COURTNEWS

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Court Interpreters

Courts Ready for Change In Interpreter Status

On September 30, Governor Gray Davis signed into law Senate Bill 371, the Trial Court Interpreter Employment and Labor Relations Act. The new law mandates that by July 1, 2003, California courts must use employees, rather than independent contractors, to perform spoken-language interpreting for court proceedings.

"We have met a number of milestones in the past six months," says Ricardo Beacon, Manager of the Administrative Office of the Courts' (AOC) Court Interpreters Program (CIP) Unit, which is helping coordinate efforts to implement the bill. "But there is still much we need to accomplish to prepare the courts to take on this new responsibility."

Nowhere will the transition be more daunting than in the Superior Court of Los Angeles County, which makes the highest percentage of expenditures for court interpreters in the state. "When the initial interpreter hiring process is completed later this year, we anticipate that up to 475 of our state-certified or registered interpreters will transition into court employee status," says Greg Drapac, Interpreter Coordinator for the Los Angeles court. "It will be a challenge, but it should result in a more consistent delivery of interpreter services to the court."

STATEWIDE EFFORT: WHAT'S BEEN DONE

In anticipation of the landmark legislation's impending July 1 deadline for implementation, the AOC's Human Resources Division—particularly its CIP Unit staff—has been preparing courts for the transition process.

Before the ink of the Governor's signature on the bill was dry, the CIP Unit began developing a budget change proposal; they submitted it to the Legislature just 10 days later. That proposal was intended to help trial courts cover the costs of implementing the bill. Despite the budget cuts affecting the judicial branch, $3.9 million is expected to be approved to cover administrative costs related to implementation.

IMPLEMENTATION PROPOSAL

In October CIP staff developed a proposal—for distribution to the trial courts—that provided a framework for implementation of the bill. The proposal identified key actions and the dates when they must take place, as mandated by the legislation. In the proposal the staff discussed topics such as hiring and benefits, assignments and personnel policies, employee organizations and collective bargaining, and accepted uses of independent contractors.

The Trial Court Interpreter Employment and Labor Relations Act mandates that by July 1, 2003, California courts must use employees, rather than independent contractors, to perform spoken-language interpreting for court proceedings. *Photo: Jason Doiy*

CIP FORUMS, WORKSHOPS, MEETINGS

CIP staff—together with other subject matter experts from the AOC's Labor and Employee Relations Unit (in the Human Resources Division) and Office of the General Counsel—conducted two workshops at the Trial Court Presiding Judges and Court Executives Conference issues meetings, held in October in San Francisco. The facilitator of the workshops

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Incubator of Innovation

During the recent California Judicial Administration Conference, court executives and presiding judges expressed their desire to share effective court practices with one another more efficiently. The Administrative Office of the Courts' (AOC) Innovative and Effective Practices (IEP) Unit is a critical component in meeting that need.

"The knowledge is held within the courts, and together as partners we can identify those effective key principles and practices and share them with others," says IEP Unit Manager Dianne Bolotte. "In a state as large and richly diverse as California, sharing what we already know is critical."

Grants administration, collaborative justice, jury improvement, and the Kleps awards are the four cornerstones of the IEP Unit in the Center for Court Research, Innovation, and Planning—which is part of the AOC's newly reorganized Executive Office Programs Division. These four areas are testing grounds for new ideas and programs that can improve court operations.

GRANTS ADMINISTRATION

In this time of fiscal constraints, the courts have identified skillful grant development and administration as a high priority. IEP's grants administration program provides training in grant seeking and grant administration. Since its inception, the program has trained approximately 150 court staff members.

The grants administration program staff keeps courts abreast of opportunities for grants through both the AOC and external resources, and posts this information on the Serranus Web site. Presiding judges, court executive officers, and court grants staff are currently reviewing draft guidelines for solicitation and acceptance of private grants. The AOC expects to release the finalized guidelines this summer.

COLLABORATIVE JUSTICE COURTS

IEP provides staff support to the Judicial Council's Collaborative Justice Courts Advisory Committee, which helps develop criteria for identifying specialty courts (such as drug, teen, and domestic violence courts) and assists in determining promising practices. The IEP staff helps administer grants for collaborative justice court programs, helps develop evaluations of the effectiveness of these programs, and considers legislative and policy initiatives. Grant programs in this area have provided $9.3 million to the state's adult and juvenile collaborative justice courts since 1996.

