



JUDICIAL COUNCIL
OF CALIFORNIA

ADMINISTRATIVE OFFICE
OF THE COURTS

Trial Court Budget Advisory Committee

Thursday, January 30, 11:00 a.m. to 12:30 p.m.

JCC Board Room, San Francisco

Time	Item	Presenter
11:00 – 11:05 a.m.	Agenda Approval of 1/16/2014 Meeting Minutes Public Comment *Attachment A – Minutes (p. 1-4)	Hon. Laurie Earl, Co-Chair of the TCBAC and Judge of Superior Court of Sacramento County Zlatko Theodorovic, Co-Chair of the TCBAC and Director, AOC Fiscal Services Office
11:05 – 11:45 a.m.	Item 1: Telecommunication (LAN/WAN) Program Allocation from the IMF for 2013–2014 (action item) *Attachment 1A – Recommendation of CITMF (p. 5-8) *Attachment 1B – Alternatives (p. 9-18)	Mark Dusman, Director, AOC Information Technology Services Office
11:45 – 11:55 a.m.	Item 2: Judicial Council Request Related to Court Interpreter Funding and Reimbursement *Attachment 2A – January 2014 Council Report from Ad Hoc Joint Working Group (p. 19-24)	Donna Hershkowitz, Director, AOC Court Operations Special Services Office
11:55 – 12:25 p.m.	Item 3: Workload-Based Allocation and Funding Methodology --New Preliminary Allocation Adjustment Estimates -- Including Cluster 1 Courts in the Reallocation of Historical Base Funding (action item) *Attachment 3A—Updated WAFM Allocation Adjustment Scenario (p. 25-26) *Attachment 3B—Recommendation (p. 27)	Hon Laurie Earl Zlatko Theodorovic Jake Chatters, Executive Officer, Superior Court of Placer County
12:25 – 12:30 p.m.	Wrap-Up	Hon. Laurie Earl & Zlatko Theodorovic

**Trial Court Budget Advisory Committee
AOC San Francisco Office – Judicial Council Boardroom
Minutes for Meeting of January 16, 2014**

Trial Court Budget Advisory Committee members present: Judge Laurie M. Earl, Co-Chair, Zlatko Theodorovic, Co-Chair, Judges Loretta M. Begen, Thomas J. Borris, Rene A. Chouteau, C. Don Clay, Mark A. Cope, Thomas DeSantos, Barry P. Goode, Lloyd L. Hicks, Elizabeth W. Johnson, Laura J. Masunaga, Marsha Slough, Robert J. Trentacosta, Brian Walsh, and David S. Wesley; court executive officers Sherri R. Carter, Jake Chatters, Richard D. Feldstein, John Fitton, Rebecca Fleming, Kimberly Flener, Shawn C. Landry, Deborah Norrie, Michael D. Planet, Michael M. Roddy, Brian Taylor, Mary Beth Todd, Tania Ugrin-Capobianco, Christine M. Volkers, and David H. Yamasaki; advisory members present: Curt Soderlund.

Members absent: None

Public Comment

Ms. Annabelle Garay commented regarding item 3.

Written Comments Received

No written comments were received.

Approval of Minutes

The minutes were approved with the correction of Judge Goode's last name to include the "e".

Update on Governor's Budget for 2014–2015

Information only, no action taken.

Item 1 – Allocation of TCTF Revenue from Two New Fees

This item was removed from the agenda before the meeting.

Item 2 – Allocation of Court-Appointed Counsel Fees Costs Recovered from Juvenile Court-Appointed Dependency Counsel Cases

A motion was made and approved unanimously to allocate the full cumulative balance of \$2.3 million immediately to eligible courts so these courts may begin claiming reimbursement for costs incurred to reduce court-appointed attorney caseloads in dependency proceedings. The specific amounts allocable to each eligible court are provided in attachment A to the memorandum.

Item 3 – Allocation of Domestic Violence—Family Law Interpreter Program Funding

A motion was made and approved unanimously that the Judicial Council at its meeting on January 23, 2014, review the information provided in the report and adopt the prior year's methodology which focuses on funding of domestic violence matters and allocates based on prior year's expenditures and current year's request.

Item 4 – Recommendations of the Realignment Subcommittee

A motion was made and approved with one “no” vote to recommend to the Judicial Council that:

1. The method to distribute the allocation presented in Table 1 to the report be adopted. This methodology redistributes the remaining FY 2013–2014 realignment funding based on a combination of population (post-release community supervision [PRCS] and parole) and workload (measured as petitions to revoke/modify PRCS or parole).
2. Realignment allocations be made based solely on the data collected from the Criminal Justice Court Services Office and that no action related to the distribution of the remaining funding be taken at this time regarding the realignment expenditure survey. As in FY 2012–2013, courts that received more funding than needed, as reflected by the expenditure survey, would be allowed to keep the excess funding.
3. No action be taken related to the reserve funding at this time, but the funding could be used at the end of the year to true-up expenditures by the courts that spend more than they have received.

Item 7 – Security Growth Funding for Courts with Marshals

A motion was made and approved unanimously to defer action on this item for now. AOC staff was directed to discuss the issue and possible solutions with the Department of Finance. If no action occurred as a result of the discussions, the TCBAC would consider the issue of these two courts along with security growth issues affecting other courts, such as the Superior Court of Butte County.

Item 5 – Recommendations of the Funding Methodology Subcommittee

A motion was made and approved unanimously to present the following recommendations to the Judicial Council:

1. Starting with the Workload Allocation Funding Model (WAFM) that will be used to compute 2014–2015 allocation adjustments, use 3-year average for Bureau of Labor Statistics (BLS) adjustment for all courts as part of WAFM.
2. Create full-time equivalent (FTE) allotment floor for courts with less than 50 FTEs. The floor is the median BLS-adjusted average FTE allotment of courts with less than 50 FTEs.
3. Establish an absolute funding floor of \$750,000 (for 2014) and a graduated floor (for 2014–2015: \$875,000, \$1,250,000, or \$1,874,999), where the floor is based on the court’s WAFM funding need.
4. For courts whose WAFM-related funding level is below the absolute floor of \$750,000, fund them at the floor. For courts who would receive a graduated floor funding level, their allocation would be determined as follows: if the graduated funding floor for a particular court is less than the prior year allocation plus 10%, then apply the graduated

funding floor. If the graduated funding floor is greater than the prior year's allocation plus 10%, then the higher of two amounts is applied: 1) the prior year's allocation plus 10%; or 2) the court's allocation if no floor were applied.

A motion was made and approved unanimously to make the following recommendation to the Judicial Council. (The original recommendation was amended to change the second "2014–2015" to 2015–2016".)

5. Courts should receive the same level of funding from the \$4 million State Trial Court Improvement and Modernization Fund allocation for the complex civil litigation program in 2014–2015 as they did in 2013–2014. Starting in 2015–2016, the allocation of the \$4 million should use a different methodology. The new allocation methodology should address the inequities of the current methodology.

A motion was made and approved with six "no" votes to approve the following recommendation to the Judicial Council with an amendment that changed "death penalty" to "special circumstances":

6. Recommend to the council that they direct the SB 56 Working Group to study special circumstances cases in their next round of updates and direct the Court Executives Advisory Committee to work with the SB 56 Working Group to determine how best to collect the data necessary to support the study and, when a determination is made, the council should direct the trial courts to start reporting such data.

