

California Judicial Administration Fellowship Program Seminar
PPA 298B: Judicial Administration Fellows Policy and Issues
Seminar Spring 2017 Course Syllabus

California State University, Sacramento
Center for California Studies
Office – 3038 Tahoe Hall
Office Hours: By Appointment

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Welcome: The purpose of this course is to provide academic perspective and to complement what the fellows are learning from their placement in one of ten trial courts or judicial branch offices. The spring seminar continues to blend academic theory with practice with focus now centered on policy analysis, intergovernmental relations, and contemporary issues confronting the judicial system. The overall goal is to apply the knowledge gained in the fall semester to evaluate and analyze the policies, practices, procedures and institutional role of the California judicial system. This will enhance the fellows' contribution to the judicial branch and their court placement. Academic Seminar is held one full-day each month either on campus or off-campus and requires written and oral projects and papers as well as participation in a weekly online discussion forum. A policy or issues oriented Capstone Project Paper and Presentation is due on the final day of seminar.

Catalog Description:

Analyzes procedural issues and policy questions within the California judicial system with emphasis on the interdependence of the judicial, legislative and executive branches.

Expected Learning Outcomes:

Students will be able to:

1. Identify and analyze major policy issues confronting the California judicial system as an institution of state government;
2. Apply and adapt a specific policy analysis framework to a significant issue or problem in their placement courts or offices;
3. Understand and explain the balance between judicial independence, judicial accountability and the oversight role performed by the legislative and executive branches;
4. Apply research, writing and oral presentation skills to their Capstone Project Paper.

Academic Seminar Format:

The Judicial Administration Fellowship Academic Seminar is conducted in part at the fellows' placement courts throughout California and in part on campus – an important factor which distinguishes this fellowship from other Capital Fellows programs. The seminar itself encompasses one full-day each month, augmented by weekly online issues forums. Seminar begins at 9:00 a.m. and concludes at 4:00 p.m. with a 45 minute to 60 minute recess for lunch (depending on seminar location). Seminar is not a lecture class, although there is typically a short introduction to the material and a review of the class agenda. The seminar is discussion-based guided by study questions, presentations, and role-playing exercises utilizing the assigned readings, case studies, and weekly forum issues. Fellows must come prepared to share their ideas and engage intellectually with each other. And, most critically, they must demonstrate their ability to synthesize course material and link them to their fellowship experiences.

Academic Seminar Participation:

Active participation is vital to the learning environment and it is therefore required. And it is heavily weighted towards the final grade. Oral presentation also provides opportunities to personally develop a key professional skill and to build self-confidence. Student presentations

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and participation are enhanced when information is presented in a logical and interesting sequence that can be easily followed. Moreover, students are expected to demonstrate knowledge of the seminar subject or topic by asking relevant questions, answering questions, and providing reasonable explanations and elaboration. Presentations must be made with a clear voice and correct, precise pronunciation of terms. Writing during the online forums should be clear, concise, and well-reasoned. Group exercises or team interactions will be respectful and collegial.

Grades: Letter grades (A – F) are based on the following assignments:

You will be required to research and produce a minimum of 25 pages of written material for the fall semester.

(1) A series of short papers on various topics and issues	60%
(2) Capstone Project Paper and Presentation	20%
(3) Class attendance, seminar and weekly forum participation	<u>20%</u>
	100%

Grading scale:

A:	≥ 94%
A-:	90 – 93.9%
B+:	87 – 89.9%
B:	84 – 86.9%
B-:	80 – 83.9%
C+:	77 – 79.9%
C:	74 – 76.9%
C-:	70 – 73.9%
D+:	67 – 69.9%
D:	64 – 66.9%
D-:	60 – 63.9%
F:	≤ 59.9%

Attendance Policy:

Attendance and participation in seminar and completion of all academic assignments are mandatory. Acceptance of admission into the Judicial Administration Fellowship Program is a commitment to attend each class session and a commitment to be prepared for active discussion. Failure to fulfill the terms of the academic program, failure to perform in a professional manner, unauthorized absences, and chronic tardiness at seminar or office placement will be cause for prompt administrative review and may result in forfeiture of stipend or salary, termination from the program or other sanctions. In addition to attendance and “seat time,” the quality of participation in class discussions, online discussion boards, and class presentations will be reflected in grading.

Required Texts:

Understanding and Managing Public Organizations, 5th Edition - Rainey
Trial Courts as Organizations - Ostrom, et al.
The Art and Practice of Court Administration – Aikman
American Court Management – Saari
Overview of Court Administration in the United States – Tobin
These Estimable Courts: Understanding Public Perceptions of State Judicial Institutions and Legal Policy-Making – Cann and Yates
Checklist Manifesto – Gawande

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Selected Readings: See Assignments and Discussion Sections (below).

Paper Instructions

A paper is due for each spring seminar – the length will vary from 3 to 5 or more pages depending upon the material to be covered. The Capstone policy-oriented paper has different requirements – see details below. The seminar papers are due Monday at 6:00 p.m. of seminar week unless instructed otherwise. They are to be emailed to the address on the first page of this syllabus. Late papers will not be accepted but for extenuating circumstances. An essay or paper will have an introduction, a thesis statement, argumentation and discussion (explanation) of relevant points, and a conclusion. Writing is a craft and requires practice. Just adhere to the topic or title that has been assigned, draw from the material in the course, marshal your evidence, and draft and redraft and redraft again. Here are the drafting requirements:

1. Double space the paper with 1.5” margins.
2. Use 12 point Times Roman font or its variants.
3. Upper left corner of the first page single spaced: Your name, Title of Course: PPA 298 - CSUS, Title of Paper: _____, Date Submitted: October XX, 2015.
4. If a title page or citation page is used, do not count it towards the length of the essay or paper.
5. Citation style for the seminar papers: Follow the citation style that Rainey uses in his text book. Add full references at the end of your paper only if you depart from the texts or other course materials. In the body of your text, it is enough to cite in the following way, e.g., (Saari, p 23); (Rainey, p 137) and so forth.

