



JUDICIAL COUNCIL
OF CALIFORNIA

ADVISORY COMMITTEE
ON FINANCIAL ACCOUNTABILITY
AND EFFICIENCY FOR THE JUDICIAL BRANCH

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**ADVISORY COMMITTEE ON FINANCIAL ACCOUNTABILITY AND
EFFICIENCY FOR THE JUDICIAL BRANCH**

MINUTES OF OPEN MEETING WITH CLOSED SESSION

June 8, 2015
12:00 to 12:55 pm
Conference Call

Advisory Body Members Present: Justice Richard Huffman, Justice Kathleen O’Leary, Judge David Abbott, Judge Kim Dunning, Judge Jill Fannin, Ms. Kimberly Flener, Judge Joyce Hinrichs, Mr. Michael Planet, Ms. Teresa Risi, Mr. Michael Roddy

Advisory Body Members Absent: Judge Lorna Alksne, Judge Michele Flurer, Judge Teri Jackson, Ms. Kim Turner

JCC Staff Present: Ms. Jody Patel, Mr. Curt Soderlund, Mr. John Judnick, Mr. Eric Pulido, Mr. Eric Schnurpfeil, Mr. Michael Giden

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:05 p. m., and roll call was taken by Mr. Judnick staff member to the committee.

Approval of Minutes

The advisory body reviewed and unanimously approved the minutes of the 04/28/2015 Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch meeting.

PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))

Mr. Judnick reported that there were no public comments received for the meeting.

ADJOURNMENT

There being no further open meeting business, the meeting was adjourned at 12:10 p.m.

CLOSED SESSION

Call to Order and Roll Call

The chair called the meeting to order at 12:10 p.m. and roll call was taken by Mr. Judnick.

Item 1

**Specific subdivision of rule 10.75 that authorized this agenda item to be closed is 10.75(d)(6).
Descriptor for the subdivision of rule 10.75 that authorized the agenda item to be closed is: “Non-final audit reports or proposed responses to such reports.”**

The committee reviewed the pending audit report of the Superior Court of San Bernardino County as presented by Mr. Judnick and Mr. Pulido.

Action: The Committee unanimously approved recommending the audit report for the Superior Court of San Bernardino be presented to the Judicial Council for acceptance at the Council’s June 25-26, 2015 meeting. The report was recommended for the consent agenda.

Adjourned closed session at 12:55 pm.

Approved by the advisory body on _____, 2015.



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date	Action Requested
July 24, 2015	Approval of FY 2016-2017 Judicial Council Budget Change Proposal Concepts and Placeholders
To	Date of Report
Member of the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch	July 29, 2015
From	Contact
Curt Soderlund, Chief Administrative Officer Zlatko Theodorovic, Finance Director	Lucy Fogarty Finance 415-865-7587 phone lucy.fogarty@jud.ca.gov
Subject	
FY 2016-2017 Judicial Council Budget Change Proposal Concepts and Placeholders	

Executive Summary

California Rule of Court 10.63 requires the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (Committee) to make recommendations annually to the Judicial Council concerning any budget change proposals (BCP) for funding of the Judicial Council of California. Such funding changes include additional staffing costs as well as increased costs associated with operating expenses and equipment.

There are currently five BCP proposals before the Committee for consideration, four of which will, if approved by the Committee and the Judicial Council, be submitted to the Department of Finance by September 2, 2015 for inclusion in the Governor's Budget. Placeholder BCPs will be submitted, upon approval of the Committee and the Council, as a Finance Letter in the spring if it is determined that a budget change proposal is required. Placeholders are before the Committee at this time in order to provide the Judicial Council with a comprehensive list for prioritization of all Judicial Branch budget change proposals.

The following BCP concepts and placeholders are before the Committee for consideration:

#	Title	FY 2016-17 Total
1	Implementation of Language Access Plan	\$944,675 & Placeholder
2	Supreme Court and Courts of Appeal Document Management System	Placeholder
3	Increased Costs for Operation & Maintenance of Facilities and Facility Modifications for the Judicial Branch Facilities Program	\$40,215,000
4	Judicial Council Classification and Compensation Study	TBD
5	Information Systems Controls Enhancement	\$3,191,071

A more detail summary document is included as Attachment A.

