



Alliance of California Judges

April 25, 2013

Dear Members and Others:

By a show of hands, who thinks the half-billion dollar failed computer project, known as CCMS, is dead? If you raised your hand, you obviously made the mistake of thinking that our court leaders meant what they said a year ago when they voted to terminate the failed project.

We attach an article by Courthouse News reporter Maria Dinzeo which details the efforts of branch leadership to resurrect what was once thought to be dead, but apparently lives on to consume more precious trial court funds. The article contains links to various documents that disclose the behind-the-scene machinations to expand CCMS V-3 to include family law and juvenile dependency. You will see that the Orange, Sacramento, and San Joaquin Superior Courts have wisely objected to this plan. Inexplicably, the Ventura and San Diego Superior Courts support the effort, which will cost each court hundreds of thousands of dollars.

The Alliance questions this stunning turn of events in light of clear legislative action last year that put the brakes on further CCMS spending. We are also mindful of a Judicial Council vote that appeared to stop CCMS in its tracks. We now learn that it takes more than the legislature and a vote of the Council to end what is the largest information technology failure in California state government history.

One final point. Alliance board member and Sacramento Superior Court Judge Kevin McCormick has requested the current list of active AOC/Judicial Council contracts. In the past, these lists were readily available and helped to shed light on the number of "temporary employees" and CCMS contractors who were on the payroll. We are now informed that the AOC no longer maintains this type of a list -- a judge, or anyone for that matter, can no longer readily determine how public dollars are being spent. As a result, the AOC and Council can continue to fund CCMS notwithstanding legislative action, public statements or Judicial Council votes to the contrary. Perhaps this is one of the reasons the AOC is opposing an audit of its contracting work, insisting that the State General Fund must pay for it.

These are tough times for the local courts. We have all witnessed valuable employees being shown the door, curtailment of hours of service to the public, and the closure of numerous local courthouses. It is truly bewildering that while this carnage is taking place our unelected branch leaders believe it is prudent to revive and expand on a computer project that has done irreparable harm to the judicial branch. Clearly this does not help to make the case for additional funds for the courts.

After the Courthouse News article we have pasted member emails we sent after the Judicial Council supposedly voted to kill CCMS. Perhaps with your help our concerns will be heard. We will continue to keep a close watch on this Council and its uncontrollable hydra, the AOC, and we will continue to advocate on your behalf for an elected Council with the conviction to put the interests of the trial courts and the public ahead of those of the central planners and their uninformed devotees.

Directors

Alliance of California Judges

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Ghost Rises From Software's Grave

By MARIA DINZEO

(CN) - Despite instructions from legislators to stop spending money on a controversial software project, a court technology committee is now looking to pour more money into the project long thought dead.

A key administrator noted the political risk in spending additional hundreds of thousands of dollars on the aging Court Case Management System used by only a few trial courts. The great majority of trial courts, said the administrator, could see the spending as "enhanced funding for a project deemed cancelled."

In more freewheeling language, judges slammed the software as "a money-sucking beast" that deserves "a stake through its heart," thence to be

"dragged out into the sunshine to rot."

The renewed life of the CCMS project was sparked by a recommendation from the Court Technology Committee, one of the powerful court committees that work closely with the Administrative Office of the Courts and meet in sessions closed to the press and public.

Earlier this month, the committee's chair, Santa Barbara Judge James Herman, sent a letter to the five courts that use an interim version of the software, asking if they would like to "enhance" the system for a cost of somewhere from \$317,000 to \$381,000.

Specifically, the proposal would expand the case types that can be included in the third version of the software to include family law and juvenile dependency cases.

Over its decade-long development, the expense of the software project has been underestimated by administrative office officials and wound up costing more than a half-billion dollars in public money.

The project was supposed to be terminated last year as a result of a vote in the rule-making arm of the court system, the Judicial Council, saying money could only be spent to maintain the system in the few courts that use the software.

This month's technology committee letter proposing the expansion of the software's ability to handle additional case types was signed by Herman who was not available for comment. He said in a February interview concerning alternate court software that CCMS had in fact been successful.

"CCMS was a technically successful, completed product," said Herman. "What defeated CCMS was we didn't have the money."

Orange County Judge Robert Moss, who is also a member of the technology committee, echoed that point in an interview this week.

"It's all about money," said Moss. "The three courts that are against it don't plan to use V3 for other case types and they don't want the limited resources that exist to maintain V3 to be diluted by expanding. It's not an irrational thing, but it's a dilemma because the trial courts are not in agreement."

At its Monday meeting, said Moss, the technology committee decided to go back to the courts to see what funds each can afford to contribute, if any. "We're looking into whether the courts would have the ability to share the cost."

