

July 25, 2011

Dear Members and Fellow Judges:

We are disappointed to report to you that on July 22, 2011, 17 members of the Judicial Council voted against the proposal by the Alliance of California Judges to provide one year of full mitigation of budget cuts to the trial courts.

This disappointing but perhaps predictable outcome followed an appeal by Judge David Lampe from Kern County on behalf of the Alliance, and a very strong appeal by Judge Katherine Feinstein of San Francisco. Presiding Judge-Elect Judge Laurie Earl of Sacramento made similar and very effective presentation on behalf of her court. Court employees also spoke passionately for this one-time relief. The Alliance's specific proposal was also supported by a general appeal by outgoing CJA President, Judge Keith Davis.

The action of the Judicial Council and the Chief Justice therefore ignored the requests of Los Angeles judges, San Francisco judges, Sacramento judges, Kern judges, court employees, and the two judge's organizations that together comprise virtually the entire bench of California. This bears repeating: The council and Chief Justice ignored the voices of the two organizations that together comprise virtually the entire bench of California, choosing instead to adopt the position of the AOC.

A motion which mirrored the Alliance proposal was offered by Judge David Wesley and seconded by Judge Burt Pines, both of Los Angeles. This motion was defeated after Judge Wesley and Judge Pines made courageous and reasoned appeals. Judge Wesley and Judge Pines were the only two that voted for the measure. The 17 members who voted "NO" included the Chief justice. These 17 members of the Council voted against the motion even after it was made clear that as much as \$82 million of additional relief to the trial courts was available under the terms of the Budget Act, and perhaps more, if additional curtailment of the CCMS project was considered.

The Judicial Council members who voted "NO" are:

Hon Tani Cantil Sakauye, Chief Justice of California
Hon. Marvin Baxter, Associate Justice of the Supreme Court
Hon. Judith Ashmann-Gerst, Second District Court of Appeal
Hon Henry E Hull, Third District Court of Appeal
Hon Douglas P. Miller, Fourth District Court of Appeal
Hon Stephen Baker, Shasta Superior Court
Hon. James Herman, Santa Barbara Superior Court
Hon. Ira Kaufman, Plumas Superior Court
Hon. Sharon Waters, Riverside Superior Court
Hon. Mary Ann O'Malley, Contra Costa Superior Court
Hon. Winifred Younge Smith, Alameda Superior Court
Hon Kenneth So, San Diego Superior Court
Hon Erica R. Yew, Santa Clara Superior Court

Note: In addition to voting "NO", Judge Yew also opined that judges were not

bearing their fair share of the "sacrifice" and asked that consideration be given to again calling for a waiver of judicial salaries.

Senator Noreen Evans

Miriam Krinsky (Attorney)

Edith Matthai (Attorney)

James Penrod (Attorney)

Note: There are 21 voting members of the Council. There are also a number of non-voting "advisory" members which include San Diego Superior Court CEO Mike Roddy, Marin CEO Kim Turner, and Judge Terry Friedman, Ret., Los Angeles. These members also spoke against the Wesley/Pines motion.

Judicial Council members who voted "YES: are:

Hon. David Wesley, Los Angeles Superior Court

Hon. Burt Pines, Los Angeles Superior Court

Judicial Council members absent:

Assemblyman Mike Feuer (this member is routinely absent)

Joel Miliband, Attorney.

This is a constitution crisis for the branch. The Judicial Council's refusal on July 22 to authorize additional trial court relief of at least \$82 million while preferring a large central bureaucracy, a questionable computer system, and also refusing to briefly delay site acquisition and preliminary work for costly court construction that is nowhere close to breaking ground, demonstrates that the problem at its heart is an issue of governance. The trial courts must assume a co-equal role in the administration of our courts and take charge of their own funding. This is the essence of AB 1208, now on the Assembly floor. This bill provides direct funding of the trial courts without intervention of the Judicial Council to siphon funds for projects that lack specific legislative authorization, or those that lack wide consensus within the branch. AB 1208 will be enacted in the next session with the help of all of you and judges throughout the state.