Mendocino Funding Issue

Judge Earl recommended, and the members agreed, that the Mendocino issue (which involves including a factor in WAFM for additional funding for any court that has such a significant population center living in a remote and challenging geographic area that the court is not able to provide reasonably adequate court services to the entire population) be directed to the Funding Methodology Subcommittee for consideration.

Item 6 – Preliminary Recommendations of the Revenue and Expenditure Subcommittee

The Revenue and Expenditure Subcommittee sought a preliminary endorsement of the TCBAC on a number of allocation recommendations from the Trial Court Improvement and Modernization Fund (IMF) and the Trial Court Trust Fund (TCTF), with the understanding that the subcommittee would meet again before final recommendations were presented to the TCBAC on some of these items.

A motion was made and approved unanimously to approve the following recommendations:

FY 2013–2014 Allocation

2. Allocate \$719,749 from the IMF for Workers' Compensation Reserve to pay for liabilities associated with workers' compensation tail claims of trial court employees who were formerly employees of Sacramento County. The county requested payment only after the council meeting in August 2013.

FY 2014–2015 Allocation

3. Decrease of \$9,000 for CFCC Educational Programs to \$90,000 from IMF (due to typo in materials).
4. Decrease of \$229,000 for Judicial Partner Outreach/e-Services to \$385,602 from IMF (due to unfilled positions).
5. Decrease of \$800,000 for California Court Protective Order Registry to \$701,914 from IMF (related to not funding optical character recognition functionality).
6. Decrease of \$2.9 million for Data Integration to \$4.086 million from IMF (revised estimated need for 2014–2015).
7. Decrease of \$625,000 for Enhanced Collections to \$0 from IMF and move all costs to the TCTF.
8. Elimination of EAP for Bench Officers to \$0 (savings of \$47,448) from IMF.
9. Increase of \$100,000 for JusticeCorps to \$347,550 from IMF (due to typo in materials).

A motion was made and approved unanimously to approve the following recommendations:

11. To determine the feasibility of funding all statewide IT programs and projects for trial courts from the IMF instead of both the IMF and TCTF, request the AOC to identify the operational impacts of moving the costs of ITSO-related programs/projects funded by the TCTF to IMF and not transferring \$20 million from the IMF to TCTF.
12. Recommend that the Technology Committee develop a plan to eventually eliminate subsidies from the TCTF and IMF to courts for V3 (civil, small claims, probate, and mental health) case management system and Sustain Justice Edition costs.

A motion was made and approved unanimously to defer action by the advisory committee at this time on preliminary recommendations 1 and 10 which deal with funding of Telecommunications Support in FY 2013–2014 (1.) and FY 2014–2015 (10.). Judge Earl will discuss with Judge Trentacosta and Sherri Carter rescheduling of the items for consideration by TCBAC.

Information Technology Services Office

Telecommunications “LAN/WAN” Program FY 2013-14 Budget Status and CITMF Recommendation (January 30, 2014)

Background

At their November 2013 meeting, the Revenue and Expenditure Subcommittee to the Trial Court Budget Advisory Committee (TCBAC) preliminarily recommended a one-time funding increase of \$6,868,480 in FY 2013-14 to the Judicial Council-approved Telecommunications “LAN/WAN” program budget of \$8,740,000. The subcommittee also requested and the TCBAC subsequently reviewed proposed alternatives (see Attachment 1B) for the use of the \$15,608,480 providing consideration to maximize the benefit to all 58 trial courts. Following review, the TCBAC referred the issue to the Court IT Management Forum (CITMF) for their recommendation given their previous experience with the program and expertise in the subject matter.

On January 16, 2014, the TCBAC requested that the Information Technology Services Office (ITSO) seek a recommendation from the CITMF in selecting an alternative approach to the LAN/WAN program. At their January 20, 2014 meeting, the CITMF reviewed the proposed alternatives and provided a new recommendation. The issue and recommendation are described in detail below.

Issue

The Court Information Technology Management Forum (CITMF) recommends that the Trial Court Budget Advisory Committee recommend an increase of \$6,868,480 in FY 2013-14 to the Telecommunications program’s Judicial Council-approved allocation of \$8,740,000. The recommended budget of \$15,608,480 would be used for managed network security services for 57 courts, the master maintenance agreement for 58 courts, and a technology refresh at 13 courts. In addition, any program savings from the initial design assessed costs would be used to provide a new LAN/WAN infrastructure at Alpine Superior Court and prioritize the core technology refresh at Los Angeles, Orange, and San Diego Superior Courts.

The program needs approval to proceed immediately with the finalization of this year’s refresh design, review and approval by each of the 17 courts scheduled in order to meet key milestones. All project work must commence no later than June 2014 given that these are FY 13/14 funds. It takes time to coordinate the key review sessions with each of the courts; all approvals must be obtained by March 28, so that the AOC can generate the purchase orders by mid-April. Additionally, the program must still acquire critical network engineering resources. Normally, these resources would already be engaged with the court IT staff during the design and review period. These resources are required throughout the duration of each court deployment to minimize the impact to local court IT staff and provide engineering expertise. This refresh cycle is expected to take up to a year to complete given the scale and complexity of the courts. The refresh must be completed by the end-of-cycle date of May 2015 to ensure vendor support of critical court infrastructure.

Below is the chart of milestones:

Milestone	Complete by:
JCTC approval	January 29, 2014
Executive & Planning Committee approval	February 7, 2014
Court approval of design	March 27, 2014
AOC acquires network engineering resources	March 28, 2014
AOC submits bill of materials to AOC Business Services	March 28, 2014
AOC issues purchase orders to vendor	April 11, 2014
AOC Initiates documentation and configuration templates	Mid-April 2014

Milestone	Complete by:
Vendor ships equipment to court locations	May 1, 2014 – June 30, 2014
AOC Initiates court deployments	June 2014
Complete technology refresh	May 2015

CITMF Recommendation

CITMF recommends that the TCBAC approve and recommend an increase of \$6,868,480 in FY 2013-14 to the Telecommunications program's Judicial Council-approved allocation of \$8,740,000. As part of this recommendation, the CITMF is recommending the following as the use of a total recommended budget of \$15,608,480:

- \$3,750,000 for managed network security services for 57 courts;
- \$2,100,000 for the master maintenance agreement for 58 courts; and
- \$9,758,480 for technology refresh projects for 13 courts with program savings used to provide a new LAN/WAN infrastructure at Alpine Superior Court and prioritize the core technology refresh at Los Angeles, Orange, and San Diego Superior Courts.

The LAN/WAN program has budgeted \$9,758,480 for the Technology Refresh projects. This includes equipment, design and deployment services, maintenance, AOC resources and network technology training for court IT staff. The program foresees that additional savings may be realized as part of the project based on previous technology refresh cycle experience. Those savings will be applied to the technology refresh at Alpine, Los Angeles, Orange and San Diego courts.

The CITMF is recommending that the LAN/WAN program prioritize the complete refresh at courts currently participating in the program. Second, the program will fund a new LAN/WAN infrastructure for Alpine court which has been unable to participate due to facility limitations. Those limitations are being remedied now by the county which will allow the court to participate in the program. The program will then refresh technology at Los Angeles, Orange and San Diego courts with all remaining funds not used and savings realized as part of projects and process.

This approach does not make any fundamental changes to the program. Additionally, it does not impact the local budgets, current schedule, and planning for the original courts. The program will address a portion of core technology of the four courts with remaining funds.

