































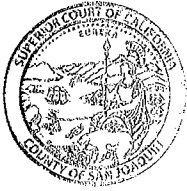
## FY 2011-2012 Baseline Allocation for Health and Retirement Benefit Cost Changes

Court	Full-Year Cost Change in FY 2011-12 Based on Latest FY 2010-2011 Surveys	Pro-Rata Allocation of Full-Year Cost Change in FY 2011-12
	A	B
Alameda	2,356,811	2,340,062
Alpine	5,368	5,330
Amador	22,162	22,004
Butte	76,916	76,370
Calaveras	39,634	39,352
Colusa	1,721	1,708
Contra Costa	822,953	817,105
Del Norte	49,747	49,394
El Dorado	142,209	141,199
Fresno	1,801,754	1,788,949
Glenn	36,312	36,054
Humboldt	34,633	34,387
Imperial	77,555	77,004
Inyo	63,790	63,336
Kern	3,055,288	3,033,575
Kings	30,574	30,357
Lake	406	403
Lassen	673	668
Los Angeles	18,114,218	17,985,485
Madera	305,626	303,454
Marin	587,765	583,588
Mariposa	14,913	14,807
Mendocino	93,493	92,829
Merced	575,699	571,607
Modoc	35,512	35,260
Mono	52,069	51,699
Monterey	184,042	182,734
Napa	185,045	183,730
Nevada	212,834	211,322
Orange	4,740,437	4,706,748
Placer	359,536	356,981
Plumas	19,561	19,422
Riverside	432,802	429,726
Sacramento	2,743,274	2,723,779
San Benito	9,417	9,350
San Bernardino	1,002,723	995,597
San Diego	841,472	835,492
San Francisco	3,993,883	3,965,500
San Joaquin	813,169	807,390
San Luis Obispo	249,107	247,336
San Mateo	2,470,722	2,453,163
Santa Barbara	1,148,182	1,140,022
Santa Clara	1,810,282	1,797,417
Santa Cruz	115,387	114,567
Shasta	168,974	167,773
Sierra	3,308	3,285
Siskiyou	48,618	48,273
Solano	118,269	117,428
Sonoma	779,881	774,339
Stanislaus	1,166,805	1,158,513
Sutter	88,090	87,464
Tehama	63,491	63,040
Trinity	48,768	48,421
Tulare	(127,369)	(126,464)
Tuolumne	31,820	31,594
Ventura	592,748	588,536
Yolo	128,079	127,169
Yuba	67,652	67,171
<b>Total</b>	<b>52,908,810</b>	<b>52,532,801</b>

## Sheriff Security Funding to Be Reduced from Trial Court TCTF Base Allocation

Court	Program 45.15 Sheriff Base Budget
Alameda	21,371,837
Alpine	11,855
Amador	553,946
Butte	1,845,015
Calaveras	345,039
Colusa	143,628
Contra Costa	13,290,301
Del Norte	320,913
El Dorado	2,373,453
Fresno	14,465,261
Glenn	460,378
Humboldt	1,095,459
Imperial	1,186,979
Inyo	357,129
Kern	9,630,924
Kings	921,827
Lake	489,016
Lassen	157,673
Los Angeles	144,445,154
Madera	1,268,086
Marin	2,962,739
Mariposa	195,360
Mendocino	1,311,805
Merced	2,777,152
Modoc	102,583
Mono	464,710
Monterey	3,704,426
Napa	1,581,357
Nevada	817,425
Orange	41,850,703
Placer	3,730,631
Plumas	374,549
Riverside	15,511,880
Sacramento	24,836,021
San Benito	376,684
San Bernardino	25,300,874
San Diego	32,729,466
San Francisco	10,978,411
San Joaquin	8,256,687
San Luis Obispo	4,023,308
San Mateo	10,008,470
Santa Barbara	6,614,637
Santa Clara	29,119,768
Santa Cruz	2,925,616
Shasta	-
Sierra	26,597
Siskiyou	617,893
Solano	5,512,781
Sonoma	6,960,954
Stanislaus	4,499,015
Sutter	536,093
Tehama	550,131
Trinity	-
Tulare	5,531,040
Tuolumne	999,178
Ventura	10,909,354
Yolo	2,659,916
Yuba	522,324
<b>Total</b>	<b>484,614,415</b>





