but this is a terrific start and I think will be a great way for presiding judges to understand what they are so concerned about.

>> I don't see any more hands raised.

>> Before we call for the vote I just want to emphasize, I know that Jake flew through it in his presentation, but the short period of time with the tremendous amount of work with Chris and the office of court resource but also the working group and court executives providing input and trial courts, and again in just a short amount of time, a significant amount of work was accomplished, so thank you.

>> As a new member and State Bar representative I would like to essentially mirror the comments that Mr. Ibarra made with respect to the budget committee. I would like to congratulate you on your difficult work and also mention that your report, which I read, was very accessible to the otherwise uninitiated so I would like to thank you for that with one notable exception, that nowhere was there a mention of how to pronounced JBSIS but tthat has been remedied here, so thank you so much.

>> [laughter] I will entertain a motion to accept the three recommendations.

>> Moved.

>> I second.

>> I also want to say that it takes a while to figure out that WAFM is important but cannot stand without JBSIS and RAS. The working here is deeply appreciated by all of us. Thank you for the work, thank you for the short time period, thank you for making it accessible. Sometimes when you come onto council there's no definition and it's just talked about, so I greatly appreciate this presentation and making it accessible. All in favor of the recommendations please say I. Any negatives or abstentions? The recommendations pass, thank you very much.

>> We conclude today's meeting as we often do, sadly, with a brief remembrance of judicial colleagues who were recently deceased. All were retired. Excuse the pronunciations. The Superior Court of Riverside County, Judge Daniel Crede of Santa Clara County, Judge Porter Superior Court of Los Angeles County, Judge Harold Ellis of San Mateo County, Judge we on Fox, justice Court of Appeal, Judge Peter Giannini, Judge Nancy Hoffman, Judge Leroy McFarland, Judge William Peck, Superior Court of Los Angeles County, justice John Racanelli district of San Francisco, Judge Philip Shafer of San Bernardino County. Superior Court of San Mateo County, and Judge Charles Wilson Superior Court of Kern County. We honor all of them for their service to the court and the cause of justice. Safe trip, safe travel, we stand in recess until the next meeting.

>> [event concluded]