- Priority 1: Technology Refresh of 13 scheduled courts
 - 13 courts will refresh approximately 550 core and closet switches
- Priority 2: Provide new LAN/WAN infrastructure at Alpine Court
 - Complete network infrastructure will replace obsolete and substandard technology
- Priority 3: Refresh technology at Los Angeles, Orange and San Diego
 - Prioritize the refresh of core switches
 - Refresh portion of closet switches if funds allow

The program anticipates savings may originate from the following areas:

- **Final Court Design:** The final network designs will confirm current inventory and functionality requirements. A small percentage of courts replace some devices ahead of schedule in order to meet additional court project requirements that cannot wait for the LAN/WAN cycle. Additionally, a one-for-one assessed replacement is not always necessary given the higher performance and capacity of newer technology. Therefore, the refresh cycle may not require as much hardware as originally budgeted. This is especially true in larger courts.
- **Vendor Trade-In Credits:** The equipment trade-in program provides an avenue for the courts to dispose of out-of-date network technology. The program receives vendor purchase credits for most equipment turned in based on the equipment turned in and the size of the order. The credits allow the project to maximize the branch discount of future court technology refresh projects.
- **Additional Discounts:** The AOC is currently working with vendors in an attempt to seek larger percentage discounts than what are currently being received given that this would be the largest technology refresh cycle since the inception of the program.

The following table shows the cost breakdown for the approach recommended by the CITMF:

\$9,758,480	<p>Technology Refresh at 17 courts</p> <p>Prioritize all technology refresh at 13 courts:</p> <ul style="list-style-type: none"> • Kern • Monterey • Placer • San Joaquin • Stanislaus • Tulare • Ventura • Alameda • Riverside • Sacramento • San Bernardino • San Francisco • Santa Clara <p>Complete LAN/WAN Infrastructure at 1 court:</p> <ul style="list-style-type: none"> • Alpine <p>Prioritize Core Technology at 3 courts:</p> <ul style="list-style-type: none"> • Los Angeles • Orange • San Diego
\$3,750,000	<p>Managed Network Security Services for 57 courts</p> <ul style="list-style-type: none"> • All courts except Los Angeles which opted to not subscribe at this point
\$2,100,000	<p>Master Maintenance Agreement for 58 courts</p> <ul style="list-style-type: none"> • Program will provide maintenance for equipment procured as part of Technology Refresh

\$15,608,480	Total - 58 courts benefit from LAN/WAN services <ul style="list-style-type: none">• Technology refresh for 17 courts• Network security services for 57 courts• Maintenance services for 58 courts
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Information Technology Services Office

Telecommunications “LAN/WAN” Program FY 2013-14 Budget Status and Alternatives (January 15, 2014)

As of November 2013, the Trial Court Budget Advisory Committee has recommended a one-time fund increase in the amount of \$6,868,480 to augment the Judicial Council’s approved FY 2013-14 Telecommunications “LAN/WAN” program budget of \$8,740,000 for baseline operations. This amount does not include the additional budget request of \$3,458,300 needed to include Alpine, Los Angeles, Orange and San Diego in the current program. The committee requested alternate program scenarios to better distribute the recommended \$15,608,480 funds across all 58 trial courts instead of being limited to the originally scheduled courts for FY 2013-14.

Program Description & Benefits

The primary benefit of the program is to provide the trial courts with a standardized level of network infrastructure and security services as the foundation to sustain both local and enterprise court applications. The program includes the following units and functions:

LAN/WAN Initiative & Network Technology Refresh: The core component of the LAN WAN initiative is to provide a separate, secure, robust, and scalable network infrastructure aligned with emerging needs of enterprise court services. The LAN WAN initiative is to provide the trial courts with the infrastructure required to physically separate from their county partners. The goal is for the trial courts to offer the public reliable and continuous court access. This includes:

Technology Refresh Component: The program continually plans and coordinates the replacement of network equipment that is no longer supported due to aging technology. The project forecasts the budget by working with our courts, service integrators and hardware vendors to create an annual technology 5 year roadmap identifying the technology requiring replacement.

Network Technology Training: The program also offers court IT staff the opportunity to attend foundational and specialized network training courses via state-of-the-art training centers and comprehensive on-line courses. This ensures that the courts have the necessary skill sets to operate, maintain, and expand their infrastructure in response to local and enterprise needs.

Ad-Hoc Network Consulting: Independent consultants are engaged to provide expert network engineering and program management as part of the Technology Refresh project. These consultants are commonly utilized by the individual trial courts to offer local engineering services for court projects and issues outside of technology refresh projects.

Cisco Network Equipment Trade-in: The equipment trade-in program provides an avenue for the courts to dispose of out-of-date network technology. The program is allotted vendor purchase credits for most equipment turned in. The credits allow the project to maximize the branch discount of future court technology refresh projects.

Cisco Network Maintenance: The maintenance component affords the trial courts critical vendor support coverage for all network and security infrastructure. The program negotiated a branch-wide agreement with the

vendor that saves the branch 31% over five years. Fifty-four trial courts currently participating in the Technology Refresh are covered by this program. Once approved, funds are allocated annually to pay for Cisco maintenance as part of the branch maintenance agreement.

Managed Network Security Services: The program maintains network system security and data integrity of court information by offering three managed security services: managed firewall and intrusion prevention; vulnerability scanning; and web browser security. These network security tools mitigate the risk of court data being erroneously exposed without proper authority and ensure continuous court operations to the public. Funds are allocated annually for this component of the program and currently support 55 courts.

Technology Refresh Lifecycle Planning

The Technology Refresh component of the program focuses on the annual technology refresh of equipment that is deemed to be “end-of-life” or “end-of-support” by the manufacturing vendors. These products are considered obsolete and are no longer sold, manufactured, improved, repaired, maintained, or supported by the manufacturer. Additionally, products that are end-of-life are no longer eligible for security patches or maintenance contracts. This ineligibility leaves daily courthouse operations vulnerable to security breaches and connectivity failures both within and outside the court operational environment. In the event of a failure, Courts would have to research, procure and deploy new replacement technology. During an outage, court operations may be impacted adversely for the duration of the procurement process depending on the type and function of that failed device. From the initial outage until restoration, it may take up to ten business days for a courthouse to regain full operational status. Keeping equipment current is vital to courts considering deployment of new technology systems, such as video remote interpretation, video arraignments, VOIP (Voice-over-IP,) multimedia streaming, building automation, video surveillance, etc.. Implementation may be limited due to lack of functionality and compatibility of older end-of-life products.

Most vendors maintain a five year outlook on product end-of-life cycles that coincides with technology innovation and hardware mean time between failures which provides a five year technology roadmap including product end-of-life projections. The program leverages this information annually to determine the scheduled refresh of all court network technology within the judicial branch. Every year, the team gathers the current court inventory of network and security equipment. It then meets with the various vendor partners to review technologies available to replace the upcoming end-of-life devices. The program then produces a new five year technology road map and budget based on the information gathered and aligned with the technical goals and objectives of the judicial branch and trial courts. The ongoing annual planning and refresh process is integral to court operations and does not end after five years.

The number of courts targeted has varied the past six years due to the staggered deployment of the initial LAN/WAN program from 2002 to 2006. This staggered deployment approach resulted in a naturally staggered refresh deployment plan. Equipment models change year to year as technology is improved which also directly impacts the refresh schedule. In some years the funding has been inadequate to complete the scheduled refresh of devices in one fiscal year. Instead, the refresh was completed over a number of years to best utilize the available funds. The program will have refreshed all major network technologies by next fiscal year at all participating trial courts (except Alpine, Los Angeles, Orange and San Diego.)

