

CCMS Questionnaire and Responses

In December, 2009, the ACJ attempted to determine how and when the troubled CCMS 1.7 billion dollar computer project, now under scrutiny by the California State Auditor, was initially authorized by the Judicial Council. We also sought to determine the level of Council oversight, and to try to get some idea of what the Council members believed that the project would cost at the time of its inception. One of several avenues of exploration entailed emailing the attached materials and questionnaire to all 26 of the members of the Judicial Council who served during the time frame during which the AOC has repeatedly stated that council authorization took place. The 26 include the Chief Justice in his capacity as head of the Council.

We received only 8 responses to our request, which are attached. Despite their best efforts, most responders could muster only vague recollections of the project. Only three responders were able to offer detailed substantive answers. We thank all responders for their forthright and helpful responses. We were, of course, disappointed that the other former (including two current) members of the council did not respond.

Dear Former/Current Member of the Judicial Council:

Recently there has been a great deal of discussion both within the branch and in the public arena concerning the origins of the CCMS project. In this regard I have already gathered a great deal of documentation regarding CCMS and have spoken to many persons involved in the program. However, even among those involved in the project there appears to be confusion as to how, and even when, the project was first authorized. I hope that given your past position as a voting member of the Judicial Council you may be able to shed some light on this question from your vantage point.

I note that you were a voting member of the Judicial Council during all or part of 2002/2003, the period in which the Administrative Office of the Courts has repeatedly stated the project began. Since that was quite a number of years ago, I provide you herein with the following background available in full at the Judicial Council website.

In a 1/27/05 written report to the Judicial Council authored by William Vickrey and Ronald Overholt, which deals with CCMS and other infrastructure initiatives, it is asserted that CCMS began in 2002:

“At its *April 2002 meeting*, (emphasis added) the Judicial Council provided direction to AOC staff to develop a comprehensive administrative infrastructure for the trial courts...This direction was reaffirmed in the August 2002 meeting with the discussion of the Trial Court Shared Administration Services Pilot Program. Further at its February 2003 meeting, the Judicial Council reaffirmed the past policy

approach to development and implementation of statewide administrative infrastructure initiatives in the area of...information technology.”
(Pages 2-3) www.courtinfo.ca.gov/jc/documents/reports/0205item11.pdf

In a report titled “Fact Sheet”, dated August, 2009, the AOC again asserts that action by the Judicial Council in early 2002 began the CCMS project:

“In early 2002, *after review and approval by the Judicial Council*, (emphasis added) the courts and the AOC agreed on a common solution, and the California CCMS project was initiated...” (Page 5)

www.courtinfo.ca.gov/reference/documents/factsheets/CCMS.pdf

As you know, agendas and minutes for all Judicial Council meetings are available to the public at the Judicial Council website. I have examined all of the relevant agendas and minutes. I have double-checked my work by corresponding with the AOC librarian, who has searched through the meeting materials provided to members of the Council for those meetings. I have discovered the following:

1. The April 2002 meeting agenda and minutes contain no reference whatsoever to a statewide computer project or anything remotely resembling one. The council took no action whatsoever of the sort set forth in the 1/27/05 report. The minutes of this meeting are found at www.courtinfo.ca.gov/jc/documents/min0402.pdf
2. The discussions at the August 2002 meeting involving the Trial Court Shared Administrative Services Pilot Program made no reference whatsoever to a statewide computer system. The discussions are reported in bureaucrat-friendly language, making it hard to know just what was intended. The minutes state that the council:

“...approved a budget request of up to \$1.25 million per year from the Trial Court Improvement Fund to establish and evaluate two to three pilot programs for a three-year duration to promote collaborative efforts between courts in developing and sharing comprehensive administrative support systems to meet local needs and to effectively coordinate with state-level systems.”

www.courtinfo.ca.gov/jc/documents/min0802.pdf

Thus, it appears that CCMS did not in fact come into being in 2002, and certainly not at the April 2002 meeting. Further, a fair reading of the discussions held at the August meeting relative to the pilot program for administrative coordination make it apparent that a statewide computer system was not on the table.