IEP collaborative justice staff partnered with the Center for Judicial Education and Research in November to air an AOC-TV satellite broadcast on mental illness. Viewers received a companion handbook with guidelines and tips for starting mental health courts.

JURY PROGRAM

Together with other judicial leaders and the Task Force on

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CJAC 2003

The dialogue continues on pages 8 and 9.

Chief Justice Ronald M. George

MESSAGE FROM THE CHIEF JUSTICE

Branchwide Thinking in Challenging Times

On February 26, Chief Justice Ronald M. George welcomed the participants in the 2003 California Judicial Administration Conference (CJAC) in San Francisco. His opening remarks addressed the financial challenges facing the courts as well as the need to think as a cohesive branch of government. Following is an excerpt from that address.

As you well know, our system has been asked to make major reductions in expenditures—as has every part of government. But as a unified branch, we have been able to more effectively advocate for the needs of our entire court structure, and thus far we have had some success. William Vickrey and his excellent staff have been engaged in continual meetings and discussions with members of the executive and legislative branches.

I personally have had one-on-one meetings with dozens of individual legislators in the past several weeks who will have a role in setting our budgets—in order to present the judicial branch's case—as well as with the director of finance and his staff. Late last year, I also met with the Governor, and after frank and detailed discussions we were able to convince him to reduce a proposed $290 million reduction in the judicial branch budget by $130 million in offsets laid out in his budget. Conversations with his office also continue.

Our branch's budget of approximately $2.6 billion is only a small part of an almost $100 billion state budget. Although we must and should do our part to help get the state through the present economic crisis, we do not want our core functions to be disproportionately hit (fully realizing that the offsets proposed by the Governor will take hard work).

The courts have demonstrated that we are doing our part to reduce costs, and those efforts are based in large part upon contributions and efforts on the local level. Your creativity and participation have been vital for meeting the goals we have had to set, and I am grateful for your cooperation.

STATEWIDE MEASURES

On a statewide level, we are reviewing several measures designed to enhance our financial position. They include increasing fees for filing motions and appeals—and I want to note that the plaintiffs' bar, which understandably often opposes any fee increases, has not done so in this case. I credit our ongoing discussions with that segment of the bar (as with all parts of the bar) as a critical factor in that accomplishment.

The Governor and the Legislature do not want to be in the position of, in effect, writing blank checks for the courts' operations without ensuring accountability.

ELECTRONIC REPORTING

The Governor also included in his budget proposal a statutory change to permit the use of electronic reporting and court ownership of the record, both of which would afford substantial savings. We would like to discuss with representatives of the court reporters ways of making these changes without loss of jobs, through attrition and transfer of some reporters to other positions. Other states already have demonstrated the savings that can be achieved without losing quality.

COURTHOUSE SECURITY

The Governor also has proposed that contracts for courthouse security be subject to competitive bidding among law enforcement agencies, such as police departments and the California Highway Patrol, in addition to the sheriffs, who presently have a statutory monopoly on providing such service. The $300 million cost of security has been one of the fastest growing segments of the judicial branch budget, having increased 50 percent over the past few years to the point where it is much more than the nationwide cost of security for all federal courthouse facilities. I met with representatives of the Sheriffs' Association last week, and we are setting up a joint working group to explore alternative measures to reduce the cost of providing security.

In addition, the Governor has proposed transferring $30 million of undesignated fees, generated by the courts, from the counties to the courts.

STATUTORY LIMITATIONS

The point we have stressed in our discussions is that courts are willing to do their part, and already have done a great deal; but much of our budget is pass-through money designated for court-appointed counsel, rent, single-source security contracts, and judges' salaries, which may not, under the Constitution, be reduced during their term of office. Thus, a proposed 10 to 15 percent cut applied to the entire budget of the branch amounts to a 35 to 45 percent reduction in that small part of the budget that is described as "discretionary" but that includes items such as staff salaries, security, and supplies—without which we really cannot operate. Unless the offsetting systemic changes proposed by the Governor are enacted, areas such as family law and civil litigation will suffer severely and disproportionately.

We also have been urging the Governor and the Legislature to consider us as an integral part of the public safety system. Without the availability of courts to adjudicate charges and claims, the efforts of other parts of the public safety system, such as the Attorney General's office and corrections, become ineffectual . . . .