Only thirteen courts are targeted this fiscal year, because they are the last trial courts requiring the refresh of their core and closet switches. This count does not include Alpine, Los Angeles, Orange and San Diego. The same technology at the remaining courts was either refreshed last fiscal year or it’s included as part of a courthouse construction project. Next year, the wide area network routers and wireless controllers would be replaced at 47 courts. The remaining courts do not require a refresh of those devices at this time, or those are already included as

part of a courthouse construction project. This methodology for budgeting and scheduling of the Technology Refresh program occurs annually based on the inventory and the technology roadmap.

As of FY 2012 – 2013, 55 courts have benefited from the LAN/WAN program since FY 2002:

- LAN/WAN & Technology Refresh:
 - 54 courts participate in the refresh program
 - 39 courts deployed Wi-Fi infrastructure
 - 23 courts implemented a secondary communications site
 - 7 courts implemented QoS to support video and VOIP
 - 45 courts have sent IT staff to a cumulative of 576 network training classes
- Managed Network Security Services
 - Managed Firewall, Intrusion Prevention, Security Event & Threat Analysis: 55 courts
 - Vulnerability Scanning: 22 courts
 - Web Browsing Security: 29 courts
- Cisco Maintenance Agreement
 - 55 courts benefit from the branch agreement

Alternative 1: No Changes to Technology Refresh Model

For FY 2013 – 2014, the courts listed in Table 1 below are scheduled for LAN/WAN projects assuming the approval of the recommended budget of \$15,608,480:

- LAN/WAN & Technology Refresh:
 - 13 courts will refresh their core and closet switches; the remaining courts have either refreshed the same technology last fiscal year or are included in a court construction project
 - Network technology training is available to all court IT staff; 10 courts have already attended or scheduled classes this fiscal year.
- Managed Network Security Services
 - Managed Firewall, Intrusion Prevention, and Security Event & Threat Analysis: 57 courts (includes 2 new courts: Alpine and San Diego)
 - Vulnerability Scanning: 24 courts (includes 2 new courts: Kings and San Diego)
 - Web Browsing Security: 31 courts (includes 2 new courts: Alpine and San Diego)
- Cisco Maintenance Agreement
 - 55 courts benefit from the branch agreement (no change in courts)

Alpine and San Diego have opted to subscribe to the managed network security services by the end of this fiscal year bringing the count to **57 courts** benefitting from one or more services offered by the LAN/WAN program.

The program offers services to all 58 courts; however, the annual budget and objectives of the Technology Refresh component are based on current court inventory, technology roadmap and court participation. Any deviation from this approach to the distribution of funds without additional funds would render courts vulnerable to major court operation outages due to device failures or security breaches.

Pros:

- All technology requiring refresh will be replaced according to schedule at 54 courts.
- Major and minor operational impact to courts is greatly mitigated.
- Local court budgets are not impacted.
- Local court resources are minimally impacted.

Cons:

- Does not include technology refresh budget for Alpine, Los Angeles, Orange and San Diego.

Table 1 – Alternative 1: No Changes to Current Proposed Refresh Plan

\$9,758,480	<p>Technology Refresh at 13 courts</p> <p>\$2,890,000 for approved technology refresh for 7 courts:</p> <ul style="list-style-type: none"> • Kern • Monterey • Placer • San Joaquin • Stanislaus • Tulare • Ventura <p>\$6,868,480 for recommended technology refresh allocation for 6 courts currently excluded from FY 2013-2014 budget:</p> <ul style="list-style-type: none"> • Alameda • Riverside • Sacramento • San Bernardino • San Francisco • Santa Clara
\$3,750,000	<p>Managed Network Security Services for 57 courts</p> <ul style="list-style-type: none"> • All courts except Los Angeles which opted to not subscribe at this point
\$2,100,000	<p>Master Maintenance Agreement for 55 courts</p> <ul style="list-style-type: none"> • All courts except Alpine, Los Angeles, and San Diego; Orange does benefit from the MMA.
\$15,608,480	<p>Total - 57 courts benefit from LAN/WAN services</p> <ul style="list-style-type: none"> • Technology refresh for 13 courts • Network security services for 57 courts • Maintenance services for 55 courts

Alternative 2: Prioritize Core Switches, Routers and Wireless Controllers

The Technology Refresh for this alternative would be to prioritize the core switches and security devices for 17 courts including Alpine, Los Angeles, Orange and San Diego which could cause the most significant operational outages should a device failure occur.

The program would then focus on replacement of routers and wireless controllers at 51 courts. The remaining funds would then be used to replace a percentage of closet switches based on the size of the court and the total number of switches branchwide requiring a refresh. The courts would have to fund the replacement of the remaining closet switches utilizing local funds and available resources. The resources will cost more if obtained on a per court basis instead of pooling resources from a program level.

The overall cost of this the refresh effort by the individual courts will increase branchwide with this alternative; however, the LAN/WAN program budget would decrease next fiscal year, because many of the technology scheduled for refresh next fiscal year will have been replaced this fiscal year 2013 - 2014. The remaining budget forecast through FY 2017 – 2018 does not change. Additional analysis is required to provide a detailed five year budget forecast for this alternative.

This technology refresh alternative would benefit **51 of the 58 courts**. The remaining seven courts either do not have equipment scheduled for refresh or it's already included in a courthouse construction project replacing the equipment.

Pros:

- Would include Alpine, Los Angeles, Orange and San Diego.
- Major operational impact somewhat mitigated by replacing core technology.

Cons:

- Courts responsible to refresh large percentage of closet switches.
- Courts may be vulnerable to security breaches and network outages if remaining switches not refreshed.
- Courts would be required to budget for a portion of the refresh annually.
- Courts may have to acquire additional local resources to complete projects.
- Resources will cost more if obtained on a per court basis instead of pooling resources from a program level.
- The refresh schedule and budget forecast would be impacted next year potentially refreshing future end-of-life equipment prematurely.

Table 2 – Alternative 2: Prioritize Core Switches, Routers and Wireless Controllers

\$9,758,480	<p>Technology Refresh at 51 courts</p> <p>\$4,608,250 for refresh of core switches at 17 courts:</p> <ul style="list-style-type: none"> • Alpine • Alameda • Kern • Los Angeles • Monterey • Orange • Placer • Riverside
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	<ul style="list-style-type: none"> • Sacramento • San Bernardino • San Diego • San Francisco • San Joaquin • Stanislaus • Tulare • Ventura • Santa Clara <p>\$3,622,400 for refresh of routers and wireless controllers at 51 courts except the following 7 courts which do not require any refresh this year:</p> <ul style="list-style-type: none"> • Calaveras – New Courthouse • Del Norte – No EOL inventory • Lassen – New Courthouse • Mariposa – Recent LAN/WAN project • Mono – New Courthouse • San Benito – New Courthouse • Yolo – New Courthouse <p>\$1,527,830 for refresh of a portion of closet switches at 17 courts:</p> <ul style="list-style-type: none"> • Same list of courts as core switches
\$3,750,000	<p>Managed Network Security Services for 57 courts</p> <ul style="list-style-type: none"> • All courts except Los Angeles which opted to not subscribe at this point
\$2,100,000	<p>Master Maintenance Agreement for 58 courts</p>
\$15,608,480	<p>Total – 58 courts benefit from LAN/WAN services</p> <ul style="list-style-type: none"> • Technology refresh for 51 courts • Network security services for 57 courts • Maintenance services for 58 courts

Alternative 3: Prioritize Core Switches Only and Deploy New Technology

The Technology Refresh for this alternative would be to prioritize the core switches at 17 courts including Alpine, Los Angeles and Orange which would cause the most significant operational outages should a device failure occur. The courts would have to fund the replacement of all closet switches.