The first reference to CCMS in any meeting minutes is the following 2/28/03 reference:

“AOC staff recommends that the Judicial Council reaffirm the past policy approach to development and implementation of statewide administrative infrastructure initiatives in the area of finance, human resources, *information technology* (emphasis added) and legal services.

The minutes then go on to state that the council:

“...reaffirms its previous direction to staff (emphasis added) to continue developing trial court technology initiatives and seek the necessary resources to provide a Statewide Technology Center for use by all courts as appropriate, to stabilize courts with critical needs, to focus on a select number of viable case management systems for use by all courts.” (Pages 19 and 20)
www.courtinfo.ca.gov/jc/documents/min0203.pdf

The minutes of these three meetings state that the following voting members of the council were present as follows:

4/19/02: Chief Justice Ronald George, Associate Justice Marvin Baxter, Associate Justice Norman Epstein, Associate Justice Richard Huffman; Judges Gail Andler, Aviva Bobb, Robert Dukes, Leonard Edwards, Brad Hill, Donna Hitchens, Ron Sabraw, and Barbara Zuniga; Pauline W. Gee, Rex Heeseman, and Thomas Warwick, Jr.

8/30/02: Same as above, with the exception that Judge William Harrison and Mr. John Collins were also present.

2/28/03: Same as 4/19/02, with the exception that Associate Justice Donald Kay was present and Justice Aldrich was not; Judges Robert Dukes, Leonard Edwards, Donna Hitchens, and William Harrison were not present, and were replaced by Judges William MacLaughlin, Heather Morse, Jack Komar, Heather Morse, and Eric Du Temple; Pauline Gee and John Collins were not present, and were replaced by David Pasternak and Ann Miller Ravel.

Your position on the Council during this important time in the history of the judicial branch makes your knowledge critically important in helping to understand the history of CCMS. I hope you will assist by answering the following questions:

1. For those present at the April, 2002 meeting, did you intend, by any vote at that meeting, to direct AOC staff to begin work or expend funds on a statewide computer system or statewide case management system that later came to be known as CCMS? If so, which council action set forth in the minutes of that meeting reflects that action, if any.
2. For those present at the April, 2002 meeting, was any public discussion had of the creation of such a statewide system? If so, was there any discussion or estimate of the cost of such a project, or its duration?

3. For those present at the August, 2002 meeting, did you intend, by any vote at that meeting, to direct AOC staff to begin work or to expend funds on a statewide computer system or statewide case management system that later came to be known as CCMS? If so, which council action set forth in the minutes of that meeting reflects that action, if any.

4. For those present at the August, 2002 meeting, was any public discussion had of the creation of such a statewide system? If so, was there any discussion or estimate of the cost of such a project, or its duration?

5. For those present at the 2/28/03 meeting, did you understand that any vote you made at that meeting authorized the creation of a statewide computer system or statewide case management system that later came to be known as CCMS? If so, was there any discussion of the cost or duration of such a project?

Thanks you very much for any light you can shed upon these issues.

Sincerely,

Charles Horan
Judge of the Superior Court

cc: William Vickrey, Director, Administrative Office of the Courts

Responses

1. Can't remember too long ago. Sorry Charles it won't help. Too many meetings ago....
(#1, Judge)

2. Judge Horan: I was an Attorney-Member of the Judicial Council, serving from 9/00 to 9/03. I recall nothing specific concerning any of these matters. Nor do I recall any vote or similar effort in those regards. I vaguely recall one or more discussions (but I don't recall if they were at a Council meeting and/or a subcommittee meeting) about computer systems, as well as the numerous and different ones then in use throughout the State's judiciary; there seemed to be a "consensus" (my word) that such "overlapping" (my word) was inadvisable. Beyond that general observation, I unfortunately cannot be more precise. Thank you for your attention to this topic. (#2, Attorney member)

Judge Horan:

While I do not recall all specifics, I definitely recall a visit to the offsite computer systems development location in Oakland, and a lengthy subsequent discussion about the necessity and wisdom of developing and implementing a statewide case management/computer operating system that is consistent and uniform in all of the courts of the State of California. I also recall the Council overwhelmingly (I believe unanimously) approving the project. I have not retained the voluminous documentation that I received during my 3 years on the Council, and am unable to provide further specifics. As a practicing attorney who currently has cases in 12 or more counties throughout the State, I still believe this is an important project that will benefit the judicial system and the public following its implementation.