Critical Writing Guidelines:

Bearing in mind the importance of the written word in the court setting (and academia), the following evaluative criteria is used when marking seminar papers. Note that content is heavily weighted. This is so because the best papers demonstrate that the writer has thought hard and seriously about the subject- matter readings, has come to conclusions that reflect relevant information and ideas, and make a logical connection between these and the writer’s own carefully considered opinions.

Organization (25 points)

1. Front page, upper left corner, first line your name, second line PPA 298 and Seminar Date, brief title of paper;
2. Introduction clear (i.e., I know what this paper will tell me);
3. Clearly worded thesis statement early in paper (e.g., first or second paragraph);
4. One main point per sentence;
5. Topic sentences in paragraphs (one main point per paragraph) that together will support your thesis;
6. Support (body) paragraphs fully developed and unified;
7. Smooth, logical transition between paragraphs;
8. Conclusion summarizes main points and restates thesis.

Content (50 points)

1. Appropriate title;
2. Supporting paragraphs strongly support the thesis with evidence such as facts, statistics, experiential examples, and, importantly, connections and reference to assigned readings;
3. Paper content is the assigned length;

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4. Appropriate word choice and technical vocabulary are used.

Format, Grammar, Mechanics (25 or more points)

1. Sentence completeness (no run-ons, comma splices, split infinitives or sentence fragments, etc.);
2. Paragraph completeness (no run-ons or incoherent thoughts strung together);
3. Comma usage as necessary in compound sentences;
4. Apostrophe usage correct;
5. Usage of semi-colon vs. colon;
6. Verb usage;
7. Spelling;
8. Language usage;
9. Numbers and calculations used correctly in text.

A good writing aid is Diana Hacker's *A Pocket Style Manual*, 5th or 6th edition. As well, Richard Wydick's *Plain English for Lawyers* is an excellent guide for those tending towards the verbose and obtuse (to be avoided).

Capstone Project Paper

The specific and tangible nexus between the course and the placement is a two-part Capstone Project. Part One of the project is formulated by each fellow and mentor to address a real-world problem in the placement court or entity. Each student submitted a mentor-approved project proposal and concept paper during the fall semester.

Part Two, the Capstone Project Paper, will be a lengthy policy or issue or operationally oriented paper which is intended to demonstrate academic evidence of learning, synthesis, research, and engagement with the placement project and the course contents. Because the paper will cover both academic as well as real-life situations, the paper will reflect both academic and professional writing styles. I will work with each fellow to guide identification of issues or other topics covered in seminar that may relate to the Capstone Project.

The Capstone Project (Parts One and Two) in final form will be due two weeks before the May seminar. At the May seminar students will present their projects and papers to the class. Please note that the spring seminar schedule provides for continuous check-in points to ensure sufficient support for the Capstone Project Paper. Here are the important Capstone dates for the spring semester:

PPA 298B	
January 9, 2017	Capstone Issues List at Seminar and Capstone Check-In
February 5	Capstone Paper Outline and Project Check-In and Peer Review
March 4	Capstone Paper First Draft – Brief One on One Meetings and Peer Review
April 7	Capstone Paper Second Draft – Extensive One on One Meetings
May 6	Capstone Final Paper Due
May 20	Presentation

January 2017 Readings and Seminar Assignments – PPA 298.

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I. Read the assignments in the following order:

Saari: Chapter 7 – Conclusion. It is important to revisit Saari’s concluding chapter as a way of synthesizing (and remembering) what we have studied and covered thus far. At this juncture, the Conclusion should provide greater meaning to you than when it was first read several months ago. And, as with Aikman’s Chapter 12, the knowledge and insights you are gaining proceed in a step-wise fashion with each step leading to the next.

Ostrom et al.: Trial Courts as Organizations (Chapter 4, Chapter 5 (Summary only at pp 108 and 109) Chapter 6 (Summary only at pp 127 and 128). This will conclude our reading of *Trial Courts as Organizations*.

NCSC Orange County Superior Court: Court Culture and Its Consequences (Posted to Wiggio) pp 1 - 46: As we leave *Trial Courts as Organizations* it is also important to see the direct application of a real-world court cultural analysis – we again turn to the Superior Court in Orange County for a case study. In contrast to last month’s case study where the court’s post-unification organizational structure was a central managerial issue, this case study (5 years later and under new court leadership) concentrates on the court’s culture with explicit reference to the text we have studied. It provides clear, explanatory treatment and interpretation of the CCAI along with recommendations. This too should increase your understanding of court culture, governance, leadership and change management issues – thereby providing further background for your capstone policy or issue or operations oriented paper.

Bardach: A Practical Guide for Policy Analysis (Introduction, pp 1 – 64, Appendix A, Appendix B, Appendix C). Public administration and public policy at their best are about problem solving. Bardach presents a framework for policy analysis that should help you in your placement, in approaching aspects of your Capstone policy or issues or operations oriented paper and project, and affirm much of what we have covered about public institutions. Appendix A provides a real-world policy analysis, Appendix B synthesizes analytically what governments do (pay particular attention to service provision, agency budgets, and bureaucratic and political reforms), Appendix C provides the sorts of questions that will help inform your list and discussion of capstone issues (see January deliverables below).

Next 10 California Budget Challenge Exercise: Complete the online budget exercise (<http://www.budgetchallenge.org/pages/home>) and bring a print-out of your results to seminar on January 13th. Why is this important? “If you cannot budget, you cannot govern.” Aaron Wildavsky, *Budgeting and Governing*. (New Brunswick, NJ, 2001).

II. The January Deliverables:

- **January Paper and Issue List:** While Appendix C was written to help assess whether an institution may have the capacity to implement policy-change, it is

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also an excellent list of policy-oriented questions that you as an analyst might be asking in the context of your capstone projects. Answer the questions in Appendix C that seem relevant to your Capstone policy or issue oriented-paper or project. It is insufficient to simply state that the question is not relevant – you need to explain why. Hint: Consider re-reading page xvi et seq. of the Introduction as you prepare your paper. As Bardach states, “These steps are not necessarily taken in precisely this order, nor are all of them necessarily significant in every problem.” In other words, you will need to exercise your judgment. Also, you will need to provide a list enumerating the court administration policy oriented issues that you have identified thus far in your capstone project. You may append the list to your paper and, if you choose to do so, numerically reference the issues in your paper.