The program would then focus on the deployment of new technology beneficial to all 58 courts. These new technologies could include: remote video technology; enhanced voice-over-IP; mobile device management; and dynamic network access control. The program would have to choose a technology that is beneficial and manageable at all 58 courts.

The five year budget forecast would vastly increase with this alternative to accommodate a new technology adoptable at 58 courts. The budget for this type of new technology deployment would require further analysis in order to provide a detailed five year budget forecast.

Pros:

- Would include Alpine, Los Angeles, Orange and San Diego.
- Major operational impact somewhat mitigated by replacing core technology.
- Would include funds for all 58 courts.
- Courts would have newer branchwide technology.

Cons:

- Choosing a single or even multiple technology platforms that all courts would want, manage and benefit from will be extremely challenging for the program.
- Creating a branchwide budget for an unknown single technology at this point is not possible.
- The budget would vastly increase with this alternative.
- Courts responsible to refresh closet switches and other technology annually.
- Courts may be vulnerable to security breaches and network outages if remaining switches not refreshed.
- Courts will be required to budget for the portion of their refresh annually.
- Courts may have to acquire additional local resources to complete projects.
- Resources will cost more if obtained on a per court basis instead of pooling resources from a program level.
- This alternative would dramatically change the goals and objectives of the program.

Table 3 – Alternative 3: Prioritize Core Switches Only and Deploy New Technology

\$9,758,480	<p>Technology Refresh at 58 courts</p> <p>\$4,608,250 to refresh of core switches at 17 courts</p> <ul style="list-style-type: none"> • Alpine • Alameda • Kern • Los Angeles • Monterey • Orange • Placer • Riverside
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	<ul style="list-style-type: none"> • Sacramento • San Bernardino • San Diego • San Francisco • San Joaquin • Stanislaus • Tulare • Ventura • Santa Clara <p>\$5,150,230 to deploy new technology at 58 courts- further analysis required for actual budget depending on technology</p>
\$3,750,000	<p>Managed Network Security Services for 57 courts</p> <ul style="list-style-type: none"> • All courts except Los Angeles which opted to not subscribe at this point
\$2,100,000	<p>Master Maintenance Agreement for 58 courts</p>
\$15,608,480	<p>Total – 58 courts benefit from LAN/WAN services</p> <ul style="list-style-type: none"> • Technology refresh for 58 courts • Network security services for 57 courts • Maintenance services for 58 courts

Alternative 4: Prioritize Core Technology and Courts Fund Maintenance Program

The Technology Refresh for this alternative would be to prioritize refresh of only the core technology at 17 courts including Alpine, Los Angeles, Orange and San Diego which could cause the most significant operational outages should a device failure occur.

The program would discontinue state funding of \$2.1 million for the branchwide master maintenance agreement. Instead, the courts would be required to fund the maintenance agreements for continuing vendor support. This alternative would free up \$2.1 million to fund additional equipment refresh at the remaining four courts; however, it still falls short of the full amount needed to complete the refresh of all closet switches. Any remaining funds would then be used to replace a percentage of closet switches based on the size of the court and the total number of switches branchwide requiring a refresh.

The technology refresh alternative would benefit **17 of the 58 courts**. The remaining courts either do not have equipment scheduled for refresh or it's already included in a courthouse construction project. The courts would have to fund the replacement of the remaining closet switches not refreshed by the program. The resources will cost more if obtained on a per court basis instead of pooling resources from a program level.

The overall cost of this the refresh effort by the individual courts will increase branchwide with this alternative to fund the refresh technology and procure annual maintenance; however, the LAN/WAN program budget would decrease by \$2.1 million each year through FY 2017 – 2018 by transferring the financial responsibility to the courts.

Pros:

- Would include core switches at Alpine, Los Angeles, Orange and San Diego.
- Major operational impact somewhat mitigated by replacing core technology.
- Most closet switches could be refreshed in addition to core devices.

Cons:

- Lose the additional enterprise benefits of a branchwide agreement – advanced network services, greater discounts, training credits and an additional level support services.
- Courts responsible to refresh a small percentage of closet switches and other technology annually.
- Courts may be vulnerable to security breaches and network outages if remaining switches not refreshed.
- Courts may be required to budget for their portion of the refresh annually potentially at a higher cost.
- Courts required budgeting for the maintenance of network equipment annually.
- Courts may have to acquire additional resources to complete projects.
- Resources will cost more if obtained on a per court basis instead of pooling resources from a program level.

Table 4 – Alternative 4: Prioritize Core Switches and Cancel Maintenance Program

\$11,858,480	<p>Technology Refresh at 17 courts</p> <p>\$4,608,250 for refresh of core switches at 17 courts:</p> <ul style="list-style-type: none"> • Alpine • Alameda • Kern • Los Angeles • Monterey • Orange • Placer • Riverside • Sacramento • San Bernardino • San Diego • San Francisco • San Joaquin • Stanislaus • Tulare • Ventura • Santa Clara <p>\$7,250,230 for the portion of closet switches at 17 courts:</p> <ul style="list-style-type: none"> • Same list of courts as above
\$3,750,000	<p>Managed Network Security Services for 57 courts</p> <ul style="list-style-type: none"> • All courts except Los Angeles which opted to not subscribe at this point

\$0	Master Maintenance Agreement for 0 courts
\$15,608,480	Total – 57 courts benefit from LAN/WAN services <ul style="list-style-type: none">• Technology refresh for 17 courts• Network security services for 57 courts• Maintenance services for 0 courts



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: January 23, 2014

Title	Agenda Item Type
Court Interpreters: Expenditure of Unused Savings From Program 45.45	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	January 23, 2014
Recommended by	Date of Report
Ad Hoc Joint Working Group to Address Court Interpreter Issues	December 30, 2013
Hon. Steven K. Austin, Chair	Contact
	Donna S. Hershkowitz, 818-558-3068 donna.hershkowitz@jud.ca.gov

Executive Summary

The Ad Hoc Joint Working Group to Address Court Interpreter Issues recommends that the Judicial Council make explicit that allowable expenses for court interpreter funds in the Trial Court Trust Fund (Program 45.45) funds, and the unused savings related to Program 45.45 funds, include expenditures on court interpreters for all appearances in domestic violence cases, family law cases in which there is a domestic violence issue, and elder or dependent abuse cases, thereby eliminating the \$1.73 million cap currently in place for such expenditures. The working group also recommends that the council make explicit that allowable expenses for Program 45.45, and the unused savings related to Program 45.45, include expenditures on court interpreters for indigent parties in civil cases.