Summary Information

1. Implementation of Language Access Plan (Attachment B)

The Language Access Plan Implementation Task Force is seeking support to pursue a budget change proposal for fiscal year 2016–17 funding to help support implementation of the Strategic Plan for Language Access in the California Courts (adopted by the Judicial Council on January 22, 2015). The requested funding would support the following items:

- (1) Translation of Judicial Council forms and creation of multilingual videos to assist limited English proficient (LEP) court users, and
- (2) The work of the Task Force to conduct both business and community meetings, including the provision of interpreters and translated materials for LEP individuals attending or participating in said meetings, and consultant services to create work products.

The requested funding will support LAP implementation and benefit California’s 7 million LEP individuals and the courts by providing them with additional resources and tools to help increase language access.

In addition, staff is continuing to more fully flesh out the need for additional staff resources, and will present a more comprehensive request for staff support for the Task Force in time to submit a spring Finance Letter.

2. Supreme Court and Courts of Appeal Document Management System (Placeholder)

An appellate court document management system (DMS) is vital and a necessary element of the Courts’ infrastructure in order for the Judiciary to fully implement its E-Filing and E-business programs statewide. A DMS is a critical component to the success of E-Filing and without one,

much of the progress made towards modernizing the court system will be severely limited. A DMS will improve efficiency, reduce costs associated with record storage/retrieval and improve customer service to the public. By acquiring a DMS, the Supreme Court and Courts of Appeal will capture, manage, store, share and preserve essential case documents and administrative records. Electronic management and retention of court filings and other court documents have become critically important for us as we seek efficiencies in an era of severely constrained resources. Electronic filing can provide cost savings and efficiencies for the courts by providing:

- Speedier processes by eliminating the time required for mailing or personal delivery of pleadings and other documents.
- Greater efficiency from the instantaneous, simultaneous access to filed court documents for participants in the case, for judges and court staff, and members of the public (to publicly available court documents) from any internet capable location.
- Fewer delays caused by lost or misplaced paper documents and files.
- Fewer personnel involved in receiving, processing, filing, and storage of paper files.
- Reduction or elimination of costs for archival record storage.

Using existing resources, the appellate courts will bring in a consultant to develop the requirements for a DMS, focusing on a cloud solution. The appellate courts hope to be able to fund the purchase and initial implementation of the DMS with existing resources, and seek General Fund for ongoing support, maintenance, and/or electronic document storage costs as part of a spring Finance Letter.

A full justification will be brought back to the committee for further consideration at a future date once more information is available after the consultant has developed the DMS requirements.

3. Increased Costs for Operation & Maintenance of Facilities and Facility Modifications for the Judicial Branch Facilities Program (Attachment C)

The Judicial Council proposes an ongoing augmentation from the General Fund of \$40.2 million [\$27.6 million for transfer to the Court Facilities Trust Fund (CFTF) and \$12.6 million for transfer to the State Court Facilities Construction Fund (SCFCF)]. The requested funding will assist in providing for operations and maintenance funding to maintain trial court facilities at an industry standard level based on the Building Owners and Managers Association (BOMA) average and will reduce the deferred maintenance on the states facilities by addressing major repairs, system life-cycle replacements, and renovation projects in existing courthouses to provide safe and secure facilities for the benefit of all court users. In addition to the funding a total of 8.0 positions will be requested (4.0 for deferred maintenance/facility modifications and 4.0 for operations and maintenance).

4. Judicial Council Classification and Compensation Study

The classification component of the classification and compensation study was completed in June 2015. Since that time, Fox Lawson has been working on finalizing the compensation component of the study. The Administrative Director will consider any recommended structures provided by Fox Lawson in terms of affordability and implementation time frames, among numerous other factors. At that time, the Administrative Director will determine if a budget change proposal is necessary to effectively implement the compensation aspect of the study.

As the cost implications of the Classification and Compensation Study are unknown at this time, the Committee is being asked to delegate responsibility to the Administrative Director to proceed with a budget change proposal if so determined without further Committee review or approval.

5. Information Systems Controls Enhancement (Attachment D)

The FY 2016-17 budget change proposal for the Implementation of Information Systems Control Enhancements requests \$3.2 million (initial) and \$2.0 million (ongoing) to strengthen information technology security controls and enhance the reliability of Judicial Branch data. Focus is needed both within the Judicial Council, and in the Judicial Council's ability to more effectively assist the trial courts in these areas. This request includes three full-time employees to support information technology security and disaster recovery programs within the Judicial Council.

Recommendation

Approve the five Judicial Branch budget change proposal concepts and placeholders for submission to the Judicial Council for approval and prioritization with all other Judicial Branch budget change proposal concepts.