The Alliance also believes that we can no longer function through presumed governance by an appointed, undemocratic Judicial Council. Reforms must take place that put trial court funding and administration into the hands of peer-elected judges. The Judicial Council is not a governing body, and its authority over funding is purely a creature of relatively recent statutory authority. The Alliance will continue to work toward democratization.

Judges and Justices who recognize the importance of independent trial courts must join together.

In only 22 months, our organization has grown to over 400 members. Almost all are active trial judges. We have Presiding Judges, Assistance Presiding Judges, former Presiding Judges, Appellate Justices, and members who have served on the Judicial Council, Council advisory committees, and as directors and officers in other judicial organizations. We have judges of all political persuasions, views, and walks of life. As Directors, we know that for every judge who agrees with our principles and has joined us, there are many more who agree but who have not joined. We ask that each current member talk to your fellow judges on your bench, and

throughout the state, and encourage them to sign on. Our strength is in numbers. Please tell your fellow judges that all they need to do for now to be a member is to notify us by email at allianceofcaliforniajudges@gmail.com that they wish to be a member, and to provide us with the email address they wish to use for communication. We are a private organization and do not disclose our member list, although many of our judges proudly declare that they are members.

Following are transcripts of Judge Lampe's and Judge Feinstein's remarks.

Note: Please keep in mind that the transcripts are machine-generated transcripts provided by the AOC contemporaneously with the live audio broadcast. They are replete with errors. We have made an effort to correct obvious mistakes and misspellings in the machine transcript.

We also include herein an excellent editorial from the San Francisco Examiner titled "**Lack of Oversight Squeezes Life Out of Judicial System**", and another fine report from the Courthouse News Service that provides an comprehensive overview of last Friday's meeting.

Thank you for your continued support.

Directors,
Alliance of California Judges

LATE UPDATE: The AOC announced today that **Ron Overholt**, William Vickrey's second in command, has been named "**Interim Director**" of the AOC by the Judicial Council. According to the AOC press release, the Council took this action at Friday's meeting. For whatever reason, this closed-door action of the Council, not mentioned at the session open to the public, was not revealed until today.

COMMENTS OF KATHERINE FEINSTEIN, PRESIDING JUDGE, SAN FRANCISCO SUPERIOR COURT

Madam Chief Justice and members of the Council, thank you for the opportunity to address you today. San Francisco is the first county to suffer the serious impacts of the staggeringly inadequate state budget. This week as you all know, we delivered layoff notices to 41% of our remaining court staff and announced plans to close 25 of our 63 courtrooms.

On a personal note, following in Judge Lampe's footsteps here, I will be forever grateful to the many justice, judges, and court executives and members of the legal community who called from all around the state offering help and consolation during this crisis. By contrast, I still remained stunned that neither I nor our court executive officer has received even a single phone call from anyone in the Administrative Office of the Courts, the entity that I heard you just say, Madam Chief Justice, on the radio this morning that is supposed to provide service and support to the trial courts, not a word.

San Francisco may be the first trial court to fail, but I know that others are soon to follow, and I know you know that too. Perhaps the AOC, as your staff agency, will offer them some help and support. I hope so. I'm addressing you today because if I can help save one job for one employee or keep one more courtroom open, I'm going to do whatever it takes to do so.

You hold in your hands the ability to mitigate as large portion of the effects of this disastrous situation, and the question is whether you will choose to do so. I wish today to add my voice to those of so many of my colleagues around the state in asking you to make additional funds available for our trial courts. In doing so, I realize that this will require a close and painful reexamination of undertakings previously considered sacrosanct.

First, I do not quarrel with the needs of my sister counties for safe and adequate courthouses, but the fact that the AOC ever proposed spending \$26 million on a single courtroom in a county with two judges, five staff, and a total county population of 1175 people, and likewise spending \$52 million on three courtrooms in a county with two judges and 17 staff members is to my mind absurd. I realize that these projects have now been curtailed in scope, but how could projects so out of proportion with plausible need ever have been deemed reasonable in the first place?

This leads me to ask that you take a hard look at the staff of the Administrative Office of the Courts, which recommended these expenditures. In 1998, the AOC had 268 employees. Since 1998, that number has grown by more than 3 1/2 half fold, 105 in the last three years alone. While every trial court in the state has been tightening its belt, the AOC has been loosening its. While we and other trial courts are firing, your staff is hiring. This wild expansion of an administrative bureaucracy in these times is simply unconscionable.