**The Superior Court of California  
County of San Joaquin**

*Hon. Robin Appel  
Presiding Judge*

July 11, 2011

Hon. Tani Cantil-Sakauye, Chief Justice  
and Chair of the Judicial Council  
Members of the Judicial Council  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Sent via email

Stephen Nash, Chief Financial Officer  
Zlatko Theodorovic, Chief Financial Officer  
Members of the Trial Court Budget Working Group

Re: San Joaquin County Permanent Budget Augmentation

Dear Chief Justice Cantil-Sakauye, Judicial Council Members, Stephen Nash, Zlatko Theodorovic and Members of the Trial Court Budget Working Group:

San Joaquin County requests a permanent augmentation to its budget. As a result of the most recent budget cuts, without an augmentation it will be impossible for the citizens of San Joaquin County to have access to justice. We recognize that every court is struggling with the drastic cuts they must absorb. However, due to the history of underfunding in this county, court operations will be unsustainable with any further reductions. Year after year, we have steadfastly endeavored to provide service to our community despite our very limited resources. That is no longer possible. Using the RAS model, our court is now almost 44% underfunded. We have never been on a par with adequately funded courts and as the state budget has gotten worse, our particular situation has become more dire. **It is unconscionable that in some counties residents will have access to justice while in others residents will not have a place to go to address their grievances. Please understand that this letter is not posturing. It is an accurate assessment of the inevitable result of further reductions to the San Joaquin County courts. If our court is expected to function at 44% of actual needs, then why aren't all courts required to do so? Disparate treatment of courts is unconstitutional.**

Long before most counties thought of doing so, we instituted cost saving measures in order to live within the budget we were given. In 2003, we began a voluntary furlough program for the staff. On April 19, 2004, we replaced sheriff's deputies at weapons screening with less expensive private security guards. Also on April 19, 2004, we removed sheriff deputies from three civil courtrooms and replaced them with private security guards. In FY2003-2004, we removed court reporters from family law. Some courts, for example, still provide court reporters in every family law courtroom although they are not statutorily mandated. In September 2009, we removed court reporters from adoption proceedings. In FY2009-2010, we eliminated all travel for training unless it was required by statute or paid from a source other than the local court. In January 2010, one of our commissioners was appointed to a judgeship and we did not fill his position in order to save money even though we need many more judicial positions based on the October 14, 2010 Judicial Needs Study. Along with this, we reduced the days one of our

Tracy courtrooms operated from five days to one day each week. We have only four judicial secretaries and six research attorneys for 32 judicial officers although we desperately need more of each. We have never been able to afford an executive assistant for our CEO. We have reduced staff parking costs; reduced the number of expert psychological evaluations; renegotiated copier contracts; eliminated the fees paid to attorneys for the Alternative Dispute Resolution Arbitration Program; eliminated bottled water from the courtrooms; eliminated coffee for jurors and as minor as it may seem, have eliminated post-it notes because of the expense. We have had 24 mandatory furlough days for all court staff in the last two fiscal years. In FY2009-2010, our employees deferred a 3% COLA (that had been negotiated in 2007) to FY2010-2011.

San Joaquin County handles some of the most serious and complicated criminal cases in the state. Our trial courts are over-burdened and backed up with multi-defendant special circumstance cases. We do not anticipate that we will see a drop in complex cases as statistics recently released by the FBI show that Stockton has the second highest violent crime rate in California and the tenth highest crime rate in the United States. Data also shows that in California's most populous cities homicides in 2010 dropped 9.6 percent, and violent crime dropped 6.4 percent. In Stockton, however, homicides increased from 33 in 2009 to 49 in 2010, a 48 percent increase; violent crime increased by 8.9 percent overall. Currently in our court there are a total of 72 complex cases assigned to criminal trial judges: 13 violent crime cases; 7 non-violent crime cases; 21 homicide cases; 4 attempted homicide cases; and 27 special circumstance cases, which include 16 death penalty cases and 11 life without the possibility of parole cases.

