

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES AOC RESTRUCTURING

DATE	12/17/2012
PREPARED BY	Chad Finke
OFFICE NAME	<u>Court Operations Special Services Office</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	66
JUDICIAL COUNCIL DIRECTIVE	E&P recommends that the Judicial Council defer a decision on SEC Recommendation 7-12(b), pending a recommendation from the Trial Court Budget Working Group.
SEC RECOMMENDATION	The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following: (b) The Justice Corps Program should be maintained, with AOC's involvement limited to procuring and distributing funding to the courts.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>Since the date of the original SEC recommendation, the Promising and Effective Programs unit has been significantly reduced in size. One Administrative Coordinator II left as part of the AOC's Voluntary Separation Incentive Program. A Senior Court Services Analyst was transferred to the Court Interpreters Program to account for staff attrition in that latter group. With the cessation of the Kleps Awards Program, a Court Services Analyst was transferred to the Trial Court Leadership Services Group, to serve as staff to the Trial Court Presiding Justices Advisory Committee. And recently, a Staff Analyst I--one of the staff who support the JusticeCorps Program--announced her departure as well.</p> <p>As to the JusticeCorp Program, at its October 17, 2012 meeting the Trial Court Budget Working Group recommended an allocation of \$277,000 in FY 2012-13 from State Trial Court Improvement and Modernization Fund (STCIMF) to maintain that program. This represents an \$800 reduction over the previous fiscal year. These funds are distributed in their entirety to designated trial courts to defray costs associated with running the program at the court level. The Judicial Council approved the STCIMF recommendation related to JusticeCorps at its October 26, 2012 Business Meeting. (See attached, Item H.)</p>	
<div style="border: 1px solid black; padding: 5px;"><p>jc-20121026-minutes.pdf Adobe Acrobat Document 4.97 MB</p></div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	

<input type="button" value="File Attachment"/>
<input type="checkbox"/> Other:
<input type="button" value="File Attachment"/>

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	October 26, 2012
RESOURCES REQUIRED FOR IMPLEMENTATION	The only resources required are the staff time necessary to administer the JusticeCorps grant. Those staff currently are funded in part through the grant itself.

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<input type="button" value="File Attachment"/>
<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<input type="button" value="File Attachment"/>
<input checked="" type="checkbox"/> SAVINGS	<p>As noted above, a Staff Analyst I--one of the staff who support the JusticeCorps Program--recently left the AOC. The salary for her position, which was 0.60 FTE, was funded entirely through the JusticeCorps grant. The grant also funded 27% of the cost of her benefits. Thus, her departure resulted in General Fund savings to the agency in the amount of \$15,083, the cost of 63% of her benefits. In addition, her departure resulted in annual savings of \$41,203 from the JusticeCorps grant itself. With her departure and the decision not to fill that position, that amount will now be available in the grant for use by courts that participate in the program.</p> <input type="button" value="File Attachment"/>
<input type="checkbox"/> COST	<input type="button" value="File Attachment"/>
<input type="checkbox"/> EFFICIENCIES	<input type="button" value="File Attachment"/>
	<input type="button" value="File Attachment"/>

<input type="checkbox"/> SERVICE LEVEL IMPACT	<input type="text" value="File Attachment"/>
<input type="checkbox"/> OTHER	<input type="text" value="File Attachment"/>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="2/7/2013"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="2/14/2013"/>

2. The council approved, with one abstention, moving forward on the 23 SB 1407 projects identified by the working group in accordance with the *Recommendations of Court Facilities Working Group on SB 1407 Projects*, attached.

The council also adopted the remainder of the working group recommendations:

3. The Los Angeles–Renovate Alfred J. McCourtney Juvenile Justice Center (Lancaster) project is to be forwarded to the council’s Trial Court Facility Modifications Working Group for consideration of funding.
4. AOC staff is directed to submit funding requests for the next phase of each SB 1407 project that is moving forward and requires FY 2013–2014 funding as presented in *Recommendations of Court Facilities Working Group on SB 1407 Projects* and to submit the annual update to the *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for FY 2013–2014 to the state Department of Finance in order to implement this recommendation.
5. Authority will be delegated to the director of the AOC’s Judicial Branch Capital Program Office to make technical changes to FY 2013–2014 funding requests submitted to the state Department of Finance necessary to implement the recommendations above, subject to the review and approval of the chair of the Court Facilities Working Group.
6. The Courthouse Cost Reduction Subcommittee of the Court Facilities Working Group shall oversee and have direct implementation authority to mandate project cost reductions for all capital-outlay projects in design (preliminary plans and working drawings) managed by the judicial branch.
7. Adopt the findings and recommendations of the Pegasus Audit Report, with two caveats: the timeline of the implementation of the report’s recommendations be extended by six months, until July 16, 2013, and the task of creating and maintaining policies be centralized, to ensure they are consistent and current throughout all parts of the AOC’s Judicial Branch Capital Program Office.