Paper Format and Length: Given the variation in your projects, the length of this paper should be as many pages as you feel are necessary and it should be written in the prescribed formal narrative style rather than the short-paper format of last seminar.

Paper Due: Monday January 9, 2017 at 5:00 p.m. Late papers will be marked down.

- **Case Study Discussion and Exercise in Seminar:** Be prepared to discuss the case study at seminar. As with the previous case study, you should attempt to identify as many issues in the case study as you can that link back to Aikman, Rainey, Saari, Cann, and Ostrom (and perhaps even Bardach). At this point in the course you should also be able to identify issues emerging in your capstone project and your placement that resonate with this case study. There will be a class exercise about the case.
- **Next 10 California Budget Challenge Exercise:** Complete the online budget exercise (<http://www.budgetchallenge.org/pages/home>) and bring a print-out of your results to seminar on January 13th. Be prepared to discuss your results/decisions with the class. Megan Thorall, Director, will be your guest lecturer for this topic. **Note:** According to Next 10 staff, because the Governor’s Budget is not due until January 9, references on the web site are likely to reflect the 2016 Budget until the 2017 budget is submitted to the Legislature and Next 10 is able to upload the data.
- **PREPARATION FOR JANUARY SEMINAR BCP PRESENTATIONS**

Today, January 10, 2017 at 11 a.m., Governor Brown held a press conference and introduced the Governor’s 2017 - 18 Budget. Contemporaneously the Department of Finance (DOF) published the budget and all related Budget Change Proposals (BCPs) included in the budget. The Judiciary’s five BCPs are now posted to Wiggio – January Seminar along with the Judiciary’s eighteen (18)

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BCPs that were approved on August 26, 2016 by the Judicial Council for submission to DOF. Only five were accepted by DOF. The following exercises are an adjunct to and will follow the budget lecture and exercise conducted by our guest lecturer, Megan Thorall.

▪ **SEMINAR BCP PRESENTATION ASSIGNMENTS:**

- **Exercise One:** Listed under Roman Numeral II below are the BCPs that made it into the Governor's Budget. You have been paired for purposes of explaining the BCPs that were submitted. You should read the corresponding BCP that was approved and submitted (under Roman Numeral I) to DOF. It would be useful to also compare and contrast what was approved by the Judicial Council of California (JCC) at its August 26 meeting.

- **Exercise Two:** Under Roman Number I is the full list of 18 BCPs approved by the JCC. They cover a full range of topics and areas of need for the judicial branch. Since five of the 18 will be covered in Exercise One, most of the remaining 13 have been assigned for presentation as follows:

- **I. 2017-2018 Judicial Council BCPs Approved for Submission to the Department of Finance**

- 1. Support for Trial Court Operations. ((KATERINA / KARISSA)
- 2. Sustain Justice Edition Case Management System Replacement.
- 3. Court-Appointed Dependency Counsel. (NATALIE / CONOR)
- 4. New Judgeships (AB 159). (NATALIE)
- 5. Supreme Court and Appellate Courts - California Court Appointed Counsel Projects, San Francisco.
- 6. Appellate Court Document Management System. (JAMIE / ARJUN)
- 7. Sustainability of the Immediate and Critical Needs Account.
- 8. Appellate Court Judicial Workload.
- 9. General Fund Support of Statewide Programs and Services.
- 10. Implementation of the Language Access Plan and Support for Court Interpreters.
- 11. Increased Operations Costs for Existing and New/Renovated Courthouses.
- 12. Statewide Electronic Filing Technology. (ALVIN / LILIA)
- 13. Trial Court Facilities Operations Cost Adjustment.
- 14. Appellate Court Facility Maintenance Program.
- 15. Habeas Corpus Resource Center–Case Teams Staffing. (RACHEL / PAZONG)
- 16. Appellate Court Security.
- 17. Technical BCP–Judicial Council Organizational Restructure.
- 18. Technical BCP–Santa Clara Capital Outlay Project Funding Plan.

- **II. 2017-2018 Judiciary BCPs Included in the Governor's Budget**

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- **0250 - Judicial Branch (Number of BCPs: 5)**
 - 1. Appellate Court Appointed Counsel Projects (NATALIE / CONOR)
 - 2. Implementation of the Language Access Plan and Support for Court Interpreters (RACHEL / PAZONG)
 - 3. Santa Clara Capital Outlay Project Funding Plan (KATERINA / KARISSA)
 - 4. Trial Courts - Sustain Justice Edition Case Management System Replacement (JAMIE / ARJUN)
 - 5. Various Re-appropriations (ALVIN / LILIA)
- **III. Discussion by All: 2017-2018 Governor's Budget – Repeal suspension of drivers' licenses as means to collect court ordered debt. (Traffic violations, etc.) Excerpt from Governor's Budget Summary p. 84.**
- Repeal of Driver's License Suspension
- "In the past, when the State Penalty Fund has faced shortfalls, the solution has often been to further increase fines and penalties. While this approach increases revenues generated by those who pay the amount owed, it places an undue burden on those who cannot afford to pay. This approach has led to an increasing amount of fees and penalties going uncollected. For example, in 2008-09, uncollected debt was \$5.5 billion and grew to \$9.7 billion in 2015-16, a 76-percent increase.
- One of the collection methods that courts use to collect outstanding debt is to suspend drivers licenses for failure to pay. There does not appear to be a strong connection between suspending someone's driver's license and collecting their fee or penalty. Often, the primary consequence of a driver's license suspension is the inability to legally drive to work or take one's children to school. Therefore, the Budget proposes to eliminate the statutory provisions related to suspending drivers licenses for failure to pay fees and penalties. "
-
- A few open questions for discussion:
 - What about the collection of civil assessments?
 - What about license suspension for failure to appear?
 - What about license suspension for failure to pay child support?
 - What about potential lost revenue? How will it be replaced?