Your staff has overseen the expenditure of at least \$400 million on the still-dysfunctional California Court Case Management System. Despite these huge expenditures, CCMS is not fully operational in a single county. Bits and pieces of it are operational in only seven counties. CCMS may have been a great idea when ideas were grand and money was plentiful. Today, it is clearly over designed, over budget, and overdue.

The estimates to have CCMS up and running in all counties range up to \$2 million. There's no reason to believe that this amount of money will be available before the technology upon which CCMS is built is obsolete. Allow the counties who have CCMS who want it and pay for it can keep it but don't force us to abandon basic access to justice in favor of feeding this technological beast with trial court trust funds.

I urge you to reexamine your allocations immediately.

These runaway plans, systems, and staff are sucking tens of millions of dollars from the trial courts and that must be reversed. I know these are trying time not just for the council, but I know our citizen's access to justice is fundamental and paramount. That access occurs in our trial courts. For our justice system to survive, it is your solemn duty to preserve this access. To fulfill this duty in tough times, our branch needs to jettison projects that divert us from the preservation of our citizenry's fundamental rights. If you are true to your mission, I know that you will do this.

Thank you very much.

**COMMENTS OF JUDGE DAVID LAMPE, KERN COUNTY SUPERIOR COURT,
PRESIDENT OF THE ALLIANCE OF CALIFORNIA JUDGES**

Good morning, Madam Chief Justice, and member of the Judicial Council. My name is Judge David Lampe from Kern County, and I am a Director of the Alliance of California Judges, and I speak today on behalf of the 400 judges who are members of that organization. Before I do that, since I'm standing up here, I hope you will indulge me a personal moment to say in the spirit of the Chief Justice's initial remarks that I do not envy you in the choices that fall to each one of you today.

We can all talk in the abstract about reductions, cuts, mitigation, and budget numbers, but we all understand that we are really talking about people's lives. Court employees, administrative employees, and the people of our communities. We are all under stress so personally today I pray for your utmost discernment.

And speaking now for the Alliance, you each have a copy of a letter that we issued and also hopefully you have a copy of a memo that we did yesterday where we tried to be as specific as possible about our proposals. I will not repeat those since you have them in writing, but I will summarize.

We ask first that you fully mitigate the impact of the budget cuts to the trial courts this year. And second, we ask that you defer any allocation decision for fiscal year 2012 and 2013. It is, therefore, our specific proposal that you find a way to add \$135 million of trial court mitigation this year.

We see that it is your task to decide upon the number and to direct staff to develop the options to reach that number. In this environment you cannot fairly ask staff to decide upon the only options and limit yourselves to those options. We are the judges. You are the leaders. You decide the number and you tell staff to get to that number.

We also know that our proposal, as it stands currently, exceeds statutory authority. I believe the members of this council understand this but there may be some in the audience who may not know that there is a cap in the budget act this year of \$150 million for mitigation from specific funds. We do believe that there's additional mitigation money that is available. As we calculate it, the Trial Court Budget Working Group has proposed about \$124 million of mitigation. We see that \$56 million of that is attributable to one year's CCMS deferral. And we believe that should not count against the cap for mitigation because that money should be accounted to the Trial Court Trust Fund--in other words, the Trial Court Trust Fund that was allocated for that purpose. So we see that that leaves--under statutory authority--approximately 82 million of additional mitigation that is available.

We also believe that there is additional mitigation available in any Trial Court Trust Fund Money

that is still directed at the operation, maintenance, or development of the CCMS project. Frankly, it is difficult to assess how much of that funding is available and perhaps staff can address that for you today. But if that money is available, we believe that this amount should also be redirected. We also recognize, Senator Evans, that this proposal for further mitigation may require additional legislative approval for reallocation with the branch appropriation. If so, we do ask you to seek that additional authorization.

