

Dear Members:

Contained herein are two items of interest. The first is a link to an interview of Judge Katherine Feinstein of the San Francisco Superior Court, also featuring Judge David Lampe of the Alliance.

http://www.youtube.com/watch?feature=player_embedded&v=xlrel_cQFKw

Next is a letter that was sent to the AOC Director, as well as all Council members and Presiding Judges.

Thank you for your continued support.

Directors,
Alliance of California Judges

August 2, 2011

Dear Mr. Vickrey:

We have the following questions following the Judicial Council meeting of July 22, 2011:

At the conclusion of the July 22, 2011 Judicial Council meeting, a confusing motion was passed. You requested the action, and it appears that the Executive and Planning Committee has been given some authority to recommend, and perhaps to even execute in the name of the Council as permitted by court rule, to sweep some trial court reserves for the benefit of courts that are determined to be underfunded or without adequate reserves. The exchange is roughly transcribed and set forth in blue with some emphasis added, as follows:

“VICKREY: One observation and then one recommendation. On the discussion on equalizing funding in the courts and while we have a large number of judges and court executive officers and lawyers who are trying to work on a model that will be more effective and that you will have more confidence in to try to identify chronic underfunding issues but the reality is still is going to be that it will be a challenge as long as we have such an extraordinary disparity in the number of judges in courts across California. And not the sole solution to equal funding but a huge piece of it is having the allocation of judges that you have recommended over the past seven or eight years to make progress in getting that approved to move forward with and that will do more to equalize funding than anything else and we'll free up some other opportunities. And then finally, I'd like to recommend that you -- as you have done in past years on a number of occasions when we have -- we're going through budget reduction scenarios that you do as you have on past occasions and that's to direct the staff to -- after we get the final fund balances that Stephen talked about and those kinds of things but to look at both the reserve balances, other things about historical underfunding and go back to the executive committee and report on any courts that would appear to be in the state of absolute crisis so that if there is something that needs to be done, that it can get back before the council in August, at that time.”

UNKNOWN SPEAKER: If there's a need for a motion, I would make that motion.

UNKNOWN SPEAKER: I would second that.

CHIEF JUSTICE (presumably): All in favor of coming back to council to do that, studying to get an idea of the end balances and where we need to start to begin to address the under-resourcing of courts, under-resourcing of courts, all in favor say aye.

VOICE VOTE: Aye.

CHIEF JUSTICE (presumably): **And so that is handed over to E and P to follow up on** as well as the results of our adjustments today that we will hear further about and have more information in writing at our August meeting.”

We would ask that you please provide us a clarification of what you as Administrative Director understand the stated motion to be, who made the motion, who seconded it, and what exactly will E and P be doing with this motion. This issue was raised at the last minute as the meeting was breaking up to go into executive session. If this means that courts must look to a potential sweep of their reserves this year or in the future, that introduces an enormous uncertainty in the budgeting process for every court.

We also have the following questions:

1. After the Judicial Council action, what total amount of money will now be allocated in FY 2011- 2012 to operations, maintenance, development, or deployment of CCMS in any of its iterations (V2, V3, and V4), including the hosting of CCMS on the CCTC and any local trial court reimbursements?
2. For that amount, to the extent available, please breakdown the total to the amounts being spent in each category for each iteration or version of CCMS.
3. Please state the total amount being expended by each fund source (i.e., the TCTF, the Improvement Fund, the Modernization Fund, etc.).
4. Please state whether any of this money is being paid to local trial courts, as reimbursements or otherwise, to maintain local trial court employees who work on any iteration or version of CCMS. If so, please provide the amount of such payments for each court and the purpose.
5. Please state whether any of these funds are otherwise being paid to any local trial courts to defray or reimburse any other costs (other than employees). If so, please state the reason for the payment and a breakdown of those payments to each court receiving them.
6. Has any change been made to any MOU or any agreement for reimbursement to local courts within 30 days before the Judicial Council meeting, or at any time after the meeting, either orally or in writing? If so, please provide the detail of any changes made.

7. Please provide a copy of the MOUs for the courts receiving reimbursements.

Due to the importance we attach to these issues, and in the interest of branch transparency, we are making this request known to our members, and sending a copy of this request to each Judicial Council member and to each Presiding Judge of the trial courts.

Thank you for what we hope will be a prompt response.

Very truly yours,

Directors of the Alliance of California Judges

By: David R. Lampe

Director

cc: Members of the Judicial Council

Presiding Judges