Calif. Courts Toss Case Management System on the Scrap Heap

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Cheryl Miller, The Recorder, April 3, 2012

In his final State of the Judiciary address, Chief Justice Ronald George, of the Supreme Court of California, told lawmakers in 2010 that, despite the cost-cutting decision to close courthouses once a month, the branch had to continue pumping money into the Court Case Management System.

Judges were raving about early versions of the software, he said. Curious federal Homeland Security officials were eying the project. And the private sector, he suggested, just might be willing to invest in the one-of-a-kind development.

CCMS and other branchwide endeavors "cannot be shelved when we encounter bad times," he said. "The welfare and safety of Californians depend upon proper investment in the long-term future of our state."

Two years later, CCMS sits on the scrap heap. George is long gone and now so is his vision of a statewide file-sharing network symbolic of a unified court system.

CCMS works, branch leaders insist, but the financing in today's economy doesn't. Federal law enforcement curiosity never translated into serious dollars. And despite a brief dalliance with tech billionaire Patrick Soon-Shiong, private investment didn't materialize.

The council's March 27 decision -- essentially, to stop digging the budget hole any deeper - really just buries one bone of contention. Relations with openly skeptical lawmakers and
hostile court-employee unions remain at or near all-time lows. This year's budget offers little hope of restored funding and the very real possibility that courts could lose another $125 million this fall. And critics of the branch's current governing structure say the death of CCMS hasn't changed their resolve.

"CCMS was a half-billion-dollar symptom of the problem," said Sacramento County Superior Court Judge Steve White, an Alliance of California Judges director. "It wasn’t the problem itself."

LESS 'IRON FIST'

But the path to the March 27 vote offers some clues to Chief Justice Tani Cantil-Sakauye's approach to managing the branch and its troubles.

In the wake of George's retirement and last year's scathing state audit report on CCMS, a parade of high-ranking executives left the Administrative Office of the Courts. She replaced George's longtime executive and planning committee chairman, Justice Richard Huffman, and appointed new judge-driven CCMS oversight panels. AOC administrative director William Vickrey retired, and his interim replacement, Ronald Overholt, announced plans to do the same.

"She's cleaning house better than Don Corleone," said one judge, who spoke on the condition of anonymity.

But despite a growing chorus of criticism of CCMS, the chief justice did not put a stop to the project. She continued to tout the system's potential benefits, only later questioning whether the branch could truly afford it. And when the end was near, she waited for a final consultant's report and consensus from the Judicial Council.

Under George's regime, there was little doubt that the chief justice and his close cadre of allies were calling the shots. Debate and dissent at council meetings were rare.

In the spring of 2010, Sacramento County Superior Court judges grew weary of troubles with an early version of CCMS and announced plans to set up a locally controlled server. Huffman, the chair of the council's executive and planning committee, shot a letter to court leaders, ordering them not to buy any equipment or hire staff for the new server until staff from the AOC could review the problems.
Less than two years later, there's less iron fist. Two presiding judges openly refused to participate in a branch-financed study of how CCMS might be deployed in their courts. And recently, a group of 16 court executives and presiding and assistant presiding judges wrote a letter to Cantil-Sakauye, urging her to "stop CCMS." Such open criticism would have been almost unimaginable during George's tenure.

"The big, bold personalities of Bill Vickrey and Ron George are gone," said the judge who requested anonymity. Now, he added, council members, presiding judges -- particularly from large courts -- and judges' lobbies are maneuvering to fill the resulting power "vacuum."

MORE DELIBERATION

Sources familiar with Judicial Council workings say in the days leading up to the March 27 CCMS vote, factions within and outside the council focused on two options: freezing the project for a year and then pursuing a multicourt installation -- a proposal favored by Bar leaders -- or scrapping the original plans altogether and salvaging developed parts.

Cantil-Sakauye was part of those discussions, two participants said, but didn't attempt to push a particular outcome. When it became increasingly clear that the financial numbers wouldn't work -- and lawmakers weren't going to rescue the project -- some of the chief justice's supporters thought she should and would take a pre-emptive stand before the meeting and recommend ending CCMS. She did not, choosing instead to wait for a consultant's report that put the project's poor fiscal condition in black and white before putting the question to the council.

The chief justice said little during the marathon council session deciding CCMS's fate. After the unanimous vote, several council members spoke to reporters about the decision. The chief justice did not. A spokesman said she was too busy.

"What we do best in the judicial branch is to weigh the evidence and make reasoned and deliberate decisions," Cantil-Sakauye said in a post-vote statement circulated by her press office. "The council's decision to stop deployment of CCMS was responsible and prudent in view of our budget situation and the facts we gathered on the actual costs of deployment."

A spokeswoman said the chief justice was unavailable to comment for this article.
Cantil-Sakauye was fully engaged in the CCMS debate, said her newly appointed chair of the executive and planning committee, Justice Douglas Miller. But she has assumed a role as equal member of the Judicial Council, not a director, he said.

"Ever since the chief took over as the new chief justice and leader of the Judicial Council she has given full discretion to the executive and planning committee -- any of the internal committees really -- to provide whatever advice they feel is appropriate," Miller said. "She came in with an open mind, concerned about a lot of things that the branch was dealing with. She didn't say, 'Here's what we're going to do and how we're going to do it.'"

With the apparent death of CCMS, branch leaders' focus has shifted to ongoing budget troubles and the future role of centralized operations. Again, Cantil-Sakauye and the council are waiting for a report, due in April, this time from the council's strategic evaluation committee, which is expected to recommend changes in the Administrative Office of the Courts.

"I don't think the CCMS debate and the CCMS vote really address those important questions," said San Diego County Superior Court Judge David Rubin, the president of the California Judges Association. "I think those very important questions will be addressed when we get the SEC report and we start the conversation about that."

If anything, Rubin said, perhaps the CCMS vote will "allow the heat in the room [to] come down some."

But the fight for changes in the form of the Trial Court Rights Act, AB 1208, continues. Although state Senate leader Darrell Steinberg, D-Sacramento, has said the bill isn't going anywhere in his house, its provisions have been on the table during recent behind-the-scenes branch budget negotiations. Particularly at issue is the Judicial Council's authority to reallocate state money allotted for trial courts.

AB 1208 supporters say the judiciary will continue to be wracked by other divisive issues until leaders heed critics' calls to democratize the Judicial Council.

"I don't think there's any reason to believe that the decision by the Judicial Council [on March 27] takes any wind out of those sails," Sacramento Judge White said. "The problems do not go away until there really is accountability and that accountability is to the courts."