Our trial courts need this further mitigation this year because there is no question with the permanent reductions imposed by the legislature that the trial courts are going to have to restructure and they will necessarily have to reduce their reserves. The Alliance does not support the redirection of any one court's reserves for the benefit of any other in this year. There is really no fair mechanism presently identified to do this. However, additional mitigation will further ease the immediate impact of cuts for each court so that these cuts may be done over time.

What we're looking at here, we all recognize that we're already at the end of July. That's no one's fault here, but we also are under a statutory obligation to give a 60-day notice for any significant reductions, for some type of significant reduction, so that's going to leave the courts with about 6 or 7 months for some courts to try to achieve as much as 20%, some courts much more than that, in a very short period of time to get what we anticipate will be next year's reductions. Additional mitigation will allow this to be--the reserve to be--what we're calling ratably applied over perhaps a 3-year period of time so that the cuts that appear to be necessary can be phased.

In conclusion, I would say that 14 years ago we were led into a great vision to remake the judiciary and to expand central authority. That vision came with the promise of stable and adequate funding, both in good and in bad times. For now--and I emphasize only for now--that vision and promise has failed. And that is no one's fault. There is no sin in failure. The sin may be in failing to recognize the circumstances. If you mount a mission to summit at Mount Everest, sometimes the weather changes and you have to abandon the quest. If you insist on plowing forward, that's when you get killed.

I also think as judges we must be careful not to think too much of ourselves. We're just judges. We're not politicians or policymakers. We need to marshal the courage to return to our core humility which is the simple task of presiding over or deciding the cases for the citizens of our communities. That's what we do. That task needs to be funded as much as possible. Everything else must fall to that.

Thank you very much.

Lack of oversight squeezing life out of judicial system

By Ken Garcia, Columnist

If the projections are correct, nearly half of San Francisco's courtrooms will be shuttered soon, due to a \$350 million hit to the state judiciary. (Examiner file photo)

There were a lot of tearful hugs down at city courtrooms this past week, just the kind of thing you would expect in a place filled with daily legal drama.

But the emotions didn't belong to the usual lineup of defendants and families, it was hitting the court reporters and clerks who were overwhelmed by an unprecedented round of layoffs triggered by budget cuts courtesy of the governor and state legislators.

If the projections are correct, nearly half of San Francisco's courtrooms will be shuttered soon, due to a \$350 million hit to the state judiciary. Drastic doesn't even begin to describe it. Think of it as Armageddon in robes.

"This building is in quite a state of distress," said Patty Dowling, a court reporter for 28 years at the Hall of Justice who was one of the lucky ones to escape a pink slip. "Most of us spend their entire careers in the courthouse and we all know each other, so you can imagine why it's been so traumatic."

The killer and a lot of the pain could have been avoided if the lawmakers paid more heed to the law and certainly if they had paid attention to the agency which oversees California's judicial branch. In many ways it's a debacle in three parts.

"We don't have the power to change the revenue stream," San Francisco Superior Court Presiding Judge Katherine Feinstein said after announcing the 200 layoffs and the ensuing legal wreckage this week. "If the judiciary is the third branch of government, I don't understand how the other two branches can put us out of business."

It would be fair to say they took a cue from the state's Administrative Office of the Courts, which for years now has been frittering away the millions raised from state court fees to a near point of absurdity, while defying all levels of accountability.

The lack of oversight — especially now that the nation's largest court system is splintering like a broken gavel — is raising questions about the management at the agency, which, in recent years has embarked on a series of costly and questionable projects.

Now that San Francisco has cut 200 judicial jobs, perhaps the AOC would be kind enough to offer some of them employment helping to close the black hole otherwise known as the California Court Case Management System, into which more than \$1 billion in tax dollars have been dumped over the years, with almost nothing to show for it.

The proposed computer network to link California's courts was launched without any business controls, according to a state audit, and so fraught with failures that most of the large court systems in the state have refused to use it.

The computer boondoggle is just the largest of several money-wasting projects in which the AOC has engaged in recent years, a fact that has drawn the ire of some legislators but so far has not resulted in funds being diverted back into the court system.

Among the best known is the plan to build a new \$26 million courtroom in tiny Markleeville, the judicial center of Alpine County, a remote outpost with less than 1,700 people. The new courthouse will have its own jury deliberation room, a pretty nice feature since the county averages about one trial per year. And they may consider that a stretch since the court has only two judges and five employees.