Item H Trial Court Special Funds: Allocations for Fiscal Year 2012–2013

The Trial Court Budget Working Group recommended a one-time allocation of \$71.923 million from the State Trial Court Improvement and Modernization Fund (STCIMF) for various programs in support of the trial courts, including \$6.769 million related to the financial component of Phoenix Financial and Human Resources Services costs previously charged to trial courts, a one-time allocation from the Trial Court Trust Fund (TCTF) of \$58.836 million to offset reductions to trial court operations funding, and any revenue from the new \$30 fee for court reporting services in civil proceedings lasting under one hour be allocated to courts in the

amount that each court collected. In addition, in order to fully distribute the recommended TCTF allocation, the working group recommended that the council direct staff to seek additional expenditure that is subject to the approval of the Department of Finance and Legislature. The working group also asked the Judicial Council to consider delegating the authority to transfer STCIMF allocations during the year from one program or project to another, subject to any restrictions or conditions provided by the council.

Council action

The Judicial Council voted to defer action on Trial Court Budget Working Group (TCBWG) recommendations 1–3 until the council business meeting on January 17, 2013, pending availability of more complete information on projected revenues and expenditures for the current fiscal year.

In addition, the Judicial Council:

4. Allocated \$65.154 million in one-time funding from the STCIMF—recommended for various programs in support of the trial courts—and deferred action on the recommended allocation of another \$6.769 million related to the financial component of Phoenix Financial and Human Resources Services costs previously charged to trial courts, until the council’s January meeting, when relevant financial information is expected to be available. The council also directed the AOC to request the council for augmentations to the \$4.5 million Litigation Management Program allocation if needed;
5. Delegated to the Administrative Director of the Courts the authority to transfer STCIMF allocations approved by the Judicial Council for 2012–2013 from one program or project to another, subject to guidelines provided by the Judicial Council. The council approved the guidelines in TCBWG recommendations 6, 7, and 8 (below) and the additional guideline that the Administrative Director of the Courts exercise the authority to transfer funds in consultation with the Chair of the council’s Executive and Planning Committee.

Pursuant to the approval of the delegation of authority to the Administrative Director of the Courts, the council approved the following guidelines:

6. Limited the authority to transfer STCIMF allocations approved for 2012–2013 by the council from one program or project to another to 20 percent of the allocation of the program/project from which it will be transferred;
7. Directed the Administrative Director of the Courts to report back to the council after the end of 2012–2013 on any transfers of STCIMF allocations made between programs/projects and the rationale for any transfers; and

8. Directed the AOC to develop internal guidelines for the administration of the new State Trial Court Improvement and Modernization Fund.

Item I Trial Court Trust Fund Allocations: 2 Percent Reserve

The Administrative Office of the Courts submitted to the Judicial Council for its consideration recommendations and options on two applications for supplemental funding related to unavoidable funding shortfalls received from the Superior Court of California, Counties of Kings and San Joaquin. \$27.8 million was set aside in the Trial Court Trust Fund for FY 2012–2013, of which by statute only up to 75 percent or \$20.9 million may be allocated by the Judicial Council by October 31, 2012. Two courts qualified for supplemental funding under the council-approved criterion of having projected a negative fund balance for the current fiscal year. The total amount requested by these two courts was \$4.5 million; the total amount contributed by the two courts to the 2 percent reserve was \$536,232.

Council action

1. For the supplemental funding request in the amount of \$2.29 million from the Superior Court of Kings County, the Judicial Council approved allocating a one-time supplemental funding distribution of \$94,000, the amount that the court contributed to the 2 percent reserve in FY 2012–2013, on two conditions:
 - a. The court must submit a written report on the use of the funding received and its fiscal situation as of June 30, 2013, to the Judicial Council by no later than August 1, 2013; and
 - b. The supplemental funding for urgent needs received by the court must be used for the purposes addressed in the court’s application, including keeping open a sufficient number of courtrooms, and providing other necessary services during FY 2012–2013 to meet the court’s obligation to adjudicate all matters, both civil and criminal, that come before the court.
2. For the supplemental funding request in the amount of \$2.21 million from the Superior Court of San Joaquin County, the Judicial Council voted, in a vote of 13 to 4, to defer the decision on allocating any one-time supplemental funding distribution until the court reports to the council on the use of the \$916,000 from the Trial Court Improvement Fund that the council approved as a five-year interest-free loan to the court on December 16, 2011, in response to the court’s emergency funding request.

In Memoriam

Chief Justice Cantil-Sakauye closed the meeting with a moment of silence to remember recently deceased judicial colleagues and honor their service to their courts and the cause of justice:

- Hon. John Alex (Ret.), Superior Court of California, County of Trinity
- Hon. Ronald Brown (Ret.), Superior Court of California, County of Mendocino
- Hon. Ollie Marie-Victoire (Ret.), Superior Court of California, County of San Francisco
- Hon. Donald McCartin (Ret.), Superior Court of California, County of Orange