INCREASING ACCOUNTABILITY

The Governor and his Department of Finance have expressed the need for the courts to make changes in their operations to achieve additional efficiencies in other ways. The Governor and the Legislature do not want to be in the position of, in effect, writing blank checks for the courts' operations without ensuring accountability.

With this in mind we are proceeding with plans for statewide administrative consolidation of financial and other services, looking at consolidating appellate projects for the provision of counsel, combining the purchase of goods and services, and taking other steps to streamline our operations and reduce costs.

Similarly, we would like to provide more resources to the smaller counties so that they can have the benefit of services such as a general counsel or human resources director in their region that they otherwise could not afford to have. I stress again, however, that the Judicial Council, AOC, and I have no desire to engage in centralized micromanagement of the local courts. We are committed to the continuation of countywide court management—without merger or consolidation between counties, and also without breaking larger districts into smaller ones. We are setting up working groups to explore alternatives to the administrative districts that have been proposed in some pending legislation.

UNIFYING THE BRANCH

As a coherent body we are better able to articulate judicial branch goals and needs internally as well as externally. With a statewide perspective, our court system can make the most efficient use of scarce resources and speak with a strong, consistent, and therefore more effective voice to our sister branches.

I am firmly convinced that our enhanced cooperation will ensure our ability to provide equal access to justice to every Californian. It permits our courts to function as a cohesive branch of government to develop consistent and successful administrative approaches, systematically accumulate and analyze useful data, and ultimately better evaluate our performance as public servants. All of you here today are active partners in this transformation of our state's justice system . . . .

In this time of fiscal uncertainty, we have a choice: to stand pat and try to protect the status quo, or to seize the opportunity to think and act creatively and capably and to look ahead with a clear purpose and continued dedication to improving the administration of justice in our state. History demonstrates that our branch has chosen the latter course time and again, and I am confident we shall keep doing so in the future. Together we shall continue to make a difference.

Judicial Council Action

Council Takes Action on Budget Reductions

The Judicial Council at its February 28 meeting took steps to mitigate the impacts of the potential $312 million budget shortfall facing the state court system in fiscal year 2003–2004.

The budget reductions proposed by the Governor for the next fiscal year are in addition to $154.5 million in one-time cuts already taken in fiscal year 2002–2003 and a $44.5 million reduction proposed for the remainder of the current fiscal year (ending June 30, 2003).

To address the fiscal challenges facing the judicial branch, the council approved recommendations including:

❑ Redirecting special funds—normally used for projects related to technology, staff education and training, and pilot programs in court administration—to help offset cuts in trial court budgets;

❑ Setting aside emergency funding, totaling nearly $15 million over the next two years, to address hardships faced by courts that take reasonable steps to manage anticipated budget reductions and still experience cash flow challenges;

❑ Seeking the Governor's approval of requests for more than $60 million in midyear funding for mandated costs, most of which were previously submitted but not included in the proposed budget submitted by the Governor for fiscal year 2003–2004; and

❑ Releasing other restricted funds to assist courts in absorbing unallocated budget reductions.

The operational plans submitted by trial courts were part of the impetus for the council's actions. The plans detailed how some courts might be forced to close courtrooms, lay off staff, reduce operating hours, consolidate operations, and cut security costs to absorb further budget reductions. The courts' plans also highlighted potential effects on public services—for instance, through the reduction or elimination of critical programs such as mediation services, community outreach, and services for families and children.

In addition to proposing cuts to the judicial branch budget, the Governor has proposed a variety of policy initiatives that would decrease certain costs of court operations as well as increase some fees and shift them to the courts. The council is discussing these initiatives with affected groups—trial courts, the California Sheriffs' Association, the California State Association of Counties, and labor groups—to find areas of agreement in order to minimize the impacts on the court system.

The Judicial Council at its February 28 meeting took steps to mitigate the impacts of the potential $312 million budget shortfall facing the state court system in fiscal year 2003–2004. *Photo: Shelly Eades*

OTHER ACTIONS

In other actions, the council:

❑ Approved a recommendation to provide more detailed trial court budget information at future Judicial Council business meetings. This information will include trial court baseline budgets; the total statewide request for each budget change proposal; proposed budget adjustments, itemized by individual trial court; and final budget allocations once the state budget is enacted into law.