Such extravagance is not new to the rulers of the state judicial council who were also criticized last year for spending \$8,000 to remove gum from the entrance of a Sacramento courthouse and another \$6,000 to replace plants at a courthouse in Merced.

But the biggest problem may not be how it spends money, but how much money it has to spend. Those outside the agency say they have no idea what funds it has in its treasury.

“Do I know how much funding it has available? No,” Feinstein told me. “Does anyone know? No.”

The next time you have to wait six hours to pay for a traffic ticket or find your case put over until 2013, you may find yourself looking for such answers. But don’t ask a judge — you won’t find one.

Read more at the San Francisco Examiner: <http://www.sfexaminer.com/local/2011/07/lack-oversight-squeezing-life-out-judicial-system#ixzz1TA9DI5HU>

By Maria Dinzeo
Courthouse News Service

SAN FRANCISCO (CN) - A Los Angeles trial judge confronted a top administrator at Friday's Judicial Council meeting over a fundamental issue in the battle over control of California's courts -- where bureaucrats have increasingly seen themselves as the equals if not the employers of the judges. "The priority should be to keep the courthouse doors open," said Los Angeles Judge Burt Pines.

As was widely expected, an IT project that has been pushed by the bureaucrats, and that is now in deep trouble, also took a drubbing.

"Don't force the rest of us to abandon basic access to justice in favor of feeding this technology beast with trial court trust funds," said San Francisco Superior Court Presiding Judge Katherine Feinstein, who last week [announced](#) drastic layoffs for the court.

"Your AOC staff has overseen the expenditure of at least \$400 million on the still-dysfunctional Court Case Management System," said Feinstein, the daughter of California's

senior U.S. senator. "Despite these huge expenditures, CCMS is not fully operational in a single county."

The cuts to San Francisco -- which should cause the closure of 25 courtrooms -- are part of a statewide funding crisis for the courts, resulting from Gov. Jerry Brown's budget passed by the Legislature last month. Friday's emergency meeting of California's Judicial Council was called over the portion of the budget that cut \$350 million from the courts.

In a closed meeting last week, judges and court clerks recommended staggered cuts this year, with more pain doled out to the administrative agency and a little less for the trial courts. The meeting's judges and court clerks recommended a 12 percent cut for the bureaucracy, 9.7 percent cut for the appellate courts and 6.8 percent for the trial courts.

That recommendation was adopted unanimously by the council.

The fireworks came over next year's cuts, which are expected to be worse. Last week's closed meeting resulted in a recommendation of across-the-board cuts of 15.2 percent for next year, applied equally to the bureaucracy and the trial courts.

Judge Pines took issue with that recommendation, arguing that the central, 1,000-member corps of administrators could take a much bigger slice out of its funds.

Pines had an ally in fellow Los Angeles Superior Court Judge David Wesley. Both are voting members of the council, which has 21 voting members, including the chief justice.

Wesley moved to consider cutting more from the administrative office, saying he does not think the AOC has the same priority as the courts.

"The AOC is not an adjudicative agency," Wesley said. "The council should explicitly recognize that additional reductions to the AOC may be made and not limit it to 15.2 percent."

Pines argued that the trial courts, as the place where justice is supposed to take place, should be considered the top funding priority. Addressing the deputy director of the administrative office, Ron Overholt, the judge asked, "We are asked to make a policy decision that all these entities should share the reduction with the same percentage. The AOC, the Habeas Corpus Resource Center, in a sense are viewed as of equal importance. Is that implicit?"

"You can see it's not equally spread," Overholt replied, referring to the current budget cuts.

Pines said he was talking about next year, to which Overholt said, "I think it's fair that we will deal with the budget crisis as a branch."

Pines rejected that position, asking his colleagues on the council to "set some priorities."

"An issue is whether this reduction in our budget should be absorbed by each of these agencies in the same percentage," said the judge. "I have some questions about that. I've heard the chief say our priority should be to keep the courthouse doors open. I don't agree that means the reduction should be shared by the same percentage with these agencies."

