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Computer mess jeopardizes court's political clout

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SAN FRANCISCO -- Former California Chief Justice Ron George's crowning achievement was expected to be his crusade to drag the nation's largest court system into the 21st century: a computer system linking every courthouse in the state's 58 counties.

As initially envisioned a decade ago, anyone in any courthouse today should be able to get real-time information on just about any case anywhere in the state.

Instead, the state auditor has concluded that court officials have so badly mismanaged the massive information technology project formally launched in 2004 that it has been installed to mixed reviews in just seven counties. And more than what may become a \$2 billion computer project is at stake.

The troubles plaguing the California Court Management System are threatening to undo the considerable political gains George made for the courts in Sacramento before his January retirement. George made court unification a centerpiece of his 14-year tenure as chief justice, pushing through legislation that centralized court funding with the Administrative Office of the Courts and largely eliminating the control county officials had over local court budgets.

His accomplishments eliminated the feudal governance of the courts and ensured steady, reliable annual funding statewide.

But many trial judges and court workers throughout the state are now in open revolt.

"The idea of having all of the courts connected through a case management system is appealing in the abstract. All of us favor the concept," said Steve White, presiding judge of Sacramento County Superior Court, which uses the new computer system. "But that has turned into an ill-conceived, mismanaged and failed experiment. It simply has not worked."

On Feb. 8, State Auditor Elaine Howle issued a blistering report concluding that the AOC's mismanagement of the computer project has dramatically increased the cost and severely delayed deployment of a system that may have to be significantly scaled back.

In 2004, the AOC predicted the project would cost \$260 million to complete. Today, it has already spent \$332 million and says state-wide deployment will cost \$1.3 billion. The state auditor puts that figure closer to \$1.9 billion while recommending the courts do a better job of reporting their spending to the Legislature.



In this Aug. 25, 2010 photo, Chief Justice Ron George is seen during a confirmation hearing in San Francisco. More than 11 years ago, George and top court officials conceived of an ambitious computer system that would digitally link every courthouse throughout the state. Instead, the massive information technology project is teetering on the brink of failure and threatening to undo the considerable political gains George made for the courts in Sacramento before his January retirement. (AP Photo/Paul Sakuma, Pool)

Administrative Office leaders insist the rising costs have always been anticipated because of the project was intentionally designed and expected to accept add-ons during development.

But a growing number of critics inside and outside the state's court system allege the AOC surpassed its mandate and amassed near-total authority over every courthouse. They point to the troubled computer system as Exhibit A, complaining that AOC leaders continue to pay for a failing project, while ordering court workers furloughed and courts closed during business hours to save money.

Sacramento County's White is also head of the Alliance of California Judges, a breakaway organization of jurists dissatisfied with the AOC generally and the computer project specifically. The group has called for halting the project.

White said the alliance has signed up more than 400 of the state's 1,600 judges since its 2009 creation, which he said is a sign of growing discontent with the courts' centralized management. Influential outsiders are also starting to take notice.

Assembly members Ricardo Lara, D-Bell Gardens, and Bonnie Lowenthal, D-Long Beach, sent new Chief Justice Tani Cantil-Sakauye a letter on Feb. 24 demanding the dismissal of AOC chief Bill Vickrey.

In their letter to the chief justice, the lawmakers said the AOC led by Vickrey ignored a Legislative Analyst warning in 2004 about a lack of planning and oversight of the project.

"Mr. Vickrey's bewildering dismissal of sound advice has resulted in the kind of debacle that, in any other setting, already would have resulted in termination," the letter stated. The lawmakers also question whether to clip the courts contracting authority.

Cantil-Sakauye, who was sworn in Jan. 3, said last month that she stands by Vickrey and the computer project and criticized the lawmakers' letter.

"I consider this letter a serious attempt to interfere with judicial branch governance and my ability to evaluate the AOC management team," the new chief justice said. "Moreover, this letter is a profound diversion from the difficult issues that our branch is trying to resolve."

The chief justice said the court will adopt the auditor's recommendations, including better oversight of the project and soliciting the input of trial court judges.

"I'm aware and I thank the bureau of state audits for its intensive historical review of CCMS and I take its report and its findings seriously," Cantil-Sakauye said at a Feb. 25 meeting discussing the project.

The AOC directed inquiries about the system and the audit to Appellate Court Justice Terence Bruiniers, who chairs a committee overseeing the project and serves as the court's primary spokesman on the issue.

Bruiniers concedes mistakes were made, especially in failing to provide realistic cost expectations at the outset, and that a review of whether the courts paid a fair price for the system should be required upon completion.

"There is no question that inside and outside the judicial branch this has been damaging and it has damaged our credibility with the Legislature," Bruiniers said.

Still, he insists the system is worthwhile to connect and streamline the courts, which use 70 mostly incompatible computer programs statewide.

"It's a necessary corollary of court unification. It allows us to operate as a unified branch," Bruiniers said. "Right now, we operate as a tower of Babel."