III. Learning Objectives for the January Academic Seminar and Paper

- Increased understanding of the California budget process including but not limited to the roles of the governor, legislature, other political actors and the public, contemporary issues and the state's current economic conditions, and an introduction to Budget Change Proposals.

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- Introduction to a step by step policy analysis framework and its application to the court administrative environment.
- Identification of policy-oriented issues in the capstone project.
- Introduction to a real-world court case study in California that reflects the application of court culture assessment and the consequences of culture.

Agenda for Seminar January 13, 2017 (Orange Superior Court)

TOPICS – January: State Budget Process; The Governor’s Budget; Next 10 Budget Exercise; Judiciary BCP Presentations; Orange Case Study: Consequences of Culture

Item	Time
1. Welcome and Roll Call and Agenda	9:00 a.m.
2. Placement Discussion and Capstone Project Check-in	9:05 to 9:30
3. State Budget Process a. Next 10 Budget Exercise Discussion b. Governor’s Budget c. Judicial Branch Budget d. Judiciary BCP Presentations	9:30 a.m. to Noon (10:30 to 10:45 break)
4. Lunch Break	Noon to 1:00 p.m.
5. Orange Case Study: Court Culture and Its Consequences (2008) a. Open Discussion to Spot Policy or Other Issues b. Compare and Contrast with Orange Court Management Review Case Study (2003)	1:00 to 1:30 p.m.
6. Case Study Exercise: Five judges and five administrators. (Natalie, Conor, Karissa, Ashley, Jamie) and five administrators (Arjun, Alvin, Katerina, Pazong, Lilia). ▪ Administrators will present findings and recommendations from the Culture and Consequences Report to the judges. ▪ Judges will compare and contrast the earlier study with the current study.	1:30 to 2:00 p.m. (Preparation) 2:00 to 2:30 p.m. (Presentation)

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Item	Time
<ul style="list-style-type: none"> ▪ Using change management and other theories, Judges and Administrators will discuss what lessons had been learned. 	
7. Afternoon Break	2:30 to 2:45 p.m.
8. Capstone Project Paper Discussion <ul style="list-style-type: none"> ▪ Bardach's Questions ▪ Issues List 	2:45 to 3:15 p.m.
9. Legislative, Executive and Judicial Interaction (See attached letter as preview of the interplay.)	3:15 to 3:45 p.m.
10. Wrap Up	3:45 to 4:00 p.m.

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Elaine M. Howle State Auditor
Doug Cordiner Chief Deputy

January 7, 2015

2014-107

The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly
State Capitol
Sacramento, California 95814

Dear Governor and Legislative Leaders:

As requested by the Joint Legislative Audit Committee, the California State Auditor presents this audit report concerning judicial branch operations, including the Judicial Council of California's (Judicial Council) and the Administrative Office of the Courts' (AOC) administration of judicial branch funds. Public confidence in the judicial system stems, in part, from confidence that the system's administrators manage its operations efficiently and appropriately. This report concludes that questionable fiscal and operational decisions by the Judicial Council and the AOC have limited funds available to the courts.

State law affords the Judicial Council a significant amount of autonomy related to developing budgets and approving expenditures on behalf of the trial courts. With this autonomy, the Judicial Council has an obligation to act in the best interest of the public, especially during times of fiscal hardship. To maximize funding available to the courts, we expected that the Judicial Council and the AOC would have carefully scrutinized their operations and expenditures to ensure they were necessary, justified, and prudent. However, we found that this was not always the case. Specifically, the Judicial Council failed to adequately oversee the AOC—its staff agency that assists it in managing the judicial branch budget and provides administrative support to judicial branch entities. In the absence of such oversight, the AOC engaged in about \$30 million in questionable compensation and business practices over a four-year period and failed to adequately disclose its expenditures to stakeholders and the public.

Furthermore, although state law authorizes the Judicial Council and the AOC to spend state funding appropriated for the trial courts on behalf of those courts, we have concerns regarding the appropriateness of some of the expenditures. Over the past four years, the AOC spent \$386 million on behalf of the trial courts including \$186 million in payments to consultants, contractors, and temporary employees using the trial courts local assistance appropriations; however, the AOC could have paid a portion of these costs

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using its own appropriation. If it had done so, some of those local assistance funds would have been available to support the courts.

Moreover, because the AOC's primary function is to provide services to the courts, we expected that it would have identified the needs of the courts in a comprehensive manner; however, it has not. To obtain information and other feedback about the AOC's services, we surveyed the courts and found that on average the courts reported they use only 55 percent of the services that the AOC provides. If the AOC does not focus on offering only those services that the courts need, it cannot provide assurance that it uses available resources to best serve the courts and ultimately the public.

Given the lapses in the Judicial Council's oversight and the AOC's decision making, we believe significant change is necessary to ensure that the State's courts receive the critical funding they require to provide access to justice for all Californians. As such, we made numerous recommendations that we believe will improve operations, increase transparency, and ensure accountability within the judicial branch. Although the AOC in its response to this report indicates that it will consider our recommendations through the deliberative processes established by the Judicial Council and its advisory bodies, it did so without proposing a specific plan. Consequently, we are concerned that meaningful change may not occur; however, we expect that the AOC's future correspondence will contain detailed plans, including time frames for implementation, of what the Judicial Council and the AOC intend to do or have done to address our recommendations.

Respectfully submitted,



ELAINE M. HOWLE, CPA
State Auditor

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(2) February Seminar, Friday February 10, 2017 (Off campus: San Bernardino Superior Court)

February Seminar Assignments

Part I: Many of you are destined for law school and others for future post graduate studies and still others of you will be working in the courts. To move you further along those paths, I am assigning a law review article that will serve as a nexus between the central budgetary theme of January's seminar – judicial, legislative and executive branch interaction – and judicial independence. These readings will serve as topics of discussion for you to share with each other at the February seminar – a paper is not required for this part of the assignment – but be prepared to lead and participate in the discussion.