The motion asked that the council "Adopt any reduction to the AOC today as a minimum and that additional reductions be possible this year and next year."

Wesley said he looked forward to a report from the Chief Justice's Strategic Evaluation Committee, a group she tasked earlier this year with "conducting a top to bottom evaluation" of the bureaucracy. "That means that if the SEC comes back with the report this year and the council feels additional cuts could be made to the AOC that they should be made this year or next year," he said.

Judge Erica Yew from Santa Clara County took an opposing view and attacked the salaries of her fellow judges.

She also defended the bureaucrats, saying the AOC is "a group of well intentioned, well-run and well-led people."

"There is one group that is not taking any cuts," added Yew, also a voting member of the council. "In the past when we had the furloughs, courts allowed their judges to voluntarily waive their salaries and I wonder if we'd look at a program that allows bench officers to waive salaries to really spread the sacrifice to everyone in the courts."

Kim Turner, the head court clerk in Marin County, chimed in.

"Small and medium sized courts rely very heavily on the AOC," said Turner who is an advisory member of the council. She said trial court operations and court administration are "inextricably linked" and "to identify the administrative services of the AOC as somehow different than trial court operations, I think is a bit of a problem."

San Diego's head clerk Mike Roddy echoed that contention "There are things the AOC does that benefit the branch that most of us never see," said Roddy, a longtime AOC insider.

In order to walk the council through the budget figures, the administrative office called back its former finance director Stephen Nash from his duties as San Bernardino Superior Court's new head clerk. Nash appeared detached from the discussion, and presented the numbers clinically. After Nash finished his presentation, Overholt had to repeatedly call his name to answer a council member's question.

"Tell him you don't work for him anymore!" one judge shouted over to Nash, eliciting laughter from around the council table.

Wesley's motion requiring that the administrative office take a bigger hit in next year's cuts was voted down 16-3, with Chief Justice Tani Cantil-Sakauye voting against.

The council then decided to delay any action on the recommended 15.2 percent funding cut for next year, a decision that AOC critics considered a victory because it leaves open the possibility for pushing for more cuts within the agency.

"We don't know what the state's fiscal situation will be next year," said a retired judge from Los Angeles, Terry Friedman, who is on the council to give advice. "The prospect for anticipating the predicament we'll be in next year are very limited. Prudence dictates us hesitating before we go forward."

In a video produced by California Courts News, an information bureau funded by the AOC, Friedman also praises the controversial IT system pushed by the central administrators, even though it is used in only one small claims court in Los Angeles and was roundly rejected by the court's leaders in answer to survey questions sent by the chief justice.

"This system gives us the opportunity to provide greater service to the public," said Friedman in that tape. A decision to halt funding, he says, would be looked back on "as one of the most mistaken decisions that could have possibly been made."

IT Project On Hold

At Friday's meeting, the council accepted a budget-committee recommendation to delay installing the IT system by one year for a savings of \$56 million, a decision that was hotly debated.

The latest version of the software appears to be dead. But, at the council meeting, Appellate Justice Terence Bruiniers extolled the project's value and lamented any delay. Even though the project has been decried throughout the state as a money and time-wasting boondoggle, Bruiniers maintained that it would save money.

"If we abandon CCMS we will find ourselves in a far worse position than we were ten years ago," he said. Repeating a claim often made by administrators, and contradicted by the court personnel that work directly with the system, he added, "CCMS works."

Pines was on the other side of the discussion.

"I don't see in the foreseeable future for the Legislature or the courts to fund something that could cost as much as \$1.9 billion," Pines countered.

Assistant Presiding Judge Laurie Earl, whose Sacramento court is intimately familiar with the controversial software, contested the argument that it could save money, "CCMS has been a financial drain on our branch. It is time to stop the bleeding. We can no longer afford to have CCMS hijack our budget."

Justice Delayed

Underscoring the dire financial situation of the trial courts were impassioned speeches from trial judges who were given five minutes to address the council at the opening of the meeting as "members of the public."

Kern County's Judge David Lampe spoke on behalf of the Alliance of California Judges, a group that has been challenging the administrators over a longterm campaign to take down the power of the elected judges and elevate the power of the civil servants who administer the courts.