The letter from the technology committee, sent early this month, has brought opposite reactions from the five courts that use the software.

Sacramento, Orange County and San Joaquin are strongly opposed.

Ventura and San Diego think it is a good idea.

Sacramento head clerk Christine Volkens said the proposal "poses too much of a political and financial risk."

"Sacramento is keenly aware of the discussions surrounding the reduction or elimination of funding for CCMS V3," she said. "If additional case types are added, this could be considered by other courts as enhanced funding for a project deemed cancelled."

Volkens, who was hired late last year, also gave voice to the point often made by judges -- that the central administrative office has been subsidizing individual courts that agreed to use the software by footing the bill for the software's development.

The great majority of California's 58 trial courts did not take on the software, so they are required to buy case management software, which routinely costs millions of dollars, out of their own operating budgets.

"Many courts may believe that the CCMS V3 courts are receiving special treatment, when many are paying for their case management systems out of their trial court trust fund allocation," wrote Volkens.

Sacramento adopted the controversial software under a previous clerk. Since that decision, the court's leaders have been in a number of confrontations with the administrative office over the software project and they were instrumental in its demise with a deeply critical assessment of the software's reliability and efficiency.

"It's a reality that we are given additional money because we were 'early adopter courts,'" said Sacramento Judge Maryanne Gilliard. "Our court can't afford to keep CCMS afloat without it."

"It is such a money-sucking beast," she added, "and so staff and employee driven."

Another of the five affected courts, Orange County, said through its head clerk that it is "not interested" in the expansion. The court's letter said expansion could jeopardize additional funding the court receives now receives to maintain the defunct software.

"If case types are added to V3, other courts that already object to any funding being provided for V3 courts may gain additional supporters and may succeed in cutting off the funding altogether, even for defect fixes and legislative updates," said head clerk Alan Carlson.

Judge Moss, from the technology committee and also from Orange County, said that even if the committee decides to roll out the expansion for only two courts, the other three will still have to pay for testing to ensure the changes don't affect current operations.

"Every court that has V3 running will have to do regression testing if the program is modified," said Moss. "Orange County will still have to do a lot of testing to ensure the modifications don't affect functionality."

Like the administrators in Sacramento and Orange, the head clerk in San Joaquin Superior Court is also skeptical.

"When V3 was deployed, there were several deficiencies in the accounting and financial area that today remain unresolved after several releases of 'fixes' to the original V3 product," said the court's head clerk Rosa Junqueiro. "We believe adding additional case types that require filing fees prior to fixing the existing accounting problems will create the need for additional 'work arounds' thus creating more work."

San Joaquin is currently looking to replace its entire case management system with off-the-shelf software put together by Justice Systems Inc., one of three companies recently selected by a group of trial courts to be approved for the sale of software to California's trial courts.

"We do not believe it is in the best interest of our court, given our limited resources, to expand V3 at this time," Junqueiro wrote. "Like many courts, the ultimate goal for our court would be to use a single case management system to support all case types."

Coming from the other end of the debate spectrum, San Diego's head clerk Michael Roddy thanked the technology committee on behalf of both San Diego and Ventura, saying he "strongly endorsed" the proposal.

But Roddy also said the expansion could take longer and cost more money than the technology committee had thought.

The conversion of old case information had not been addressed, said Roddy and he would need more "tools" to help in data conversion, in addition to "information from Deloitte," a reference to the consultant that rang up enormous bills before on the software project.

Ventura's presiding judge, Brian Back, also supported the enhancement with a letter saying it would help the move to e-filing. That ability to file court papers via the Internet was the original promise of the CCMS project. The final V-4 version was supposed to allow e-filing, but no trial court was willing to use the final version.

While the letters from the five trial courts gave a decidedly mixed review of the expansion idea, commentary from judges was withering.

Referring to the statements from legislators telling court administrators and their judicial supporters to stop spending money on the CCMS project, Judge Andy Banks in Orange County said, "It would be great to see what language is used to finesse how this is okay under the clear directive of the

Legislature."

California legislators have used severe language to criticize the CCMS project. Assembly member Joan Buchanan called it "a good example of how not to develop an IT project."

Assembly member Gilbert Cedillo in March 2012 called for a halt to the project, saying, "Basically, using the parent language, we're taking a little time out here."

Two weeks later, the courts' top rule-making body, the Judicial Council, voted to kill the project while salvaging some of its technology for the future.

At the time, there was no discussion of specific future uses for the technology. However, this month's letter from the technology committee made it clear that the notion of expanding the software's application came almost immediately after the software project was declared dead. Specifically, Ventura's court made the request for expansion the next month, in April 2012.

"A lot of people were afraid it was like a vampire," said Banks. "You could never be sure it was dead until you put a stake through its heart and drag it out into the sunshine to rot."