While I understand the desperate financial straits facing our State and our courts, I also believe that this project remains extremely important for the judicial system. While I am no longer a participant in prioritizing judicial expenditures, I would urge extreme hesitancy before aborting or delaying this project or courthouse construction at this time.

I hope that this limited information is of assistance to you. Do not hesitate to contact me if I can be of any further assistance. (#3, Attorney member)

Judge Horan:

I reviewed those minutes. I do not believe that my Council term started until after that meeting. I seem to recall that the topic came up in the context of the Judicial Council's long term plans, and was incorporated in one or more of those plans, although that recollection may not be accurate. It has been a number of years.

Again, I hope that this additional information is of assistance to you. (#3, follow-up)

Chuck,

As we have discussed, during my brief tenure on the Judicial Council I do recall discussions and presentations to members of the Council about the need for and development of a case management system which would be scalable among all the courts from the smallest to the largest. The original system was to be developed by the Southern California Trial Courts, primarily Ventura, Orange and Los Angeles Counties, with technical assistance from other participating courts. The project was headed by Sheila Gonzalez, the then new Southern Regional Director and former CEO of Ventura Trial Court.

As an aside, I remember that San Diego in particular was in need of a Case Management system almost immediately as they did not have an internal system which could even allow their judges to look up traffic cases in their own courthouses. They were poised to purchase an "off the shelf" system, but were asked to divert that money into this southern courts effort.)

Just when those presentations were made, I cannot say as the passage of time has dulled my memory and nothing you have provided now refreshes it. They may have been during a regular Council meeting, or during an "issues meeting" session wherein the Council receives briefings on matters of interest involving various AOC/Judicial Council projects and issues. No votes are taken at these meetings, however. I do believe there was discussion during this time of ultimate costs and the \$250-350 million range for full development sticks in my mind, but I cannot state so without equivocation.

I have reviewed the links to minutes attached to your e-mail, and cannot find anything which jogs my memory of a vote taken specifically approving the Case Management system project on those particular meeting days. (I also am not certain it was then being called CCMS. It seems to me it was something like the Southern Courts Technology Initiative, or some such moniker).

I have a vague recollection that after a presentation the Chief and others gave encouragement to AOC staff to keep the Council informed of the project, and I have the impression the Council encouraged the development of a system which could be used by all the trial courts to keep track of cases without any dissent, I cannot specifically recall or say that a specific agenda item covering the program was ever put to a vote.

In short, I do not remember a specific vote authorizing CCMS during my term, but I am certain all members of the Judicial Council were aware of the project to some degree. I believe we may have been informed it would have a development cost of maybe \$350 million. I do not remember any Council member raising any criticism at that time, and I also do not recall there being much debate or questions.

Part of my difficulty is separating what was discussed specifically at Council meetings and what was discussed on other committees of which I was a member or meetings I attended as APJ and PJ. Wish my memory was better. (#4, Judge)

Judge Horan, Responding to yours of yesterday: I served on the Council from 9-15-99 until 9-14-02. I do not recall missing any meetings. I have no recollection of the CCMS issue other than what is shown in the Minutes.
(#5, Attorney member)

Hi! I have very little recollection of the nature of the votes on the CCMS. I do remember that the issue was under discussion from the inception of my time on the Council and earlier ...I don't remember one way or the other about a CCMS price tag. Happy Holidays. (#6, Judge)