Wachtler v. Cuomo – The Inherent Powers Doctrine: See posting in PPA 298 February Seminar. This law review article discusses the limits of judicial budgetary authority in the context of intergovernmental relations, checks and balances within a tripartite form of government and the inherent powers doctrine. It is well-written and unfolds like a story. Wachtler was the Chief Justice of New York and Cuomo was Governor. New York was in a budget crisis. The Chief Justice and the Governor had been friends for many years.

The issue of budgetary authority is relevant to us because as you learned at last seminar the state budget debate has begun. As noted also in last seminar, less than a third of the Judicial Council approved budget change proposals were included in the Governor's Budget. These and other actions raise significant policy questions surrounding the autonomy and arguably the independence of the branch. The law review article addresses many of these issues from a jurisprudential perspective.

Part II – Budget Change Proposal: This aspect of your assignment will entail drafting a Budget Change Proposal based upon your capstone project. The goal of this assignment is to introduce an additional framework of analysis that will aid you as you delve more deeply and analytically into your capstone project and capstone paper. To ease the experience, you will make a few assumptions as you draft the BCP. Here is the scenario:

- Your capstone was in fact a pilot project;
- The capstone pilot project was wildly successful;
- For purposes of this exercise, assume the 'Administration' is the court and the court's long term strategic plan fully supports the goals of your project;
- Makeup as much information as you need to support your request (be creative but rational);
- You are seeking additional resources from the Judicial Council to convert the project into a full and permanent program.
- NB: Natalie, given the uniqueness of your placement and capstone, you may choose to either write about your capstone or draft a BCP that seeks to add a full-time analyst to OGA.

BCP Writing Assignment: See BCP Instructions – August 2016 DOF – posted to PPA 298 February. Your assignment is to follow the BCP instructions for Sections A, B and D. These sections are under the rubric of BCP Narrative: Analysis of the Problem. Be certain to read

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‘Discussion’ before attempting to complete A, B and D. In terms of length, use as many words as you see fit. I am not looking for long narration and neither would DOF. Not every question will be relevant to making your case – the questions are intended to shape your narrative and not be answered in a Question and Answer format. Formal paper requirements apply.

Part III: Capstone Project Paper Outline: As a reminder, the Capstone Project Paper will be a policy or issues or operationally oriented paper which is intended to demonstrate academic evidence of learning, synthesis, research, and engagement with the placement project and the course contents. Because the paper will cover both academic as well as real-life situations, the paper will reflect academic and professional styles of writing.

An outline of the key sections of your paper is due at the February seminar. Bring a copy for me to seminar and email a soft copy the morning of seminar. One approach would be to view the outline conceptually as a table of contents. I am looking for basic sections, topical headings and descriptive subheadings in order for you to begin structuring the content of your paper. Your BCP assignment in Part II may help you explore these issues more fully. See postings to PPA 298 February for a sample of what is needed drawn from the work of previous students as well as selective critiques of previous student drafts. Following are a few requirements to follow when structuring and writing your Capstone Project Paper and outline. And each of these sections (but for the Abstract) should have subheadings in your outline.

1. Abstract or Summary: It should be a brief, clear and informative statement of what the project was intended to accomplish and why and what was accomplished.

2. (Introduction) Background and Purpose: Here you should expand upon the portion of the summary that explains why the project needed to be done. In other words what problem or issue were you addressing and what made it important. Your objective in this section is to make a compelling case for the work that you did. If you built upon work that has already begun, you would want to show what gap or gaps needed to be filled and how your project was relevant to that end. These should be elaborated in the next section on goals and objectives. If you replicated work that had already been done elsewhere or previously in your placement, i.e., a sequel, be certain to note that as well.

3. Goals and Objectives: Discuss your intended goals and objectives and explain how they relate to the problem or issue in Section 2.

4. Outcomes: Discuss and explain whether the outcomes met the goals and objectives discussed in Section 3.

5. Methods and Procedures: In this part go into some detail about the methods and procedures you used, e.g., primary research, secondary research.

6. Conclusions: Discuss what you learned in the course of the project and the seminar. It is here that elevating the discussion beyond an operational level is needed. This will be done by using the numerous theories, readings, and other materials covered in the course. This is the academic part of the paper where you weigh and balance and evaluate what you have done. It requires thought, reflection, and objectivity.

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Part III: Finish Bardach. Read Bardach, pp 65 through 110 (Parts II and III). At this stage in your project you will have already encountered some if not many of the practical evidentiary issues covered in this reading. Bardach provides guidance and places those issues within the policy analysis framework.

Agenda for Seminar February 10, 2017 (San Bernardino Superior Court)

Topics: Budget as a policy instrument; DOF as a control agency; doctrine of inherent powers as it relates to court funding; implications for California through SAL, WAFM; historical LAO budget analysis; application of budgetary program analysis to capstone paper; Orange case study: Consequences of court culture.

Item	Time
1. Welcome and Roll Call and Agenda	9:00 a.m.
2. Placement Discussion	9:05 to 9:15 a.m.
3. Wachtler v. Cuomo (inherent powers)	9:15 to 9:45 a.m.
a. Discussion by All b. California Implications and Reactions <ul style="list-style-type: none"> • Snapshot of Pre State Trial Court-Funding Model (LAO) • State Appropriations Limit (SAL experiment) • WAFM • Post WAFM 	
4. Budget Change Proposal Assignment	9:45 to 10:15 a.m. (Preparation) 10:30 to 11:30 a.m. (Presentations)
• Observations and Discussion • Exercise: Five pairs of students. • Each student alternates between i) the role of DOF analyst questioning the BCP and ii) the role of court budget analyst presenting, explaining and defending the BCP. • DOF analyst will be guided by the DOF publication 'How to Write an Effective BCP' posted to PPA 298 February Seminar.	
5 Break	10:15 to 10:30 a.m.

