

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
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Report

TO: Members of the Judicial Council

FROM: Administrative Office of the Courts
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DATE: November 19, 2004

SUBJECT: Dissolution of the Judicial Branch Budget Advisory Committee and
Establishment of the Trial Court Budget Working Group (amend
rule 6.11 and 6.620 and repeal and adopt rule 6.45)
(Action Required)

Issue Statement

There is a need to establish a new budget working group to avoid overlap, facilitate expeditious resolutions on critical trial court budget-related matters, and provide for broader representation of courts statewide. This group would replace the system in effect since January 2002 with both the Judicial Branch Budget Advisory Committee and the Trial Court Executive Management Budget Working Group.

Recommendation

Staff recommends that the Judicial Council, effective January 1, 2005, amend rule 6.11 and 6.620 and repeal and adopt rule 6.45 to dissolve the Judicial Branch Budget Advisory Committee and establish a new working group to facilitate expeditious resolutions to critical trial court budget-related matters and provide broader representation of courts statewide.

The text of proposed rules 6.11, 6.45, and 6.620 is attached at pages 4-6.

Rationale for Recommendation

The proposed amendment of rule 6.45 of the California Rules of Court would dissolve the Judicial Branch Budget Advisory Committee and establish the Trial Court Budget Working Group (working group) to advise the Administrative Director of the Courts on trial court budget issues. Membership of the new working group would be inclusive of trial court judicial officers and trial court

executive officers and may include others selected by the Administrative Director of the Courts.

Since January 2002, the Judicial Branch Budget Advisory Committee has advised the Judicial Council and the Administrative Director of the Courts on the preparation and development of, advocacy for, and implementation of the budget for the judicial branch and the relation of the budget to the strategic plan. This committee has not been involved in budget management, but has provided high-level tactical and process advice.

The Trial Court Executive Management Budget Working Group was also established by the Director of the Administrative Office of the Courts (AOC) Finance Division during this same time period for the purpose of fostering communications between trial court leaders and the AOC with regards to the trial court budget development process and priority needs, as well as to address regional and statewide budget-related challenges facing the courts.

With both the Judicial Branch Budget Advisory Committee and the Trial Court Executive Management Budget Working Group in existence, however, there has been some duplication of efforts. Due to the broader representation and trial court focus, the Trial Court Executive Management Budget Working Group has been better able to meet the needs of the courts and staff in obtaining trial court input as well as keeping the courts informed of budget management and policy dialogue and decisions.

On August 16, 2004, the Executive and Planning Committee took action to direct staff to consult with the Rules and Projects Committee and seek public comment and input from the trial courts on a proposal to abolish the Judicial Branch Budget Advisory Committee and to formalize the new Trial Court Budget Working Group that is the subject of this proposal.

Because of the amount of time required for a public comment period and for bringing the proposal back to the Rules and Projects Committee and, subsequently, the Judicial Council, the Executive and Planning Committee also took action to establish an interim budget working group to assume both the responsibilities of the existing Trial Court Executive Management Budget Working Group and to increase participation in the development, preparation, implementation, and management of state trial court funding. In addition to these enhanced responsibilities, the membership of the interim working group differs from the Trial Court Executive Management Budget Working Group in that it has been expanded to provide for membership that is more representative of the experience with the varied and complex budget-related issues trial courts face

throughout the state. It is the intent that this interim working group will comprise the new Trial Court Budget Working Group if the council approves this proposal.

The interim working group recently met for the first time and addressed a range of issues that included negotiations relating to undesignated fee revenues, guidelines relating to the costs of homicide trials and prisoner hearing costs, operating guidelines and directives for budget management in the judicial branch, and the implementation of the State Appropriations Limit adjustment rate and how it will affect the trial courts' budget allocation and budget development process in FY 2005–2006 and beyond.