Chuck

Like Judge XXXXXXX, I do not have a clear recollection of these events and my delay in responding has been because I looked to see if I had any records that would assist. Not having found any, I can only say the same thing that XXXXXX did. XXXXXX served on the JC for two years before me and I then served two years starting at the beginning of 2003. I believe that the Feb. '03 meeting was the first one that I attended as a Council member and I have no recollection at all of the agenda or the item you recited from the minutes of the Council pertaining to telling the AOC to continue what it was doing. I don't know if it was from something I heard at that meeting or from discussions with XXXX, XXXXX, or XXXXX but I was aware some time around then that a case technology system was under consideration and that there was a Southern California Technology Committee (I'm not sure of its exact name) that was chaired by Sheila Calabro that was trying to develop the concept. It had had a troubled start with a number of missteps along the way that included the issue of whether XXXXXX would take the lead in the development of the concept and the system and also pertaining to the consulting experts and contractors that had been involved in the project up to that time. Beginning in 2003, when XXXXXX became PJ, as APJ I began attending the technology committee meetings in Burbank with XXXX and XXXX and XXXXXXX. My recollection is that at that time, there was a general concept that would begin with an interim limited software program for those courts with no, or ineffective, case technology while a system wide web based program was developed in progressive stages. XXXXX and XXXXX were highly skeptical about the entire project and the direction it was going and two of the primary concerns were whether they would ever get whatever they came up to work and the other

was about the cost. I remember the question of cost coming up at those meetings on a number of occasions and that we were never provided an estimate for a considerable period of time even though we were being asked on the committee to recommend and approve contracts for the development. When we finally got an estimate, my recollection is the same as XXXXXX's that the first overall cost estimate we were given was approximately \$260 million. I attended those meetings for a total of four years and it was always very difficult to get any estimate of system cost. During the remainder of the two years I was on the council, I remember Sheila making presentations at Jud. Council meetings about their progress and intentions but I do not recall any summary of costs already incurred being presented nor any estimate of the final cost. I'm not saying that it didn't occur but I don't recall it. I also do not recall any in depth discussion of the project at any time while I was on the council nor do I recall any in depth discussion of total cost ever occurring at the committee meetings in Burbank. I do recall XXXXXX's continuing concern that we weren't getting straight answers on cost and as I learned more about the matter, I had the same concern particularly because they never addressed with us either the total costs or associated costs that would be incurred by public agencies seeking to interface with the system or the fact that the system, as then proposed, would not assimilate and store the information already stored within existing technology. In other words, we were going to have to continue to maintain our existing technology in order to retrieve the information stored therein before the commencement of service of the new system. I don't believe at any time, however, it was ever stated, or even occurred to any of us, that the cost would be what is now projected.

I don't know what records they kept but I know there were minutes of the technology committee's meetings and, if you don't have them already, you may want to request them to see if they shed any further light on this. They also must have a record of contracts entered into and payments made on those contracts to date. I don't think this helps very much but I am sure XXXXXXXX could assist with what went on in the technology meetings from the time that it started. As to the Judicial Council, I don't know where to look beyond the minutes because I am certain that if anyone on the Council knew the actual costs and projected costs, they would not talk with you. I don't believe that these numbers were ever provided to the Council as a whole and I know they were never provided to me. Let me know if you have any follow-up questions. (#7, Judge)

Dear Chuck: Sorry for the delay in my response. I've been swamped this week. In any event, I have only the most general recollections about discussions at the Judicial Council concerning development of a state-wide computerized case management system. I seem to recall that there was a staff committee led by Sheila Gonzales and Mike Roddy (I think) that concerned a variety of initiatives directed at sharing computer resources between and among various county courts. I think there was a pilot program in Southern California involving Ventura, LA and Orange County. Again, there were lots of initiatives and a number of "pilot programs" and I might be entirely mistaken in my recollection of these things. I do seem to remember discussing the notion that there should be a uniform, state-wide computer system for all the courts. I do not recall whether there were formal votes taken on this or not. My recollection of my service on the Council was that we talked about a lot of things, some matters we took formal action on, others were simply discussions intended to give staff a sense of the Council on particular issues.

I cannot recall what the specific discussions were on the topic of a state-wide computer system, except to say that I recall the topic. I do not recall specific discussions about the costs. However, I will say that costs were matters of concern for many programs and initiatives undertaken by the Council. Obviously, there was a statewide court budget and money for various initiatives would have to be allocated within the budget.

I regret that I cannot specifically recall any particular Council meeting, or what votes were taken, or what I specifically intended at the time. Regards. (#8, Judge)