Judicial Council
FY 2016-2017 Budget Change Proposal Concepts
July 29, 2015

#	Action	Title	Office	Repeat?	Fund Source	FTEs	Cons*	Personal Services (Salary & Benefits)	OE&E	FY 16-17 Total	FY 17-18 Total	Ongoing
1	A AP	Implementation of Language Access Plan^	Court Operations Services	N	General Fund	0.0	2.0	\$ -	\$ 944,675	\$ 944,675	\$ 704,450	\$ -
2	AP	Supreme Court and Courts of Appeal Document Management System	Information Technology	Y	General Fund	TBD	TBD	TBD	TBD	TBD	TBD	TBD
3	A	Increased Costs for Operation & Maintenance of Facilities and Facility Modifications for the Judicial Branch Facilities Program	Real Estate and Facilities Management	Annual	General Fund	8.0	0.0	\$ 961,000	\$ 39,254,000	\$ 40,215,000	\$ 40,215,000	\$ 40,215,000
4	A	Judicial Council Classification and Compensation Study	Human Resources	N	General Fund	0.0	0.0	TBD	\$ -	TBD	TBD	TBD
5	A	Information Systems Controls Enhancement	Information Technology	Y	General Fund	3.0	0.0	\$ 561,395	\$ 2,629,676	\$ 3,191,071	\$ 1,950,482	\$ 1,950,482
Total						11.0	2.0	\$ 1,522,395	\$ 42,828,351	\$ 44,350,746	\$ 42,869,932	\$ 42,165,482

*indicates number of consultants to be hired. Cost is reflected in OE&E column.

^a request for additional JCC staff resources to support the implementation will be submitted to the Committee in time to submit a spring Finance Letter.

2016-17 FY Budget Change Proposal Overview

JCC Office: Court Operations Services

Contact: Dianne Bolotte, 415-865-7633

Date: July 23, 2015

Proposal Title: Implementation of Language Access Plan**Fiscal Summary:**

Proposed JCC Positions	Proposed Consultant Positions	Total Personal Services	Operating Expenses & Equipment	Proposal Total 2016-17	Proposal Total 2017-18
0.0	2.0		\$ 944,675	\$ 944,675	\$ 704,450

Proposal Summary: *Provide succinct summary of request – four to six sentences.*

The Language Access Plan Implementation Task Force is seeking support to pursue a Budget Change Proposal for fiscal year 2016–17 funding to help support implementation of the [Strategic Plan for Language Access in the California Courts](#) (adopted by the Judicial Council on January 22, 2015¹). The total amount requested for fiscal year 2016–17 Judicial Council funding is \$944,675². The requested funding would support the following items: (1) translation of Judicial Council forms and creation of multilingual videos to assist limited English proficient (LEP) court users, and (2) the work of the Task Force to conduct both business and community meetings, including the provision of interpreters and translated materials for LEP individuals attending or participating in said meetings, and consultant services to create work products. The requested funding will support LAP implementation and benefit California’s 7 million LEP individuals and the courts by providing them with additional resources and tools to help increase language access.

Background Information: *Provide background details about the program including resources currently dedicated/expended to support existing workload (i.e. dollars and positions); purpose of program, what clientele is being served? Who benefits (i.e. public, courts, other governmental entities).*

The Language Access Plan Implementation Task Force was formed in March 2015 and advises the Judicial Council on implementation of the recommendations contained in the *Strategic Plan for Language Access in the California Courts*. The plan provides a consistent statewide approach to ensure language

¹ See January 6, 2015 Judicial Council Report re: California’s Language Access Plan: *Strategic Plan for Language Access in the California Courts*, available at <http://www.courts.ca.gov/documents/jc-20150122-itemK.pdf>.

² The \$944,675 includes \$240,225 in one-time funding to cover (1) translation of 20 common court order templates into five languages and (2) creation of five standardized videos that will then be translated into eight languages to assist limited English proficient court users. Limited term funding includes translation of the videos (total cost of \$280,000 spread out over two years). Ongoing expenses include monies for form translations (200 per year) and to support the work of the LAP Implementation Task Force to complete its charge over the next three to five years (see Attachment B2).

2016-17 FY Budget Change Proposal Overview

JCC Office: Court Operations Services

Contact: Dianne Bolotte, 415-865-7633

Date: July 23, 2015

access for all LEP court users in California in all 58 superior courts. The plan contains 75 recommendations to be completed in three distinct phases³.