Recommendation

The Ad Hoc Joint Working Group to Address Court Interpreter Issues recommends that the Judicial Council expand the allowable use of the Program 45.45 appropriation and direct the use of the unused savings related to the Program 45.45 appropriation accumulated since fiscal year

2009–2010 in the following ways:

1. Authorize that trial courts can request reimbursement from the Trial Court Trust Fund Program 45.45 appropriation for costs related to court interpreters for all appearances in domestic violence cases, family law cases in which there is a domestic violence issue, and elder or dependent adult abuse cases, thereby eliminating the \$1.73 million cap currently in place for such expenditures. Direct that if expenditures in Program 45.45 exceed the \$92 million expenditure authority, any unused savings related to the Program 45.45 appropriation since fiscal year 2009–2010 may also be used for these purposes.
2. Clarify that trial courts can request reimbursement from the Trial Court Trust Fund Program 45.45 appropriation, and any unused savings from that appropriation, for expenditures on court interpreters for indigent parties in civil cases. Each court may determine how best to implement providing interpreters in civil matters based on varying court and community needs, resource limitations due to availability of funds, availability of interpreters, and other court operational needs. If a court elects to implement in some cases types only, suggested case types include family law, civil harassment, unlawful detainer, and probate conservatorship, and guardianship.
3. Direct Administrative Office of the Courts' staff to provide guidance to courts of the changes to what is reimbursable.
4. Direct the Civil and Small Claims Advisory Committee to create a new form for parties requesting interpreters in civil matters. The form should include space for the party to indicate the language in which an interpreter is required and to indicate whether a waiver of court fees and costs has been granted. The form should advise parties that interpreters are available in civil cases only for parties that are indigent.
5. Direct staff of the Center for Judiciary Education and Research to develop training resources, as appropriate, for court staff on how the new form may be used to assist in the calendaring of cases and scheduling of interpreters.
6. Direct the Trial Court Budget Advisory Committee (TCBAC) to provide recommendations to the council at the April 2014 council meeting on the maximum amount each court will be eligible to receive in reimbursement from the unused savings pursuant to recommendation number 2, above. The TCBAC's recommendations should be developed in a manner that will result in complete exhaustion of the unused savings by the end of fiscal year 2014–2015.
7. Direct that trial courts track the usage of interpreters in civil matters and report this information to the Administrative of the Office of the Courts (AOC) in the format and time frame specified by the AOC.

Previous Council Action

In October 2010, the Judicial Council approved a policy that the \$4.84 million in savings from Program 45.45 for fiscal year 2009–2010, and any future savings, be set aside and made available to address future reimbursable court interpreter costs, including base funding.

In July 2011, the Judicial Council redirected \$3 million of the \$4.84 million savings in the fiscal year 2009–2010 Court Interpreters Program to support court operations, with the remaining \$1.84 million to be for the use of the Court Interpreters Program.

In May 2013, the Executive and Planning Committee, on behalf of the council, approved the formation of a limited-term Ad Hoc Joint Working Group to Address Court Interpreter Issues made up of representatives from each of the council’s civil law subject matter advisory committees as well as the Trial Court Presiding Judges Advisory Committee, the Court Executives Advisory Committee, the Access and Fairness Advisory Committee, the Court Interpreters Advisory Panel, and the council’s internal Policy Coordination and Liaison Committee.

Rationale for Recommendation

The Ad Hoc Joint Working Group to Address Court Interpreter Issues (working group) was charged with making recommendations to the Judicial Council about (a) options for using all or a portion of the accumulated Program 45.45 funds and (b) options for ensuring coordination of efforts designed to expand the provision of court interpreter services in California. This report makes recommendations for use of Program 45.45 funds, and the related unused savings, beginning immediately. Also at this January 2014 meeting, in a report from the Policy Coordination and Liaison Committee (PCLC), the council will hear PCLC’s and the working group’s recommendation for council-sponsored legislation to allow courts to provide interpreters in all civil matters at no cost to parties.

As of the close of fiscal year 2012–2013, there remains \$12,924,795 in unused savings from the Trial Court Trust Fund Program 45.45 appropriation accumulated since 2009–2010. The working group was charged with making recommendations for the appropriate expenditure of those unused savings. The working group cannot recommend that the unused savings from Program 45.45 be used to fund interpreters in all civil cases without a statutory clarification giving courts discretion to provide these services in civil matters. While there appears to be a strong legal argument that courts can provide interpreters in civil cases to indigent litigants who have limited English proficiency, existing law is at best ambiguous on whether a court may assign interpreters in *all* civil cases at no cost to the parties.¹ The council will be considering a recommendation today from PCLC and the working group for sponsored legislation to provide that authority. As a result, at the earliest, it will be January 2015 before courts will have the legal authority to provide interpreters in all civil proceedings regardless of the income of the parties. The working

¹ August 6, 2013, legal opinion memorandum from the AOC Legal Services Office to Judge Steven K. Austin entitled “In Courtroom Interpreter Costs.”

group therefore turned its attention to how it could expand access to interpreters in the interim, while waiting for a statutory fix.

Beginning in 2001 the Judicial Council authorized \$1.6 million annually for courts to provide interpreters for litigants with limited English proficiency (LEP) in family law cases where domestic violence protective orders have been issued or are being sought. Starting in fiscal year 2005–2006, the program was expanded to encompass general family law cases and elder and dependent adult abuse protective order cases, and the funding amount was increased to \$1.75 million (\$20,000 of which is allocated to the AOC for translation of court forms). Courts may utilize program funds to provide interpreters in court hearings, family law facilitator sessions, court-connected self-help sessions, and family court services mediation sessions, as well as for related assistance at court public counters. Allocations are based on prior year expenditures and courts' stated expectations of need. Typically, about 45 courts apply for and receive funding.

Information suggests that elimination of the \$1.73 million cap on interpreters for domestic violence cases, ancillary family law proceedings, and elder and dependent adult abuse cases will not cost a significant amount of money and that expenditures for these purposes should be able to be funded within the annual Program 45.45 allocation (which is approximately \$92 million). The total request from courts for fiscal year 2013–2014 for domestic violence, elder and dependent adult abuse, and related family law matters was \$3.2 million (only \$1.47 million more than the \$1.73 million currently expended). If the extent of the need surpasses the estimate, however, the working group recommends that the council allow the expenditure of not just the Program 45.45 allocation, but also the unused savings, for this purpose.

The cost to expand to civil cases when a party is indigent is not known. The 2015 Language Use and Interpreter Need Study will be examining, to the extent possible, the need for interpreters in civil cases. However, the data collection efforts for that study have not yet begun and thus cannot inform the working group's or the Judicial Council's decision. The working group concluded, however, that the ability of a court to meet the needs of indigent litigants for interpreters in civil cases will vary widely across the state. Some courts may be able to provide interpreters for indigent litigants in all civil cases; other courts may be forced to prioritize certain case types due to limited financial and personnel resources. Therefore, the working group recommends that each court be given the authority to determine how best to implement providing interpreters to indigent litigants in civil matters to address varying court and community needs, resource limitations, and other court operational needs. If a court elects to implement in some cases types only, the working group has provided its suggestion for case types courts may wish to prioritize: family law, civil harassment, unlawful detainer, and probate conservatorship and guardianship. These case types have been highlighted because they appear to have the highest percentage of self-represented litigants statewide.²

² According to the Judicial Council's *Statewide Action Plan for Assisting Self-Represented Litigants*, one study of 55 California trial courts found that in unlawful detainer cases, at least one party was self-represented 35 percent of the time; in family law, 67 percent; in probate, 22 percent; and in general civil, only 16 percent.

Some members of the working group expressed concern that courts would not be in a fiscal position to risk using their existing resources to provide interpreters for indigent litigants in civil matters without knowing if there would be funding remaining to reimburse them for these expenditures. As a result, the working group recommends that the Judicial Council direct the Trial Court Budget Advisory Committee to develop a formula to identify the maximum amount each court could be eligible to receive as reimbursement from the unused \$12.9 million in savings. This is intended to provide courts the information they need to take the necessary steps to begin providing this service, to the extent interpreters are available. To ensure that courts expand interpreter services as much as is feasible within their existing resource limitations, the recommendation includes ensuring that the formula results in complete exhaustion of the unused savings by the end of fiscal year 2014–2015.