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Item	Time
<p>6. Orange Case Study Exercise (from January)</p> <ul style="list-style-type: none"> • Five judges and five administrators. (Natalie, Conor, Karissa, Ashley, Jamie) and five administrators (Arjun, Alvin, Katerina, Pazong, Lilia). • Administrators will present findings and recommendations from the Culture and Consequences Report to the judges. • Judges will compare and contrast the earlier study with the current study. • Using change management and other theories, Judges and Administrators will discuss what lessons had been learned. 	<p>11:30 – Noon Preparation</p> <p>Noon to 1:00 p.m. Lunch</p> <p>1:00 to 1:45 p.m. Presentations</p>
7. Case Study Presentations	Case Study 1:00 to 1:45 p.m.
8. Capstone Paper Critique Exercise	<p>1:45 to 2:30 p.m. (Preparation)</p> <p>2:30 to 2:45 p.m. (Break)</p> <p>2:45 to 3:30 p.m. (Presentation and Discussion)</p>
<p>Five pairs of students will exchange and then evaluate their outlines using the following criteria:</p> <ul style="list-style-type: none"> • Comprehensiveness • Logical organization • Presence of Required Categories • Nexus to Academic Themes <p>I will circulate among you during the preparation period. Presentations will consist of identifying changes to your outlines resulting from the exercise.</p>	
9. Wrap-up and Preview of March Seminar	3:30 to 4:00 p.m.

(3) March Seminar, Friday March 10, 2017 (On campus)

March Reading Assignments and Seminar Exercises – PPA 298.

INTRODUCTION TO THE MARCH SEMINAR

This seminar's readings are focused on four areas: Information Technology (and the intersection with budgetary accountability and judicial independence); Judicial Ethics and the Disciplinary Process; a comparison of legislative bill processes and the Judicial

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Council rule-making process; lastly, one final pass at examining the process of changing court culture. Although numerous, the readings are relatively short. **According to the Capstone Project Paper schedule, the first draft of your Capstone Project Paper is due at this seminar.** Please provide me with a hardcopy at seminar and an electronic copy the evening before. As always, do the readings and be prepared to fully engage with each other in discussion at seminar. And there are two ‘information gathering or research’ assignments that you will need to complete to be able to fully participate in seminar. Should you have any questions, please contact me.

Part I: Information Technology: Given that each of you were, as some might say, ‘born digital’, you may wonder why the courts seem not to have adapted as quickly or fully or easily to information technology as one might expect. Understanding more about the history of technology in the public sector and the courts will help to explain this phenomenon. Coupled with reading and viewing Susskind whose emphasis is the future of law, you will be well-versed in IT policy, drivers of change, and challenges to effecting change within the judicial – legal culture and elsewhere. **Posted to PPA 298B March Seminar are several reports to read in the following order:**

1. 1989 IT NCSC Report on Statscan (Introduction: pp 1-5; Conclusions: pp 78-86)
2. 1990 IT LAO Report on Statscan (and other judicial budgetary matters pp 7 – 20))
3. 1994 IT California State Auditor Report on State Information Technology (2-page summary)
4. 2002 IT LAO Report on the Department of Information Technology (5 pages)
5. 2011 State Auditor Report on the California Court Case Management System (13 page summary)
6. 2013 Public Policy Institute of California (PPIC) Survey of Californians and Information Technology (38 pages mostly tables and graphics)
7. 2017 “Alameda County Court Grapples with Fixing ‘catastrophic’ System.” *San Francisco Chronicle*, January 31, 2017.
8. 1948 Legislative Analyst’s Report on the Judiciary Budget (note treatment of Supreme Court robes and automobiles)

Assigned Text: Read in its entirety.

9. *Tomorrow’s Lawyers: An Introduction to Your Future* – Susskind (and accompanying PowerPoint presentation posted to PPA 298.)

Assignment: Gather your placement court’s written (or unwritten) IT policies covering employees (probably computer usage policies, cell phone policies, and so forth) and those that cover the public (including jurors). Consider when they were last revised and whether updates may be warranted or anticipated in light of Susskind’s perspectives and your own impressions. How many hits per month does the court’s home page receive? What areas are most used? In terms of website content, what is the governance process for updating or changing the court’s website? Is there judicial oversight? Does your court have an IT strategic plan? Be prepared to discuss at seminar what you have

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discovered. Consider and reflect on the culture of your court and possible change management processes we have studied and discussed throughout your readings.

Part II: Judicial Ethics and the Disciplinary Process

We will now explore the California Code of Judicial Ethics and the disciplinary role of the Commission on Judicial Performance (CJP). We will do so by examining actual disciplinary cases arising from your placements.

Assignment: You will locate at least one disciplinary case arising from your court through the CJP database and present for discussion at seminar the allegations, who raised the complaint, the outcome and the reasoning, and your impression of the case. For those who might not find a disciplinary case in the database, please select a case from another court. **The following links and readings are posted to PPA 298 – March Seminar. Please approach them in the order presented below.**

1. California Code of Judicial Conduct. Read Preface, Preamble, Terminology and Canon 5. (Approximately 15 pages)
2. CJP – Seeman Decision
3. CJP Statistical Report Summary for 1990 – 2009. Read Executive Summary, Background, and Findings. (Approximately 12 pages).
4. CJP Database. Search by county/court.
https://cjp.ca.gov/discipline_and_decision_search/

Part III: Comparison of legislative bill process and Judicial Council rule-making process: It is not often described in this way, but the judiciary does have a legislative process that very much resembles, in part, state legislative law making.

Assignment: Study the documented processes and compare and contrast them. What are the similarities and dissimilarities? Which in your opinion is better suited to the judiciary? Is there a third way? Make notes. There will be seminar discussion.

- **How a Judicial Council Proposal Becomes a Rule**

Posted to PPA 298 – March Seminar.

- **Overview of Legislative Process**

Posted to PPA 298 – March Seminar

Part IV: Changing our Culture – One Court’s Effort at the Process. Posted to PPA 298. This will be our last journey into methods of changing court culture by examining a very recent example.

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Assignment: Compare the above judicial memorandum to Ostrom's methods of changing culture. Where does the memorandum differ? Where does it conform to Ostrom? Take notes and be prepared to discuss your thoughts – or in the case of one student – direct observations.