At its April 29, 2015 business meeting, the Language Access Plan Implementation Task Force (“Task Force”) discussed priorities for 2016–17 funding and approved a total of six BCP concepts for 2016–17 to be submitted to the appropriate Judicial Council advisory body for approval.

At the May 18, 2015 Trial Court Budget Advisory Committee (TCBAC) meeting, Task Force Co-Chair, Judge Manuel Covarrubias and Ms. Donna Hershkowitz, Director of Court Operations Services at the Judicial Council, presented on four of the BCP concepts which sought funding to support the following trial court operations: 1. Interpreter Services in Civil Matters; 2. Training and Signage for Trial Courts; 3. On-Site Trial Court Support for Language Access; and 4. Video Remote Interpreting Pilot Project. The Task Force requested a range of funding from \$7.69 million to \$19.69 million (see Attachment B1).⁴

The TCBAC approved the requested BCP concepts, which were then approved by the Judicial Council at its June 2015 meeting to move forward. The Task Force now seeks approval of the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) to pursue the two remaining budget concepts approved by the Task Force at its April 29 meeting that will require Judicial Council General Fund funding: (1) translation of Judicial Council forms and creation of multilingual videos to assist LEP court users, and (2) the work of the Task Force to conduct both business and community meetings, including provision of interpreters and translated materials to provide access to LEP individuals, and consultant services to create work products (see Attachment B2).

Justification: *Explain how this proposal will address or solve the problem. What are the adverse impacts if this proposal is not approved? Why does this have to be done now?*

For 2016–17, the Task Force identified and approved the following concepts for immediate funding:

Document Translation and Multilingual Videos: The *Strategic Plan for Language Access in the California Courts* (hereafter “Language Access Plan” or “LAP”) made several recommendations regarding the translation of forms and notices into a court’s top 5 languages based on local community needs (see LAP Recommendations #5 and #36-40⁵). 226 Judicial Council forms have been translated into

³ Note: Phase 1 = Implementation of these LAP recommendations should begin in 2015; Phase 2 = Implementation of these LAP recommendations may begin immediately, where practicable, but should begin by 2016-2017; Phase 3 = Implementation of these LAP recommendations may begin immediately, but may require significant foundational steps, time and resources in order to be completed by 2020.

⁴ Attachment B1, Item 4, indicates that the item regarding Video Remote Interpreting (VRI) will require separate Judicial Council funding for 1.0 FTE to cover personal services of \$133,000 and O&E \$22,500. Staff is continuing to more fully flesh out the need for additional staff resources, and will present a more comprehensive request for staff support for the Task Force in time to submit a Spring Finance Letter.

⁵ See January 6, 2015 Judicial Council Report re: Language Access Plan, available at <http://www.courts.ca.gov/documents/jc-20150122-itemK.pdf>.

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JCC Office: Court Operations Services

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Spanish; 62 forms have been translated into written versions of Vietnamese, Korean and Chinese⁶ (leaving 164 forms to translate into those 3 languages [492 individual translations], plus 226 forms to translate into Farsi, for a total of approximately 718 individual form translations needed). It would be unrealistic to manage the 718 form translations in a single year. The Task Force requests General Fund augmentation to support 200 form translations each year into the most prevalent languages statewide. This will be accomplished through a contract with a translation provider. Recommendation #40 includes sight translation of court orders and provision of written translations of those orders to LEP persons when needed. The Task Force requests General Fund augmentation to develop common order templates for up to 20 different orders in five languages for courts to assist litigants with translation of court orders. The LAP also recommended (Recommendation #18) that the Judicial Council create multilingual standardized videos for high volume case types that lend themselves to generalized legal information, and provide them to courts in the state's top 8 languages. This request also includes a General Fund augmentation to support the development and translation of 5 videos sharing generalized legal information for court users, translated over 2 years into 8 languages (the original video development is for year 1 only, and the translation of the videos will occur over two years).

BCP Concept Total for 2016–17: \$646,675

BCP Concept Total for 2017–18: \$406,450

Adverse Impacts: The Judicial Council does not have a separate funding source that has been established for expenses regarding translation of court forms or creation of multilingual videos to assist court users. The council also does not have staff with the expertise or skills necessary to translate multiple forms or videos into the state's top non-English languages (which, in spoken language, are Spanish, Vietnamese, Korean, Mandarin, Farsi, Cantonese, Russian, Tagalog, Arabic and Punjabi⁷). Failure to translate additional court forms or orders for LEP court users in the state's most commonly used non-English languages limits LEP court user's access to the court and can lead to a lack of compliance with court orders.

