
Economy & Efficiency Commission Meeting Minutes

MINUTES OF THE ECONOMY AND EFFICIENCY COMMISSION as a COMMITTEE OF THE WHOLE

WEDNESDAY, MAY 4, 1994
KENNETH HAHN HALL OF ADMINISTRATION
500 West Temple St., Los Angeles, CA 90012

Editorial Note: Agenda sections may be taken out of order at the discretion of the chair. Any reordering of sections is reflected in the presentation of these minutes.

I. CALL TO ORDER

In the absence of Chairperson Buerk, Vice Chairperson Betty Trotter called the meeting to order at 9:45 a.m. as a Committee-of-the-Whole. It was noted that since a quorum had not been established, no formal action could be taken by the Commission at today's meeting.

II. ATTENDANCE

COMMISSIONERS PRESENT:

Fred Balderrama (late arrival)
John FitzRandolph
Alfred Freitag
Jonathan Fuhrman (late arrival)
Chun Lee
Roman Padilla
Robert Philibosian
Daniel Shapiro
Betty Trotter

COMMISSIONERS REQUESTING EXCUSED ABSENCE:

Richard Barger
Judith Brennan
Gunther Buerk
Jack Drown
David Farrar

Louise Frankel
John Grande
Carole Ojeda-Kimbrough
Randy Stockwell
Julia Sylva

Vice Chairperson Trotter encouraged all Commissioners to make an effort to attend Commission meetings and to call in when absence is necessary. It was suggested that those who must be absent, specify a reason for their absence. Executive Director Staniforth reported that Commissioners usually state a reason when they request an excused absence.

III. CONSIDERATION OF MINUTES

Vice Chairperson Trotter inquired as to any amendments to the proposed minutes for the Commission Meeting of April 6, 1994. Vice Chairperson Trotter asked that item V. C., the last sentence of the first paragraph of page 2, be clarified to refer to the "Permit Process" program simplification.

IV. INTRODUCTIONS AND ANNOUNCEMENTS

Ms. Julie Mulvaney of Supervisor Burke's office was introduced. Ms. Mulvaney rose to present a plaque from the Board to Commissioner Freitag; however, she requested that since the information on the plaque about Dr. Freitag was not entirely accurate, that it be corrected and presented to him at a later date.

Vice Chairperson Trotter announced that she had a letter from Commissioner Brennan, submitting her resignation from the Commission due to her recent selection by the Norwalk City Council as Mayor Pro Tempore, which has created new obligations and demands on her time.

Vice Chairperson Trotter announced that Commissioner Drown has also resigned after many years of service on the Commission.

Vice Chairperson Trotter read a letter of congratulations from Mr. Charles Kaufmann regarding the success of the Commission with the pension study.

V. OLD BUSINESS

A. Budgeting

Task Force Chairperson Padilla reported that he had held a meeting with Mr. Staniforth yesterday to review the progress of the study. The Task Force meeting has been postponed, tentatively, to later in May. He anticipates that the Task Force will then be able to formulate some recommendations, and will have a better grasp of the direction of the study by the next Commission meeting.

B. County Budget and Economic Growth.

Task Force Chairperson Philibosian reported that not much progress has been made. This because the people with the necessary information have not been able to provide it yet. Mr. Staniforth reported that he had spoken with Mr. Aguilar and others from the Risk Management section, and they are putting together the information on the status of Workers' Compensation Insurance in the County. This information should be available within the month.

Commissioner Philibosian stated that he had hoped to be able to gather information for the Commission to be able to pass a resolution in support of specific legislation. However, the people who can provide this information for free, have been unable spend the time on providing it. He will monitor the Legislature to see what they come up with and see what is needed for the next legislative session. After this budget season, when people have more time we can get the information and study it over the summer. As to the administrative side of Workers' Compensation Reform within County government, this is an area which will continue to be addressed as soon as the information is made available.

Commissioner Padilla inquired if there is any cross-over information to Commissioner Philibosian as the result of his being on the State World Trade Commission. He responded that there is, and that is where much of the information obtained last year came from.

C. Liability and Risk Management.

Task Force Chairperson Lee reported that he had received a draft copy of the County Counsel report on the procedures for monitoring outside legal counsel. Mr. Staniforth stated that an RFP document has been finalized and the final draft was sent to the Task Force members yesterday. Commissioner Lee advised that as soon as they have the final report, a task force meeting will be scheduled. Mr. Staniforth added that there is also an Auditor's Report on the Risk Management procedures used by County Counsel which is separate from the audit of outside counsel. He said that he will provide copies to the Commissioners who request it, as well as to the Task Force. However, the CAO's response is still in process and not yet finalized, but should be soon.

D. Real Property Management.

Task Force Chairman Shapiro reported that at the Task Force meeting last month, consideration was given to an approach to property management savings, which would focus on the re-negotiation of leases. During this stage of the real estate market in the Los Angeles area, it is possible to make significant savings by re-negotiation of intermediate term leases.