Agenda for Seminar March 10, 2017, Friday (On Campus)

TOPICS:

- I. Information Technology (and the intersection with budgetary accountability and judicial independence);
- II. Judicial Ethics and the Disciplinary Process;
- III. Comparison of legislative bill processes and the Judicial Council rule-making process;
- IV. One final pass at examining the process of changing court culture.

Item	Time
1. Welcome	9:00 a.m.
2. Placement Discussion	9:05 to 9:15 a.m.
3. Bills and Rules: Comparison of legislative process and Judicial Council rule-making process (Discussion leader: Natalie)	9:15 to 9:30 a.m.
4. Court Information Technology Discussion (see attached discussion leader assignments)	9:30 a.m. to 11:30 a.m. (including 15 minutes preparation time and a 10 minute break)
<ul style="list-style-type: none"> a. Courts as early adaptors (back office fiscal processes, jury services, case tracking, etc) b. Courts as lagging adaptors (rapid IT societal dispersion, social media, rising public and lawyer expectations for access, e-docs, e-records, e-discovery, e- evidence presentation) c. PPIC IT Survey (The digital divide – what does the public really think about electronic access to government?) Is IT access evenly distributed? Should courts care? The survey was conducted in 2013 – what might have changed in four years? d. What is the narrative that links nearly three decades of judicial branch technology initiatives? 	
5. Placement Court IT Policies Presentations and Discussion by All. Be prepared to present the policies and offer suggested changes – if needed.	11:30 to Noon
6. Lunch Break	Noon to 1:00 p.m.

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7. Judicial Ethics Case Studies: Judicial Discipline http://www.cjp.ca.gov/discipline_and_decision_search.htm <ul style="list-style-type: none"> ▪ Present the allegations for the case or cases you selected, explain the code section(s) that were violated, who raised the complaint, what was the outcome and the reasoning behind it. Was the outcome just given the nature of the violation? Why? Why not? What discipline would you have meted out given the range of options available? What might Cann and Yates say about furtherance of public trust and confidence? 	1:00 to 1:30 p.m. (Preparation) 1:30 to 3:00 p.m. (Presentations including break)
8.a. Appointed versus Elected Judges	3:00 to 3:15 p.m.
8b. Managing Court Culture (a current Weberian model)	8a – all 8b - Conor
9. Capstone Paper First Draft <ul style="list-style-type: none"> ▪ Open Discussion ▪ Brief One on One Meetings ▪ Adjournment 	3:15 to 5:00 p.m.

Discussion Leader Assignment: Lead a 5 to 10 minute Discussion

Discussion Item	Leader
1. 1989 IT NCSC Report on Statscan (Introduction: pp 1-5; Conclusions: pp 78-86)	Katerina
2. 1990 IT LAO Report on Statscan (and other judicial budgetary matters pp 7 – 20))	Jamie
3. 1994 IT California State Auditor Report on State Information Technology (2-page summary)	Alvin & Ashley
4. 2002 IT LAO Report on the Department of Information Technology (5 pages)	Alvin & Ashley
5. 2011 State Auditor Report on the California Court Case Management System (13-page summary)	Karissa & Conor
6. 2013 Public Policy Institute of California (PPIC) Survey of Californians and Information Technology (38 pages mostly tables and graphics)	Arjun & Pazong
7. 2017 “Alameda County Court Grapples with Fixing ‘catastrophic’ System.” <i>San Francisco Chronicle</i> , January 31, 2017.	Conor
8. 1948 Legislative Analyst’s Report on the Judiciary Budget (note treatment of Supreme Court robes and automobiles)	Lilia & Natalie
9. Tomorrow’s Lawyers: An Introduction to Your Future	All

Suggested discussion oriented questions for IT discussion leaders to consider:

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1. What was the major problem – what was at stake?
2. Were there recommendations addressing the problem?
3. What measures or indicators or criteria were used to define or analyze the problem? What additional measures might be recommended?
4. What were or are the implications of the reports and their findings?
5. To what extent were the IT projects simply unlucky? Or were the outcomes inevitable?

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(4) April Seminar, Friday April 7, 2017 (On campus)

THE APRIL SEMINAR

I. Capstone Project: At last seminar I met with each of you individually to review and discuss the first draft of your Capstone paper. We will repeat the process for your second draft – preceded by a peer review with the same partners as in February. Please submit to me a hardcopy at seminar and electronically no later than 9:00 p.m. the evening before. I anticipate our individual meetings will take about 15 minutes each and approximately 45 minutes for the peer reviews.

II. Criminal Injustice: A Cost Analysis of Wrongful Convictions, Errors, and Failed Prosecutions in California’s Criminal Justice System (rel. March 2016) (Posted to PPA 298 April Seminar)

Assignment: Posted to PPA 298 April Seminar is a newspaper article about the above report. Please read the article and the report in the dual context of the upcoming field seminar to San Quentin State Prison and the upcoming academic seminar during which we will discuss implications for judicial administration.

III. California Department of Corrections and Rehabilitation Data (CDCR). Two reports by CDCR on condemned inmates are posted to the PPA 298 April Seminar. The data are current through March 2, 2017.

Assignment: Review the reports and be prepared to discuss where your placement county fits into the statewide census of condemned inmates. Are the percentages proportional to county populations? Do some counties seem to have a disproportionate capital punishment propensity? Why?

Can you draw parallels between the county-based data presented in the Injustice report and the CDCR data? Are there parallels or correlations between these data and the Commission on Judicial Performance data? This is not an exhaustive list of questions, so be certain to bring some of your own.

IV. Technology Follow-Up: Read the Economist article posted to PPA 298 April Seminar and be prepared to share your thoughts about the pace of innovation.

V. Innovation in the Courts. In the March seminar, we explored many of the challenges facing courts as they attempt to modernize. Our emphasis was information technology and the judiciary’s historical efforts to remain current and technologically innovative. To counter-balance those case studies, you will perform a short research effort regarding successfully implemented court innovations – many of which are technologically based.