Implementation Task Force: The LAP recommended the creation of a Task Force to develop an implementation plan and make recommendations to the Judicial Council for implementation of the plan's 75 recommendations (LAP Recommendation #60). The Task Force was formed in March 2015, has a three- to five-year charge, and is overseen by the Judicial Council's Executive and Planning Committee. The Task Force requests a General Fund augmentation to support the ongoing efforts of the Task Force. Funding would support up to 3 in-person meetings per year (and include costs for interpretation services upon request for all in person public meetings, translation of Task Force agendas and meeting materials, publications) and up to 2 community outreach meetings (and include costs for travel, translation of materials, interpreters for the public, etc.). The Task Force requires more than one in-person meeting, including the conduct of community meetings, in order to hear from stakeholders and complete its charge to turn the Language Access Plan into a practical roadmap for courts and full implementation in all 58

⁶ In written form, simplified Chinese is generally accessible to, and understood by, Cantonese and Mandarin speakers.

⁷ See Table 4 (Total Service Days, 30 Most-Interpreted Spoken Languages), 2015 Language Need and Interpreter Use Study, available at <http://www.courts.ca.gov/documents/lr-2015-Language-Need-and-Interpreter-Use-Study.pdf>

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superior courts. Funding would also support consultant costs for implementation of certain recommendations for which external subject matter experts could provide essential and timely information. The Judicial Council staff recently retained the National Center for State Courts (NCSC) as the consultant for the Language Access Plan Implementation Task Force, and NCSC is under contract to provide services from July 2015 through June 2016.

BCP Concept Total for 2016–17: \$298,000

BCP Concept Total for 2017–18: \$298,000

Adverse Impacts: The Task Force has a three- to five-year charge to assist regarding LAP implementation; failure to provide adequate funding to support the work of the Task Force (including securing any necessary consultant services) would impede implementation of the *Strategic Plan for Language Access in the California Courts*. The LAP recommends production and identification of necessary tools and resources to assist LEP court users and the courts and failure to provide Task Force funding would not only limit creation of work products necessary for LAP implementation, but would also limit stakeholder participation at business and/or community meetings of the Task Force (due to a failure to provide interpreters or translated materials for LEP stakeholders and other members of LEP communities). Judicial Council staffing for the Task Force, including for its subcommittees, is limited and the work has been spread out over several offices (Court Operations Services, Information Technology, Center for Families, Children and the Courts, and the Center for Judicial Education and Research) with staff working on projects as time permits. Consultants for the language access project have been very effective, and have resulted in work products being produced more quickly (including the plan itself, which was completed in 18 months). Failure to secure a consultant for the three phases of LAP implementation will slow down implementation progress, which has adverse impacts to the public and courts.

Fiscal Impact: *Provide a brief recap of costs, methodology, assumptions and future-year costs for this proposal. Where applicable, briefly summarize information regarding proposed fund source and viability of using resources from the proposed fund (can fund support request, potential negative fund balance in future, etc). What actions, approvals or resource requirements from other governmental entities (or courts) are required to implement this proposal?*

BCP concepts and estimated cost ranges for 2016–17 are identified in Attachments B1 and B2. Four of the BCP concepts were approved by the Judicial Council in June 2015 to move forward as augmentation to the Trial Court Trust Fund (and include funding for 1. Interpreter Services in Civil Matters; 2. Training and Signage for Trial Courts; 3. On-Site Trial Court Support for Language Access; and 4. Video Remote Interpreting Pilot Project; the Task Force requested a range of funding from \$7.69 million to \$19.69 million to augment the Trial Court Trust Fund.) The two BCP concepts that are now being submitted to A&E are for an augmentation to the Judicial Council General Fund of \$944,675. There are no existing resources to support these efforts, so new General Fund funding is sought. Judicial Council staff will develop a single FY 2016–17 BCP package regarding Language Access, which will cover all BCP concepts approved by the Judicial Council to move forward. The BCP will be submitted to the

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Department of Finance along with all other branch BCPs in September 2015. Additionally, one of the deliverables in the contract with NCSC is to identify the full costs of LAP implementation in California over the next three to five years. Based on the work they do, the Implementation Task Force will prioritize implementation of additional recommendations for fiscal year 2017-18. (The \$704,450 figure above represents only the budget year plus one costs for the two concepts identified in Attachment B2).