At the same time, the Judicial Council will be developing a language access plan for the judicial branch. The Joint Working Group for California’s Language Access Plan has begun its work. In January 2014 it will be meeting with several key stakeholder groups to secure their input on necessary and appropriate content for California’s language access plan. The joint working group is planning public hearings in late February and early March for broader public input. The joint working group will then develop a draft plan and send it out for public comment, with a goal of final adoption by the Judicial Council in December 2014. After adoption of the plan, it may be possible to seek additional resources for interpreter and other language access services in California’s courts, including the resources needed to continue providing interpreters in civil cases.

Comments, Alternatives Considered, and Policy Implications

The Ad Hoc Working Group to Address Court Interpreter Issues considered waiting to change the reimbursement policies until the statutory amendment authorizing the expenditure of court resources for interpreters in civil matters is enacted. The working group believes that waiting is not consistent with the group’s charge and the understanding that immediate action should be taken to expand access to interpreters in ways that the branch believes are legally permissible. Additionally, the U.S. Department of Justice has made recommendations that the branch expand access to interpreters. The U.S. DOJ believes that federal law preempts state law and that California has the statutory authority it needs to begin providing interpreters in civil cases regardless of the income of the parties. The U.S. DOJ understands that we do not share that opinion and has indicated support for us moving forward to secure the statutory fix. Nonetheless, it behooves the judicial branch to move forward as quickly as possible to expand interpreter services in civil cases for which we believe we have the legal authority to do so.

As noted above, the working group considered identifying certain civil case types and recommending the use of the unused funds only on those case types. This would have the benefit of statewide consistency. However, the working group speculated that some courts’ needs for interpreters in civil matters with indigent litigants may be easily met within the maximum

allocation provided. The working group did not want to prevent those courts from meeting these needs by limiting the usage of the unused savings to certain civil case types.

Implementation Requirements, Costs, and Operational Impacts

As noted above, eliminating the \$1.73 million cap for interpreters in domestic violence matters, ancillary family law cases, and elder and dependent adult abuse cases, can likely be accommodated within the existing Program 45.45 appropriation. At the request of the working group, the AOC Fiscal Services Office, with data provided by the Court Language Access Support Program, calculated the costs of recently negotiated salary increases in Court Interpreter Regions 2 and 3.³ All other things being equal, those cost increases, plus the estimated \$1.47 million increase derived by eliminating the cap, will result in full expenditure by the end of 2015–2016, or nearly complete expenditure of the Program 45.45 appropriation.

Courts wishing to provide interpreters for indigent parties in civil cases will likely need to devise a system for identifying cases in which both a fee waiver has been issued and the party requires an interpreter. The working group did not want to specify the procedures for doing so, to ensure each court the flexibility needed to alter its operational procedures, if necessary, in the most effective and efficient way. Creating a new form for requesting interpreters in civil matters that includes space for the party to indicate the language in which an interpreter is required and whether a waiver of court fees and costs has been granted will require action of the council’s Civil and Small Claims Advisory Committee. The cost of providing interpreters in these cases is unknown. However, once the Trial Court Budget Advisory Committee makes a recommendation on the maximum allowable reimbursement from the unused savings for each court for providing these services, courts should be better able to plan how to provide these services without incurring additional expenses beyond what they are allocated from the unused savings.

Relevant Strategic Plan Goals and Operational Plan Objectives

The recommendations in this report are most closely allied to Goal I of the branch’s strategic plan: Access, Fairness, and Diversity. That goal provides that “California’s courts will treat everyone in a fair and just manner. All persons will have equal access to the courts and court proceedings and programs. Court procedures will be fair and understandable to court users. Members of the judicial branch community will strive to understand and be responsive to the needs of court users from diverse cultural backgrounds....” The operational plan leads directly to the recommendations in this report. Objective 5 relating to Goal I is to “[i]ncrease qualified interpreter services in mandated court proceedings and seek to expand services to additional court venues; increase the availability of language-assistance services to all court users.” One of the desired outcomes of implementing this objective is to secure “[r]esources to expand interpreting services to civil cases.”

³ Region 2 includes all superior courts within the First and Sixth Appellate Districts except the Superior Court of Solano County, and Region 3 includes all superior courts within the Third and Fifth Appellate Districts.

Scenario 1 - WAFM Allocation Adjustments in 2014-2015, Assuming \$100 Million in New Funding*

*WAFM updated to include 2013-14 Schedule 7A data and filings from 2009-10 to 2011-12 [final update for 2014-15 allocation will include filings for the period 2010-11 to 2012-13]; assumes cluster 1 courts are not exempt from any reallocation of historical base funding, uses 3-year BLS adjustor for local or combined local/state salaries, and applies FTE allotment floor).

Cluster	Court	Net Reallocation of 15% (\$216M) Using Updated WAFM	Reverse 10% Net Reallocation	Net Reallocation of \$60M Using Updated WAFM	Reverse \$60M Net Reallocation in 13-14	New \$100M	Reallocation of \$100M	Total Adjustment to Base in 2014-15 Prior to Implementing Floor	Adjustment Related to Funding Floor (gross positive adjustment \$715,733)	Total Adjustment to Base in 2014-15
		A	B	C	D	E	F (Sum of A to E)	G	H (F + G)	
4	Alameda	(2,202,861)	1,294,630	1,629,928	(1,820,989)	3,811,287	(1,019,498)	1,692,497	(32,310)	1,660,187
1	Alpine	(53,603)	-	16,227	(7,226)	13,522	(24,808)	(55,888)	246,519	190,630
1	Amador	(60,360)	-	139,793	(61,365)	116,495	(27,935)	106,628	(1,012)	105,616
2	Butte	33,421	(18,573)	317,389	(320,390)	521,394	15,467	548,708	(3,679)	545,029
1	Calaveras	(88,015)	-	113,639	(62,926)	94,699	(40,734)	16,663	(914)	15,749
1	Colusa	(25,582)	-	99,779	(41,323)	83,149	(11,840)	104,183	36,781	140,964
3	Contra Costa	135,867	(101,350)	1,424,746	(1,461,361)	2,347,277	62,880	2,408,059	(16,591)	2,391,467
1	Del Norte	(55,552)	-	152,613	(79,107)	127,177	(25,710)	119,421	(1,080)	118,340
2	El Dorado	(43,405)	15,056	217,034	(233,266)	388,170	(20,088)	323,500	(2,890)	320,610
3	Fresno	238,291	(232,624)	1,545,175	(1,636,598)	2,502,265	110,282	2,526,791	(17,484)	2,509,307
1	Glenn	(63,379)	-	115,726	(49,328)	96,438	(29,332)	70,126	(869)	69,257
2	Humboldt	(91,966)	83,109	154,188	(139,430)	304,955	(42,562)	268,292	(2,399)	265,894
2	Imperial	97,811	(46,526)	312,411	(302,356)	482,223	45,268	588,831	(3,255)	585,576
1	Inyo	(79,119)	-	99,550	(50,201)	82,958	(36,617)	16,571	85,798	102,369
3	Kern	1,514,273	(940,847)	2,021,140	(1,995,057)	2,698,873	700,815	3,999,195	(16,072)	3,983,123
2	Kings	68,594	(39,652)	233,499	(232,642)	362,572	31,746	424,116	(2,458)	421,659
2	Lake	(108,651)	76,098	58,722	(57,416)	151,295	(50,284)	69,763	(1,330)	68,434
1	Lassen	(38,921)	-	135,886	(68,479)	113,239	(18,013)	123,711	(937)	122,774
4	Los Angeles	5,246,554	(2,523,297)	19,007,022	(18,535,686)	29,674,610	2,428,137	35,297,341	(201,722)	35,095,619
2	Madera	(33,819)	23,742	225,324	(228,985)	397,628	(15,652)	368,238	(2,937)	365,301
2	Marin	(763,397)	520,264	122,975	(120,165)	572,687	(353,305)	(20,941)	(5,728)	(26,670)
1	Mariposa	(13,630)	-	69,121	(32,895)	57,600	(6,308)	73,888	21,460	95,348
2	Mendocino	(80,116)	39,152	135,065	(150,192)	266,921	(37,078)	173,751	(2,099)	171,652
2	Merced	332,545	(222,543)	555,087	(564,967)	781,009	153,904	1,035,035	(4,885)	1,030,150
1	Modoc	(64,086)	-	38,606	(16,977)	32,171	(29,660)	(39,946)	7,231	(32,715)
1	Mono	(16,896)	-	93,278	(45,169)	77,731	(7,819)	101,125	26,627	127,752
3	Monterey	128,352	(140,122)	604,706	(661,895)	962,507	59,402	952,949	(6,643)	946,306
2	Napa	(163,205)	108,997	159,032	(162,945)	347,170	(75,533)	213,517	(2,861)	210,656
2	Nevada	(48,911)	34,238	129,357	(130,830)	242,359	(22,636)	203,577	(1,852)	201,725
4	Orange	(2,983,000)	1,884,108	3,386,129	(3,558,096)	7,157,076	(1,380,551)	4,505,666	(58,046)	4,447,619
2	Placer	209,989	(171,865)	572,343	(609,351)	868,738	97,184	967,039	(5,788)	961,252
1	Plumas	(86,179)	-	72,185	(33,256)	60,154	(39,884)	(26,981)	(651)	(27,632)
4	Riverside	2,256,156	(1,528,075)	3,595,969	(3,674,954)	5,010,903	1,044,163	6,704,164	(31,006)	6,673,158
4	Sacramento	328,985	(120,612)	2,707,228	(2,676,151)	4,426,362	152,256	4,818,068	(31,130)	4,786,937
1	San Benito	(97,303)	-	153,893	(85,264)	128,244	(45,032)	54,538	(1,186)	53,351
4	San Bernardino	3,233,634	(2,180,083)	4,310,829	(4,398,841)	5,754,488	1,496,546	8,216,573	(34,259)	8,182,314