In carrying out its responsibilities, the new Trial Court Budget Working Group, would meet not less than twice a year to consider the following:

- Provide recommendations on trial court budget priorities to guide the development of the budget for the fiscal year presently being developed.
- Make recommendations on the allocation of trial court funding, to include methodologies for allocating trial court budget augmentations and reductions.
- Make recommendations, as appropriate, on budget policies and procedures.
- Further participate in the budget development process as directed by the Administrative Director of the Courts.

The new working group would include no more than 30 members and consist of trial court representatives appointed annually to reflect the diversity of state trial courts, to include:

- Urban, suburban, and rural courts;
- Size and adequacy of courts' budgets; and
- Number of judgeships.

The chairs of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee would be considered as permanent appointments to the working group. In addition, four non-voting members would include the Director of the AOC Finance Division, who serves as chair of the group, and each of the AOC regional administrative directors. The Trial Court Presiding Judges

Advisory Committee and the Court Executives Advisory Committee may make membership recommendations to the Administrative Director of the Courts.

Alternative Actions Considered

Past experience with the Trial Court Budget Commission, the Judicial Branch Budget Advisory Committee, and Trial Court Executive Management Budget Working Group and a desire to provide a better involvement of the judicial branch family in the budget process has led to the proposal for the present working group.

Comments From Interested Parties

The proposed rule was circulated for comment using a special schedule approved by the Rules and Projects Committee. Three people responded, all supporting the proposal without modification.¹ All did so without further comment. Because of the few responses and the lack of comments a comment chart is not included with this report.

Implementation Requirements and Costs

The proposal has no implementation costs other than those associated with the adoption of any rule of court.

Attachments

¹Hon. Raymond Cota, Presiding Judge, Superior Court of California, County of Imperial; Kim Hubbard, President, Orange County Bar Association; and Kiri Torre, Court Executive Officer, Superior Court of California, County of Santa Clara.

Rules 6.11 and 6.620 of the California Rules of Court are amended, and rule 6.45 is repealed and re-adopted, effective January 1, 2005, to read as follows:

1 **Rule 6.11. Executive and Planning Committee**

2
3 (a) – (d)

4
5 (e) **[Planning]** The committee oversees the development and implementation of the
6 council’s long-range strategic plan by:

7
8 (1) Recommending responses to forces and trends that are likely to affect the
9 judiciary’s operations and resources;

10
11 (2) Planning and conducting the council’s annual strategic planning meeting and
12 related efforts; and

13
14 (3) Collaborating with the Administrative Director of the Courts ~~and the Judicial~~
15 ~~Branch Budget Advisory Committee~~ regarding proposed judicial branch
16 budgets, proposed allocation schedules, and related budgetary issues.

17
18 (f) **[Budget]** The committee must ensure that proposed judicial branch budgets and
19 related budgetary issues are brought to the Judicial Council in a timely manner and in
20 a format that permits the council to establish funding priorities in the context of the
21 council’s annual program objectives, statewide policies, and long-range strategic
22 plan. The Administrative Director of the Courts ~~and the Judicial Branch Budget~~
23 ~~Advisory Committee~~ assists the Executive and Planning Committee in carrying out
24 this function, as directed by the Executive and Planning Committee and as otherwise
25 provided in these rules.

26
27 (g) * * *

28
29 **Rule 6.45. ~~Judicial Branch Budget Advisory Committee~~**

30
31 ~~(a) [Area of focus] The Judicial Branch Budget Advisory Committee advises the~~
32 ~~Judicial Council and the Administrative Director of the Courts on the preparation and~~
33 ~~development of, advocacy for, and implementation of the budget for the judicial~~
34 ~~branch and the relation of the budget to the strategic plan. The committee is not~~
35 ~~involved in budget management but provides high-level tactical and process advice.~~
36 ~~For purposes of this rule, the budget of the judicial branch consists of the budgets for~~
37 ~~the Supreme Court, the Courts of Appeal, the superior courts, the Judicial Council,~~
38 ~~and the Administrative Office of the Courts. For purposes of this rule, the budget of~~
39 ~~the judicial branch does not include the budgets of the Commission on Judicial~~