❑ Adopted new court rules to implement the Trial Court Interpreters Employment and Labor Relations Act (Sen. Bill 371), which requires the trial courts to appoint employees to perform most spoken-language interpreting of trial court proceedings, effective July 1, 2003. The rules establish Regional Court Interpreter Employment Relations Committees and procedures to facilitate the efficient cross-assignment of court interpreters.

❑ Reaffirmed its previous direction to the Administrative Office of the Courts (AOC) to develop and implement the necessary statewide administrative infrastructure to support trial court operations by providing efficient, cost-effective, and reliable services in the areas of finance, information technology, legal services, and human resources.

❑ Approved the development of a statewide plan to establish family law information centers in the superior courts. The council accepted an AOC report observing that three pilot programs for low-income litigants in Los Angeles, Sutter, and Fresno Counties were a "resounding success." The council directed that the report be forwarded to the Legislature, as required by law.

❑ Approved a proposal from the Community-Focused Court Planning Implementation Committee to provide ongoing funding, leadership, and guidance for court planning, outreach, and education in the trial courts. ■

Retired Jurists Recommit to the Courts

In the first application process for assigned judges under a new policy meant to eliminate potential conflicts of interest, nearly 75 percent of retired jurists in the Assigned Judges Program recommitted themselves to public service.

Meeting a January 31 deadline, 278 assigned judges opted to remain in the program by certifying their compliance with a new policy that prohibits them from engaging in private dispute resolution activities for compensation.

"I appreciate the service and dedication of all judges who have elected to serve in this year's Assigned Judges Program," said Chief Justice Ronald M. George. "With growing workloads and increasingly complex matters, California courts will benefit greatly from the contributions of judges who will sit on assignment throughout the state."

Prior to January 1, the *Standards and Guidelines for Judicial Assignments* only asked that judges who were serving on assignment not engage in private dispute resolution activities on any day of assignment and not use court resources for private dispute resolution. The new policy states that assigned judges may not be engaged in privately compensated dispute resolution activities anytime during their tenure in the Assigned Judges Program.

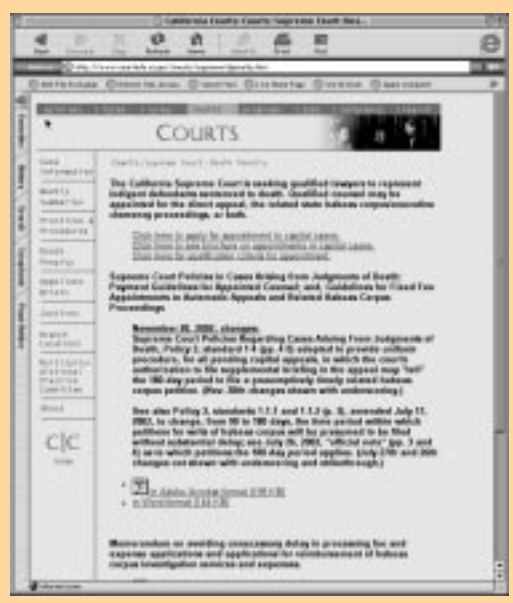
The intent of the new policy—announced by Chief Justice George in July—is to avoid any public perception of a potential conflict of interest created by a judge sitting on assignment in the public courts and concurrently providing private services to litigants for a fee. It also is meant to ensure that those serving in the Assigned Judges Program can give their full attention to their court assignments.

● For more information, contact Brad Campbell, Appellate and Trial Court Judicial Services, Administrative Office of the Courts, 415-865-7638; e-mail: brad.campbell@jud.ca.gov. ■

Online Application for Capital Counsel

The California Supreme Court in January launched an online application process for attorneys wishing to apply for appointment to death penalty appeals or related habeas corpus and executive clemency proceedings.

This new application process, suggested by and adopted in consultation with the capital defense bar, utilizes a revised application form that is available on the Supreme Court's section of the California Courts Web site at www.courtinfo.ca.gov/courts/supreme/dpenalty.htm.

Interested counsel may download the application form, complete it electronically, and submit it to the court online. In the alternative, counsel may print out a hard copy of the application form and mail it, with writing samples and a résumé, to the court's automatic appeals monitor.

● For more information, contact Robert Reichman, Supreme Court Automatic Appeals Monitor, 415-865-7016; e-mail: robert.reichman@jud.ca.gov.