

**Trial Court Funding Workgroup
Minutes of the November 6, 2012 Meeting**

Justice Harry E. Hull, Jr., Co-chair, called the meeting to order at 1:00 p.m. on Tuesday, November 6, 2012, in the Veranda Conference Room of the Administrative Office of the Courts, Sacramento office.

Trial Court Funding Workgroup members present: Justice Harry E. Hull, Jr.; Mr. Phillip Isenberg; Judges Emilie H. Elias, Mary Ann O'Malley, and David Rosenberg; Ms. Diane Cummins, Ms. Angela Davis, Mr. Martin Hoshino, Ms. Eraina L. Ortega, and Mr. David Yamasaki.

Lead staff members present: Ms. Ana Matosantos, Ms. Jody Patel

Public Comment

There was one letter submitted to the Trial Court Funding Workgroup for consideration which is attached. There were no requests to speak to the workgroup.

Welcome and Introductions

Justice Hull, serving as meeting chair, welcomed the members and discussed that the workgroup, a collaborative effort between the judicial and executive branches of California's government, is to prepare a report for the Governor and Chief Justice, which will be delivered to the Judicial Council at its April 23, 2013 meeting. Justice Hull indicated that a webpage is being developed and will be operational in the next week.

Mr. Isenberg also welcomed the members and provided examples of some of the many structural changes to the judicial branch that have occurred over the past 160 years.

Action

Justice Hull requested that staff provide minutes of each workgroup meeting that includes a brief summary of key discussion points, actions taken by the workgroup, and requests for information that staff will need to gather for the workgroup. All meeting minutes will be posted on the Trial Court Funding Workgroup webpage.

Comments from Tani G. Cantil-Sakauye, Chief Justice of California

The Chief Justice thanked Governor Brown for his leadership in establishing the workgroup. The judicial branch has shown its willingness to conduct self-assessment with its review of the Administrative Office of the Courts in 2011-2012. The Chief acknowledged that this will be a difficult assessment but knows that the workgroup will deliver a practical, insightful report that

looks into the future to ensure that the judicial branch is meeting the goals of a state-funded trial court system that provides equal access to justice.

Comments from Ana Matosantos

Ms. Matosantos provided an overview of why the Governor Brown's administration proposed the workgroup in its May budget revision for 2012-13. Ms. Matosantos indicated the administration is interested in examining the administrative structure to see if it is consistent with the goals of the Trial Court Funding Act of 1997. Ms. Matosantos asked the workgroup to consider if the Judicial Council and trial courts currently have the tools necessary to achieve the goals of the Act. Ms. Matosantos indicated that the workgroup should not be focused on addressing the 2012-13 budget decisions regarding trial court reserves or whether the aggregate level of trial court resources is adequate.

Action

The workgroup requested that Ms. Matosantos provide the administration's perspective on what it would like the workgroup to focus on. This perspective will assist the workgroup determine what data is to be gathered.

Meeting Guidelines

The workgroup reviewed the guidelines.

Goals, Expectations, and Intent of the Trial Court Funding Act of 1997 (Ch. 850, Stats of 1997) (AB 233)

Mr. Isenberg provided a background on the Act. Mr. Isenberg stated that the Legislature wanted to provide fiscal relief to the counties in exchange for increased efficiency in the courts with the expectations that the level of justice would be comparable throughout the state.

Mr. Isenberg suggested that the members look at the Act section by section at the next meeting and discuss the member's perspective on what has or has not been achieved.

Action

Recognizing that there have been significant amendments to the Act over the past 15 years, Department of Finance staff agreed to prepare and distribute prior to the next meeting a copy of the Act as amended.

Defining Equal Access to Justice

Because one purpose of the Act was to provide equal access to justice, the members discussed what access to justice means. Points raised by the members:

- Equal access to justice is mentioned in the Act; however, it was not defined.
- Equal access to justice is providing each court with resources to provide access to justice.

- Courts are obligated to provide justice to all regardless of where they live or the language they speak.
- Need to provide the opportunity for someone to come to court have their case heard; the distance from the courthouse may be relevant.
- Equal access to justice must be continually reevaluated as a result of ongoing changes.
- The definition will change depending on who is asked the question.

Defining a State-Funded Trial Court System

A key challenge is finding the appropriate balance between having a state-funded trial court system while maintaining local control. Points raised by the members:

- The implementation of efficiencies, standards, and uniformity are critical elements of the Act. It would be helpful to the workgroup to know to what extent these have been achieved.
- The administration is interested in learning about the cost drivers for trial courts and why there are differences from court to court. There was recognition that labor costs are the single largest component of a trial court's budget. Many differences may be outside of the control of individual courts such as the number and type of filings.
- What are the absolute core requirements of services that a court has to meet and how do you know you have met them.
- There are great complexities in terms of cases received by a court; it is not only a quantity issue but also a qualitative issue. The executive branch is cognizant of the fact that no two cases are the same.
- Need to respect each court's responsibility to allocate their resources in the manner they deem appropriate.

Action

The workgroup requested a presentation on the formula or methodology that is utilized by the Judicial Council to allocate funds to the trial courts.

The workgroup requested that the Department of Finance provide a history of funding appropriated for the trial courts since passage of the Lockyer-Isenberg Trial Court Funding Act of 1997.

Available Data

The workgroup discussed what data may be helpful to assist with their charge. Several members opined that when looking at data one must remember that it is not that simple to make comparisons on data only, must also look behind the data to the individual factual circumstances to understand the intricacies of the information.

Action

The workgroup requested that the Administrative Office of the Courts gather information on two to three courts of similar size. Depending on the administration's perspective on what they would like the workgroup to focus on the requested data elements may be modified.

Data elements requested were:

- Filings for all case types
- Staff—authorized and filled
- Expenditures
- Revenues
- Cost Drivers
- Judgeships

Future Meetings

The workgroup will meet on the following dates. All meetings will be held in the Administrative Office of the Courts, Gateway Oaks office in Sacramento. Meeting dates may be subject to change.

- December 11, 2012
- January 15, 2013
- February 19, 2013
- March 26 and 27, 2013