1 Performance and the Habeas Corpus Resource Center.

2
3 ~~(b) [Membership] The committee consists of no more than nine members appointed as~~
4 ~~follows:~~

5
6 ~~(1) One or two appellate court justices;~~

7
8 ~~(2) Three superior court judges, at least one of whom is from a court with fewer~~
9 ~~than 20 judges and two of whom are either present or recent presiding judges or~~
10 ~~judges with knowledge of, and experience and interest in public finance;~~

11
12 ~~(3) One appellate court clerk/administrator, who should not be from the same~~
13 ~~district as any of the appellate court justices;~~

14
15 ~~(4) Three superior court executives none of whom should be from the same court as~~
16 ~~any of the superior court judges.~~

17
18 ~~(c) [Membership recommendations] In addition to the procedure provided by rule~~
19 ~~6.32, the following groups may make recommendations to the Executive and~~
20 ~~Planning Committee concerning membership:~~

21
22 ~~(1) The Administrative Presiding Justices Advisory Committee for the appellate~~
23 ~~court justices and the appellate court clerk/administrator;~~

24
25 ~~(2) The Trial Court Presiding Judges Advisory Committee for the superior court~~
26 ~~judges; and~~

27
28 ~~(3) The Conference of Court Executives for the superior court executives.~~

29
30 ~~(d) [Duties and responsibilities] The committee provides advice and advocacy to~~
31 ~~ensure that the judicial branch budget as developed and adopted is consistent with~~
32 ~~Judicial Council goals. In carrying out this duty, the committee must:~~

33
34 ~~(1) Provide recommendations to the Judicial Council on budget priorities to guide~~
35 ~~the development of the budget for the fiscal year presently being developed.~~
36 ~~The committee considers all relevant factors including:~~

37
38 ~~(A) Recommendations from other advisory committees on budget~~
39 ~~priorities;~~

40
41 ~~(B) Recommendations from the trial and appellate courts;~~
42

1 ~~(C) Input from the members of the public, including any designated trial~~
2 ~~court employee representative;~~

3
4 ~~(D) The fiscal condition of the state;~~

5
6 ~~(E) Other factors and trends affecting the judicial system and the state;~~
7 ~~and~~

8
9 ~~(F) The progress of the courts and other judicial branch agencies in~~
10 ~~meeting the goals established by the Judicial Council.~~

11
12 ~~(2) Make recommendations, as appropriate, on budget policies and procedures to~~
13 ~~the Judicial Council and the Administrative Office of the Courts.~~

14
15 ~~(3) Work with the Judicial Council and the Administrative Director of the Courts in~~
16 ~~advocating for the budget through the executive and legislative processes.~~

17
18 ~~(4) Further participate in the budget development process, as directed by the~~
19 ~~Administrative Director of the Courts.~~

20
21 **Rule 6.45. Trial Court Budget Working Group**

22
23 The Administrative Director of the Courts must appoint annually a Trial Court
24 Budget Working Group to advise the Director on trial court budget issues. The
25 working group must include trial court judicial officers and trial court executive
26 officers reflecting the diversity of state trial courts including location, size, and
27 adequacy of funding. The working group may also include others selected by the
28 Administrative Director of the Courts.

29
30 **Rule 6.620. Public access to administrative decisions of trial courts**

31
32 (a) * * *

33
34 (b) **[Budget priorities]** ~~The Judicial Branch Budget Advisory Committee (JBBAC)~~
35 Administrative Office of the Courts may request, on 30 court day's notice,
36 recommendations from the trial courts concerning judicial branch budget priorities.
37 ~~JBBAC's~~ The notice must state that if a trial court is to make recommendations to the
38 ~~committee,~~ the trial court must also give notice, as provided in subdivision (g), that
39 interested members of the public may send input to the ~~JBBAC~~ Administrative Office
40 of the Courts.

41
42 (c) - (k) * * *