Referring to the staff of the central administrative office, Lampe said, "You cannot fairly ask staff to decide upon the only option. We are the judges, you are the leaders, so you decide the number and tell staff to get to that number."

"We need to marshal the courage to return to our core humility, which is deciding the cases for the citizens of our community."

One of the most ardent addresses came from Judge Feinstein, who reminded the council of her decision to lay off 200 employees and close 25 courtrooms in San Francisco.

Feinstein said that while she was grateful to the many justices and judges who called her from around the state offering help and consolation, she was "stunned that neither I, nor our court executive officer, received a single phone call from anyone in the Administrative Office of the Courts -- the entity that is supposed to provide services and support to the trial courts."

"San Francisco may have been the first trial court to fall," she added, "but I know that others are soon to follow, and you know that too. Perhaps the AOC, as your staff agency, will offer them some help and support."

Feinstein urged the council to put court services ahead of the central bureaucracy. "In 1998, the AOC had 268 employees. Since 1998, that number has grown. While every trial court in the state has been tightening its belt, the AOC has been loosening its own."

California Judges Association

While there had been some [controversy](#) earlier in the week over whether the California Judges Association would take an official stance before the Judicial Council on the budget, its president Judge Keith Davis spoke on behalf of the CJA in support of trial court funding.

Earlier this week, the CJA's executive board expressed concern over Davis' earlier statements to the press that seemed to indicate the CJA felt the AOC was being unfairly targeted for budget cuts. Davis met with executive officers Thursday, and at Friday's meeting said the CJA would stick by an official statement made July 13 to the Judicial Council's budget committee.

"The business of this branch is making certain that California citizens have courts from which they can get justice. No one wants our branch to be part-time," Davis said.

He said the CJA urged the Judicial Council to make "minimal, if any monetary cuts" to the state's courts and "those parts of the branch concerned with management and administration should receive the brunt of the budget shortfall."

He also said the CJA recommended the council reject the 15.2 percent across-the-board budget reduction for next year and restore full funding to all trial courts this year. "This would come from resources available to the Judicial Council by further cuts to the administrative costs, including the AOC," Davis said.

New Buildings Versus Trials

In one of its votes on Friday, the Judicial Council also approved \$63 million in one-time funding transfers from construction funds to the trial courts, after rejecting a motion from Judge Wesley to transfer more money.

"Are we here today to say these projects are more important than keeping the courts open? We have one last chance to lead. We can do it today," Wesley said. He contended that building projects didn't have to stop entirely, but some additional transfers from court construction funds would bolster trial court budgets.

San Diego's clerk Roddy, where the court is slated to get a brand new courthouse, said he preferred to cut trial court operating funds rather than stop building projects.

His argument appeared to support the closure of courtrooms as a way to send a message to the Legislature. He argued that if the motion by Judge Wesley were adopted, then the Legislature would simply take more.

"We'll leave no message except that we were able to keep the courtrooms open in order to have the Legislature take more money from us," said Roddy. "I can take the 6.8 percent cut. I don't like it, but I can take it."

San Diego's presiding judge, Kevin Enright, is also an advisory member on the council and has been a strong defender of administrative office policies. But Roddy did all the talking for the court at Friday's council meeting.

Separately, the San Diego court awarded \$1,000-dollar bonuses, which were called "stipends," to most of the court employees about two weeks ago, said court employees. At the same time, they were also told that hiring is frozen and those who retire will not be replaced.

The the council meeting, Judge Wesley recalled the pink slips and delayed justice in San Francisco's court and said, "There is still \$82 million we can use for the trial courts," he said. "They need the money, except for San Diego, apparently."

Pines agreed. "Are we going to walk out of this meeting and allow 25 courtrooms in San Francisco to remain closed? And what about the other courts? What the motion addresses is trying to keep the courthouses open," said Pines.

"You can vote against this motion and tell San Francisco, 'Sorry, there's no money.' Or you can say, 'It's more important to have CCMS or these courthouses planned and underway than keeping their doors open.' I much prefer one more judge and more staff in my building than anything else."

The council defeated their motion on a 15-2 vote, and then voted to adopt the the recommendation of the budget committee to take \$63 million from construction funds.