Cluster	Court	Net Reallocation of 15% (\$216M) Using Updated WAFM	Reverse 10% Net Reallocation	Net Reallocation of \$60M Using Updated WAFM	Reverse \$60M Net Reallocation in 13-14	New \$100M	Reallocation of \$100M	Total Adjustment to Base in 2014-15 Prior to Implementing Floor	Adjustment Related to Funding Floor (gross positive adjustment \$715,733)	Total Adjustment to Base in 2014-15
			A	B	C	D	E	F (Sum of A to E)	G	H (F + G)
4	San Diego	(2,407,779)	1,938,179	3,695,466	(3,502,289)	7,406,156	(1,114,335)	6,015,398	(58,553)	5,956,845
4	San Francisco	(2,189,739)	1,459,083	956,606	(988,514)	2,665,062	(1,013,425)	889,073	(24,033)	865,040
3	San Joaquin	448,004	(415,666)	1,218,109	(1,338,224)	1,848,403	207,339	1,967,966	(12,312)	1,955,654
2	San Luis Obispo	(9,063)	26,551	429,810	(421,150)	732,010	(4,194)	753,964	(5,289)	748,675
3	San Mateo	(502,144)	314,903	941,811	(980,049)	1,834,270	(232,395)	1,376,396	(14,316)	1,362,080
3	Santa Barbara	(471,083)	317,397	491,424	(501,019)	1,056,918	(218,020)	675,616	(8,651)	666,965
4	Santa Clara	(2,645,985)	1,600,135	1,575,754	(1,759,734)	3,931,137	(1,224,578)	1,476,730	(34,155)	1,442,575
2	Santa Cruz	(111,874)	113,143	344,232	(319,264)	636,212	(51,776)	610,673	(4,827)	605,846
2	Shasta	(22,541)	(31,687)	291,282	(336,493)	503,914	(10,432)	394,043	(3,677)	390,365
1	Sierra	(61,304)	-	11,123	(7,615)	9,269	(28,372)	(76,899)	277,038	200,138
2	Siskiyou	(215,618)	157,748	13,705	(3,406)	126,150	(99,789)	(21,210)	(1,386)	(22,596)
3	Solano	263,044	(243,496)	790,017	(861,558)	1,211,937	121,738	1,281,683	(8,140)	1,273,543
3	Sonoma	101,958	(134,615)	829,377	(901,348)	1,355,486	47,187	1,298,046	(9,532)	1,288,514
3	Stanislaus	646,028	(457,619)	994,252	(1,033,047)	1,374,858	298,986	1,823,458	(8,465)	1,814,993
2	Sutter	48,187	(56,291)	166,299	(189,663)	258,544	22,301	249,378	(1,754)	247,624
2	Tehama	(9,915)	9,440	113,704	(113,639)	197,239	(4,589)	192,240	(1,442)	190,798
1	Trinity	(7,554)	-	78,306	(43,420)	65,255	(3,496)	89,091	14,280	103,372
3	Tulare	159,156	(107,295)	592,450	(604,334)	927,051	73,658	1,040,687	(6,321)	1,034,367
2	Tuolumne	(69,307)	38,673	67,701	(75,770)	147,711	(32,076)	76,932	(1,217)	75,715
3	Ventura	521,282	(348,266)	1,288,635	(1,311,950)	1,932,820	241,253	2,323,774	(12,757)	2,311,018
2	Yolo	42,246	(57,493)	290,157	(320,358)	471,076	19,552	445,178	(3,297)	441,881
2	Yuba	(68,515)	63,948	94,190	(81,076)	192,179	(31,709)	169,017	(1,535)	167,481
	Total	0	(0)	60,000,000	(60,000,000)	100,000,000	0	100,000,000	0	100,000,000

Item 3 -- 2014–2015 WAFM: Reallocation of Historical Base Funding**Issue**

For FY 2013-2014 the Judicial Council exempted cluster 1 courts from participating in the reallocation of historical base funds. If the Judicial Council approves the WAFM-related recommendations, which were adopted by the TCBAC on January 10, 2014, at its February 2014 business meeting, should this exemption be removed for cluster 1 courts?

Background

For FY 2013–2014 the council exempted the cluster 1 courts from having 10 percent of their historical base funding as well as their share of an additional \$60 million in historical base funding from being reallocated using WAFM. The cluster 1 courts were to be exempted from the reallocation of their historical base funding until the impact of the WAFM on small courts could be assessed and any necessary revisions to the WAFM was approved by the council.

Recommendation

The revisions to the WAFM that the TCBAC approved at its January 16, 2014 meeting address the impact of the WAFM on small courts. Specifically, the establishment of a FTE allotment floor for courts whose RAS workload need is less than 50 and the establishment of an absolute and graduated funding floor are being recommended to address the issue of providing funding for minimal court operations in situations where filings alone do not adequately quantify the courts' need. As this effort was undertaken to adjust the model so that the cluster 1 courts could be fully included, Judge Laurie Earl and CEO Jake Chatters, co-chairs of the Funding Methodology Subcommittee, recommend that starting with the 2014–2015 WAFM cluster 1 courts no longer be exempt from having their historical base funding be reallocated using WAFM.