E. Proposition "A" Contracting.

Vice Chairperson Trotter reported that the Commission's recommendation to the Board has once again been postponed from their agenda.

F. Jury System Management

Vice Chairperson and Task Force Chairperson Trotter reported that Commissioner Ojeda- Kimbrough, a Task Force member, is on jury duty at present. Resource people have been lined up and contacted, and today Mr. James Dempsey, Assistant Executive Officer of the Administratively Unified Courts, is present to make a presentation to the Commission on Jury System Management.

VI. PRESENTATION

Mr. Sranforlh introduced Mr. James H. Dempsey and related his background and experience in Courts management.

Mr. Dempsey introduced Mr. Steve Forrest, the Administrator of Administratively Unified Courts Jury management.

Mr. Dempsey reported that the Superior and Municipal Courts currently conduct over 6,000 jury trials annually. To support these trials, 186,000 people are required to appear for jury duty. To accomplish these appearances, they process over 3,000,000 questionnaire/affidavits. Of these, 37 percent do not submit their affidavits; 15 percent are undeliverable; and 36 percent are excused due to incompetence or hardship, normally financial hardship. Financial hardship is created when employers will not pay for jury duty. The Courts summon 406,000 jurors each year, and of that amount, 186,000 serve. This is a yield of only 6 percent, and it is the biggest problem faced by the Courts in this county. The result is that the Courts have to rely on fewer people more often. They should be able to rely on more people less frequently.

In order to address this problem, the Executive Officer of the Court has appointed a special committee to study the organizational aspects and management issues in this regard. Mr. Dempsey has been appointed Chairperson of this committee. Other committee representatives include representatives from the 24 separate Court Districts in the county and people who have served on jury duty. The focus of the committee is jury relations. This includes the treatment of jurors waiting on call, information and instruction given to jurors, the comfort of facilities provided for jurors, and an improved call-in system.

Commissioner Padilla asked when the committee was convened and when it is to report. Mr. Dempsey replied that it was convened about three months ago, and that a report is expected in June, 1994.

Mr. Dempsey said that the number one complaint is the telephone system. It is always busy. An agreement has recently been signed with GTE to provide an "inter-active," menu driven, 24-hour a day system with more lines. It is hoped that this new system will be installed by September, 1994. Another complaint is the term of service. At present it is a one jury trial or ten day term. It used to be 30 days. The committee will be considering a one-day, one trial term as is used in Orange County.

In addition, the Presiding Judge, Judge Mallano, has established special committee, known as the Jury Reform Task Force. This committee is comprised of the Presiding Judge, the Assistant Presiding Judge

Jerry Klausner, the Supervising Judge of Criminal Operations, Judge Cecil Mills, Mr. Gil Garcetti, District Attorney, Ms. Margaret Morrow, the President of the State Bar, Mr. Gerald L. Chaleff, President of the County Bar, Mr. Michael Judge, the Public Defender, and Ms. Carol Wendelin Pollack of the Attorney General's Office.

This Task Force will focus on five project areas as follows:

1. Who are the jurors?;
2. Enforcement of the summons process and security and confidentiality of jurors;
3. Can desired changes be made under existing law?;
4. Jury orientation and education by producing a video to be used in conjunction with a question and answer session with the judges; and
5. Re-write jury instructions for both criminal and civil cases in plain language.

He continued, stating that the jury system is complex and very expensive. The annual budget for juror fees and mileage is over \$6.6 million per year. The system lacks support from both individual citizens and the business community.

The Jury Management system is a major priority of Presiding Judge Mallano and it will continue to be a priority of Judge Klausner when he becomes Presiding Judge in January, 1995. It is a continuing priority of Mr. Kritzman, the Executive Officer and his management team.

Vice Chairperson Trotter asked Mr. Dempsey to elaborate on the funding of the courts, how the State and the County inter-relate, and the consolidation efforts underway.

Mr. Dempsey responded that the funding changed about three years ago with the advent of Trial Court funding by block grant, based upon the number of Judicial positions in the County. This State money is deposited with the County to offset its court operating costs. This now represents about 33 percent, but the Governor has stated in his budget message that this will be increased to approximately 65 percent. Prior to this the courts were financed through fines, fees and forfeitures. Now these all go to the State.

In regard to court unification and consolidation, AB 1297 was enacted two years ago, requiring coordination among the courts. It also encouraged consolidation to the extent allowed by law. The focus of this is court administration. This County has consolidated the administration of the Superior Court, the Los Angeles Municipal Court, the Municipal Courts of Pasadena, Glendale, Santa Monica, Torrance and Inglewood. The Judicial components of these courts remain independent, but the administration is to be overseen by Mr. Kritzman. This represents 80 percent of the judicial resources of the County and over half of the judicial resources of the entire State of California.