Gilliard in Sacramento used a similar analogy to something that would not die.

"It's like a Terminator movie," she said. "You think it's been killed off but then a bolt starts to scoot across the floor."

"I thought the Legislature was pretty straight forward when they said, 'Don't spend any more money on this failure,'" added Gilliard who is a member of the Alliance of California Judges, a group that has been highly critical of the software project.

"How can our branch leaders think this is a strategically good thing to do in light of the fact that every single court in this state is hurting and the Legislature told them to quit pouring money down this hole?"

Technology committee member Moss defended the expansion by saying the money had already been set aside in funds intended for V-3 maintenance, which he added should not conflict with the Legislature's wishes.

"We're mandated to continue operating and supporting V3 and this is within that budget," said Moss. "We're not seeking any more money."

As it had in years past, CCMS still keeps its ability to inflame debate within the judiciary, among the different courts, and within the same courts.

In San Diego, Judge Runston Maino was troubled by the letter from his court's head clerk endorsing the expansion.

"There a number of us who, despite Mr. Roddy's protestations to the contrary, believe that CCMS was and is a failure," said Maino. "As many of us see it, CCMS was not only a failure but it has cost this court about 40 million dollars."

He added that the judges in his court shouldn't be kept in the dark.

"Could I suggest that it might be a good idea to send out a judge wide email telling us what is going on? How much money is this going to cost us? Where is the money going to come from? What is the business plan?"

Maino added by email comment, "The AOC has learned nothing from the CCMS fiasco. Their stubborn inflexibility to understand that CCMS is dead is troubling. What part of 'no' don't they understand? They are acting like the dog and fool in Proverbs 26:11."

In the King James version of the Bible, Proverb 26:11 says, "As a dog returneth to its vomit so a fool returneth to his folly."

April 5, 2012

Dear Members and Others:

We have been sending you frequent updates because there is a great deal of news and public interest being generated due to the collapse of the CCMS project. We are providing you now with a copy of the most recent article by Maria Dinzeo from the Courthouse News Service and a link to a broadcast on Los Angeles Fox News Channel 11, both released yesterday.

<http://www.myfoxla.com/dpp/news/saving-the-california-dream-taxpayers-lose-in-statewide-it-debacle-20120404>

The Alliance has been advocating since 2009 that the CCMS project be terminated and that the interim systems currently in use be delivered to the courts using them for continued use and maintenance upon local servers by those courts' own IT staff and with some "bridge" funding until each of those courts can maintain the system within their existing operating budgets. We are concerned that the "termination" of CCMS may prove to be similar to the "pause" that wasn't a pause last year, and the hiring "freeze" at the AOC which wasn't really a "hard" freeze, but was

a “soft” freeze.

We have repeatedly asked whether the expenditure of over \$500 million of taxpayer money has ensured that at least the AOC owns the codes and can deliver those codes to local IT departments. The AOC has repeatedly stated that it owns the codes. Ms. Dinzeo’s article raises the issue that there are elements of the software apparently proprietary to Deloitte Consulting, the program developer, called vendor works that may have been included in CCMS and which may require continued payments to Deloitte.

Please review these news stories. We invite you in particular to consider what the AOC is paying for in its effort to “leverage” the current state of CCMS development.

Thank you for your continued support.

Directors,
Alliance of California Judges

May 31, 2012

Dear Members and Others:

The media continues to show interest in last Friday's release of the SEC report. In fact, the Sacramento Bee has published an editorial calling on the Chief Justice and Judicial Council to heed the recommendations of the report. We attach that editorial for you, as well as a Daily Journal article by reporter Ciaran McEvoy and an Associated Press story by Paul Elias.

On another topic, most of us thought that the Judicial Council's vote last month to terminate CCMS meant it would be terminated. We were apparently wrong. We include for your information an email

that was sent to certain Presiding Judges, court CEOs, and court CIOs inviting them to a CCMS demonstration originally scheduled for May 30. Shortly thereafter, the demonstration was cancelled by the AOC as follows: "The CCMS functional demonstration scheduled for Wednesday, May 30...will be rescheduled. With the *suspension* (emphasis ours) of the CCMS program, and the reduction of contractor support, the CCMS application is in maintenance mode...On Tuesday we encountered technical issues in the PAT environment, which prevent us from proceeding with the demonstration."

The email from AOC staff seems further evidence of the disconnect and lack of meaningful oversight by the Judicial Council that the SEC referenced in its review. The Council was given the option to suspend CCMS, but they voted to terminate the program. A decision of the Council is meaningless if AOC staff are free to treat it as advisory only.

We will of course continue to keep you updated on all of these matters.

Directors, Alliance of California Judges