Historically, our court has not had the luxury of having the kinds of staff levels and allocations other courts have had. For example, as previously mentioned, we have only six research attorneys. The standard complement is .4 full-time equivalent (FTE) attorneys per judicial officer. Using that measure, we should have 13.2 FTE attorneys. We have the highest ratio in our cluster in terms of filings per employee. Currently, the filings per employee ratio is 540. While some courts may be able to further reduce their staff, we already have a reduced staff. We currently have 349 allocated positions with only 309 positions filled. Our vacancy rate is currently 11 percent. Over the past two years, through attrition, we have reduced staff and have kept positions unfilled. We do not believe we would be able to function if we were required to make further cuts to staff, because we have been under resourced, understaffed and underfunded all these years. Unfortunately, we have already eliminated and made cuts to our budget and are unable to find more in our budget to eliminate.

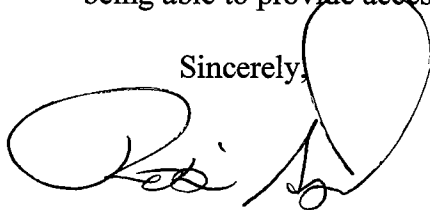
Without a significant budget augmentation in FY2011/2012, we will be taking the unprecedented step of eliminating entire case types thereby eliminating the public's constitutional right to access to the courts. We will be closing our Tracy branch court which services our south county population and the cities of Tracy, Mountain House, Manteca, Ripon, Escalon and Lathrop. We will be closing one of our two Lodi courtrooms. The only reason one of the Lodi courts is staying open is because we cannot handle all of the inmates in that court at our main branch in Stockton. Closing the Tracy branch and one of the Lodi courts is the one step we can take to reduce costs because of the security savings. Unfortunately, the effect on the community is that we will be unable to handle whole case types. The out-of-custody criminal matters from Tracy and Lodi will now be held in Stockton. They will replace small claims hearings, fish and game calendars, juror compliance calendars and possibly some civil matters. These matters will not be handled in this county. If we are forced to reduce staff further, we will be eliminating all of the civil calendars. Even our grant programs are at risk. Although the

Family Law Facilitator program and AB1058 commissioner are paid for through grant funding, the funds are actually received six to eight months after the expenses are incurred. We are no longer able to advance the funds to support the programs. Due to the extreme fiscal conservativeness of our budget practices, we had been able to maintain a small reserve from which we could pay for the child support commissioner and facilitator program. During FY2010-2011, a serious and credible threat to one of our judges required us to incur a large and unanticipated expense for additional security: 24 hour judicial protection. Although we requested deficiency funding to cover this expense, our request was denied because we had a reserve to cover the expense and once again through tremendous effort, our court expected to end FY2010-2011 with a small fund balance. We began the FY10/11 with a fund balance of \$3,706,888 and are ending the year with only a projected fund balance of \$1,149,807. We used \$565,482 of our reserves to pay for the necessary security. Now that that money is gone, we can no longer advance the expenses for the AB1058 child support commissioner and family law facilitator programs.

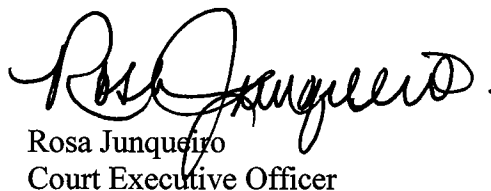
The funding inequities within the state courts are extreme and indefensible. A comparison to other courts in our cluster is shocking. Santa Mateo County has a population similar to ours and the same number of judicial officers. The FY2009-2010 felony filings in San Mateo County were only 3,001 compared to 5,808 in San Joaquin County. San Mateo County held 100 jury trials in that same fiscal year compared to 194 in San Joaquin County. San Mateo received \$43.5 million in FY2009-2010 compared to only \$36.7 million for San Joaquin. Yet with the same population and number of judicial officers, San Joaquin handles more cases and more serious criminal case types. Fresno County is larger with a population of 953,761. Their baseline budget was \$52.7 million. Their FY2009-2010 felony filings were 8,031. They held 223 jury trials. In FY 2009-2010 the Fresno County Superior Court had only 5% more filings than our court, but their base budget was 30% higher than our court and their filings per FTE was 23% lower than our court! This glaring disparity must be addressed.

Thank you for your careful consideration of San Joaquin County's precarious position in being able to provide access to justice for all case types to the residents of this county.

Sincerely,



Robin Appel  
Presiding Judge



Rosa Junqueiro  
Court Executive Officer

cc: William Vickrey, Administrative Director of the Courts  
Ron Overholt, Chief Deputy Director  
Jody Patel, Northern/Central Regional Administrative Director  
Zlatko Theodorovic, Chief Financial Officer