Assignment: Each placement court has at some point in the past received recognition for having developed and implemented an innovative court program. The award is known as a Kleps Award (the program was cut a few years ago because of severe budget reductions). See Kleps Award

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Factsheet posted to PPA 298 April Seminar. Background information about many award recipient court programs is available at the following link: <http://www.courts.ca.gov/15571.htm>

Your research assignment will be to review all the projects listed at the Kleps link (whether in your court or elsewhere), select a project or program from your court or elsewhere that interests you and determine:

- a) Whether the project or program is still in existence.
- b) If it is no longer functioning, why?
- c) Did it meet its original policy or operational goals and what were they?
- d) Whether the program evolved over time? If so, in what ways.
- e) Whether the program has been exported to other courts.
- f) Lastly, drawing upon what you have learned about courts, add any other information or insights (e.g., change management, technology, sustainability, leadership, governance, access to justice, etc) that you find interesting or relevant (or both).

A one page summary recounting your research methods, findings, and conclusions is required. More importantly, you will also need to lead a short discussion about the program. The paper is due at the April seminar.

VI. Court Employee Code of Ethics. Rounding out our discussion of judicial ethics, we will briefly consider a similar set of principles governing court employee conduct. See Code of Ethics posted to April Seminar and newspaper accounts of court employee ethical lapses. What are the institutional implications? What managerial steps might be taken to avoid (and detect) misconduct? What institutional values, cultural and professional, might be emphasized by management? What change management processes do you suggest?

Agenda for Seminar April 7, 2017, Friday (On Campus)

TOPICS:

I. Criminal Justice in California, II. Innovation in the Courts, III. Judicial Branch Employee Code of Ethics, IV. Capstone Second Draft Reviews.

Item	Time
1. Welcome	9:00 a.m.
Criminal Justice in California	9:05 – 10:15 a.m.

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Item	Time
2. Field Seminar Discussion and Dialogue with Carlos Martinez (2015-16 JAFP). Mr. Martinez, a former Judicial Administration Fellow, is an investigator with the Habeas Corpus Resource Center and will join us for the discussion of criminal justice in California.	
2a. Criminal Injustice: A Cost Analysis of Wrongful Convictions, Errors, and Failed Prosecutions in California's Criminal Justice System (rel. March 2016) (Posted to April Seminar)	
2b. Discussion of California Department of Corrections and Rehabilitation Data (CDCR) – (See April assignment.)	
2c. California Bail Reform – SB 10 and AB 42 (See attached summary.)	
MORNING BREAK	10:15 – 10:30 a.m.
3. Innovation in the Courts / Economist article	10:30 – 11:15 a.m.
4. Judicial Branch Employee Code of Ethics – Case Studies	11:15 - Noon
LUNCH	Noon to 12:45 p.m.
5. Capstone Peer Reviews and One on One Meetings	12:45 to 3:00 p.m.
6. Adjournment	4:00 p.m.

ADDITIONAL DISCUSSION ITEM: CALIFORNIA BAIL REFORM

Two identical state proposals — Senate Bill 10, by Sen. Bob Hertzberg, D-Van Nuys, and Assembly Bill 42, by Assemblyman Rob Bonta, D-Oakland — would do away with California's bail system.

Q: How would it work?

The bills would require agencies that offer pretrial services — all but a handful of counties already have them — to do a risk assessment of defendants soon after they are arrested. The assessment and accompanying recommendations would be sent to a judge, magistrate or court commissioner who would then order the release of defendants — with or without conditions — within a certain number of hours.

Q: Would this apply to everyone?

Those accused of domestic battery, stalking, witness intimidation and serious felonies would have to appear in court for a hearing with a judge or magistrate. And if the district attorney's office files a motion for a defendant to be kept in custody, that would also require a court hearing — but the court would have to make certain findings before it could agree to keep a defendant behind bars.

Q: Could a judge still set bail?

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If a judge determines the person is a flight risk, he or she could still set bail, but at the “least restrictive level necessary” to ensure a defendant’s return to court.

Source: Texts of SB 10 and AB 42

Summarized by: Katy Murphy – Bay Area Newsgroup – April 4, 2017

(5) May Seminar, Friday May 19, 2017 (On Campus)

THE MAY SEMINAR

According to our Capstone schedule as discussed at last seminar, your final papers are due on May 12, 2017. Please submit them electronically to me no later than noon.

At seminar on May 19 you will present your projects and your papers. Plan on 15 to 20 minutes of presentation and 5 minutes of discussion. Also, I have been informed that there will be guests attending your presentations – mentors mostly but there may be members of the campus community in attendance as well. This means that not everyone in your audience is likely to have the same depth of background on what your projects have entailed. So be certain to not take too many shortcuts, e.g. avoid using uncommon acronyms, avoid using courthouse shorthand (LWOP, Prop 47, AB 109, CMS, etc without briefly explaining what the terms mean).

If you will need presentation technology, please contact Megan Thorall at least two weeks in advance.

Lastly, the May seminar agenda contains the order in which the presentations will take place as well as a few discussion questions to consider.

Agenda for Seminar May 19, 2017, Friday (On Campus)

Final Seminar – Capstone Presentations

Item	Time (Approximate)
1. Welcome	9:00 a.m.
2. Placement Updates	9:05 to 9:15 a.m.
3. Discussion Questions:	9:15 to 10:00 a.m.
<ul style="list-style-type: none">How does judicial administration contribute to access to justice?	(10:00 to 10:10 Break)

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Item	Time (Approximate)
<ul style="list-style-type: none"> • Based upon your experience and study during the fellowship, what advice do you offer to future judicial administration leaders? • Are Pound's general concerns being addressed? 	
4. Capstone Presentations: (15 to 20 minutes each) <ol style="list-style-type: none"> 1. Katerina 2. Jamie 3. Conor 4. Alvin 5. Ashley 6. Pazong 7. Arjun 8. Karissa 9. Lilia 	10:10 a.m. to Completion Lunch: Noon to 1 p.m. Break: 2:00 to 2:15 p.m.
5. Wrap Up (Time permitting.)	