Commissioner Freitag asked if any thing can be done about the pre-emptory challenge system, which seems to impact the make-up of juries significantly. Mr. Dempsey replied that they will be looking at this issue to determine if changes can be made under existing law. There was a general discussion about the procedures used to question prospective jurors in criminal cases.

Commissioner Fuhrman observed, based on his personal experience in 1989, that the court staff had little concern for jurors, that the system was poorly organized, and it was impossible to use the call in system because it was always busy. He also observed that there were a great many more jurors sitting around than were necessary.

Mr. Dempsey advised that the number of jurors awaiting call has recently been reduced significantly; and as a result have been able to reduce the budget accordingly.

Commissioner Fuhrman commented on the focus on priorities identified for the committee's work. He suggested that it seemed to him that the focus should be on the areas that effect the large numbers of prospective jurors, rather than on those that impact the relatively few people who are called to serve on the jury.

Vice Chairperson Trotter asked how much influence can be brought upon the judges to make changes, as they seem to operate individually and independently. Commissioner Shapiro observed that the judges he has worked with seem to treat the jurors with great respect. Commissioner Philibosian agreed and indicated that the judges are not the people dealing with large numbers of jurors under difficult circumstance, and do treat those in the court rooms very well. He observed that it seems that Mr. Dempsey is on the right track toward resolving the problems.

Commissioner Shapiro recalled that several years ago this Commission made recommendations to affect a "paperless" courtroom which did not get too far along. He also said judges rely on administrators a great deal and are just as frustrated with the problems as anyone else.

Vice Chairperson Trotter asked about the status of SCA-3 which would mandate consolidation of Trial Courts on a state-wide basis resulting in one level of trial court in each county. Mr. Dempsey advised that Senator Lockyer has indicated that it will appear on the November, 1994 ballot. He said the political issue is one of voting rights, that is instead of most judges running for office in their districts, they would run in a county-wide election.

Commissioner FitzRandolph recalled that last month he expressed doubt that alternative jury terms would make any difference, and asked if this is not more a matter of public relations. Mr. Dempsey advised that alternative terms can make a big difference, public relations-wise, in that people would be more willing to serve, if they know they can be done with jury service and get on with their lives instead of waiting around for ten days, but there would not be much fiscal impact.

In response to a question, Mr. Dempsey explained how prospective jurors are selected by a random computerized process which mixes voter registration and DMV data.

Commissioner Balderrama asked what are the qualifications of prospective jurors and what are the requirements on the employer. Mr. Dempsey replied that one must be an adult citizen with no felony convictions to qualify. He advised that employers are required to let employees off work for jury duty, but are not required to pay them for the time off from work. Commissioner FitzRandolph said that most of the firms that do pay, will pay for 10 days off, but will usually not pay for extended trials.

Vice Chairperson Trotter inquired about proposed legislation which would eliminate voter rolls as a source of data for jury selection. Mr. Dempsey confirmed that this proposal is dead.

Vice Chairperson Trotter thanked Mr. Dempsey for his presentation.

Commissioner FitzRandolph reiterated his concern the Commission is into an area here where there are many other people with more power to impact the situation, and asked if others felt the same. Vice Chairperson Trotter indicated that she felt the Task Force should continue to reinforce what others may do. Commissioner Philibosian agreed that the effort may be a duplication and not too productive, and suggested that perhaps the Commission could review with the new administrative team after they have had some time to make changes. Commissioner Fuhrman said that the Commissioners may come to different conclusions than they may, and that it would be important for us to work with them.

After more discussion, it was the consensus that the Task Force continue to work with and monitor the court administrators and the committees. It was also agreed that the Task Force should ask that copies of the minutes of the committee meetings be provided to the Commission.

VII. NEW BUSINESS

Contracting-out/County Counsel.

Commissioner Fuhrman asked this matter be continued to the June meeting when there is a quorum present. He said it has been suggested that there be an increase in contracting-out in the County Counsel's Office. He recommended that the Commission look at the current overall scope of out-sourcing. It should also look at the cost savings resulting from their current efforts, and how they assure quality and economy. Finally, the Commission should examine whether more, or substantially all, of this work should be performed by out-sources.

VIII. PUBLIC COMMENT

A. Recognition of Retiring Commissioners.

Vice Chairperson Trotter requested that the Commission look into ways to recognize the service of retiring Commissioners, such as a certificate of appreciation, or the like.

B. Request for an Excused Absence.

Commissioner Balderrama requested that his absence from the April 6, 1994 meeting be changed to an excused absence, as he was engaged in a very intense re-election campaign, and thought that his wife had called to request that he be excused. The matter will have to be considered when a quorum is

present.

VIII. ADJOURNMENT

At 11:05 a.m..

Respectfully Submitted,



Bruce J. Staniforth
Executive Director

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