Outcomes and Accountability: *How will improvements or changes be measured? How will the requested resources be accounted for and monitored?*

The six identified BCP concepts all have measurable and tangible results for the courts and LEP court users. Starting in fall 2015, the Task Force will also be issuing regular reports regarding LAP implementation progress, including funding, for court leadership and public audiences.

Projected Outcomes:

- FY 2016–17:
 - 200 translations of Judicial Council forms into the state’s most common non-English languages;
 - Translation of 20 common court order templates into five non-English languages;
 - Creation of five standardized videos that will then be translated into eight languages to assist limited English proficient court users (translation to occur over two years);
 - Language services for Task Force meetings, including court interpreters as requested for business meetings and provided automatically for community outreach meetings, and translation of meeting documents into multiple languages; and
 - Consultant services to assist the Task Force regarding development of LAP work products (including but not limited to bench cards, bench guides, training material curriculum, training material scripts, revised JC forms, project management of translations).
- FY 2017–18:
 - 200 translations of Judicial Council forms into the state’s most common non-English languages;
 - Completion of translation of the five standardized videos into eight languages to assist limited English proficient court users;
 - Language services for Task Force meetings, including court interpreters as requested for business meetings and provided automatically for community outreach meetings, and translation of meeting documents into multiple languages; and
 - Consultant services to assist the Task Force regarding development of LAP work products (including but not limited to bench cards, bench guides, training material curriculum, training material scripts, revised JC forms, project management of translations).

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Other Alternatives Considered: *Include a minimum of three alternatives, provide cost estimates and briefly describe why the alternative is not the recommended option.*

1. **Alternative A: Reduce costs through postponement for a total requested amount of \$298,000**(BCP Concept Total for 2016-17: \$944,675; A&E could consider postponing funding part of this request, which would result in proposed costs for Alternative A of \$298,000; see below):
 - **Implementation Task Force** (BCP Concept Total for 2016–17: \$298,000)
Support the ongoing costs for the Implementation Task Force (ITF). The work of the ITF and its Subcommittees could continue unaffected for Fiscal Year 2016–17, producing defined outcomes outlined in the 8 goals and 75 recommendations. Should A&E decide not to fund the ITF associated costs, the Task Force will be constrained in conducting meetings, preparing implementation plans, engaging in outreach, analyzing data, and otherwise carrying out its charge.
 - **Document Translation and Multilingual Videos** BCP Concept Total for 2016–17: \$646,675)
Postpone document translation and multilingual videos reducing the financial liability by \$646,675. Should A&E consider postponing funding for the translations of essential court documents and development of explanatory multilingual videos, a greater burden will be placed on the trial courts in offering cost effective means for full language accessibility.
 - *The ITF would recommend that A&E not accept this alternative. The work of the ITF and the products identified to be produced through their efforts are critical to meeting the branch’s goal for full language accessibility. Postponing LAP implementation costs and work products will delay LAP implementation and increase the financial burden and funding amounts that will be required of the branch in 2017–18 and beyond.*

2. **Alternative B:**
Reduce the total request by a defined percentage:
 - **10% Reduction –\$94,467–for a total requested amount of \$850,208**
 Total funds allocated to the ITF would be reduced by 10%. The Task Force would be charged with scaling back their programmatic efforts to align with the allocation. The ITF would be in the best position to identify means for adjusting activities.
 - **25% Reduction -\$236,168)-for a total requested amount of \$708,507**
 Total funds allocated to the ITF would be reduced by 25%. The Task Force would be charged with scaling back their programmatic efforts to align with the allocation. The ITF would be in the best position to identify means for adjusting activities.
 - **50% Reduction -\$472,337 for a total requested amount of \$472,337**

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Total funds allocated to the ITF would be reduced by 50%. The Task Force would be charged with scaling back their programmatic efforts to align with the allocation, and substantially extending the timeframe for its work. The ITF would be in the best position to identify means for adjusting activities.

- *The ITF would strongly recommend not reducing the request by any percentage; nonetheless, should such reductions be necessary the 10% reduction would – while still requiring material trade-offs – constitute the most reasonable recommendation.*

3. **Alternative C – Combination of A&B Postponement and Percentage Reduction for a total requested amount of \$268,200**

- **Document Translation and Multilingual Videos** BCP Concept Total for 2016–17: \$646,675)
Postpone document translation and multilingual videos reducing the financial liability by \$646,675. Should A&E consider postponing funding for the translations of essential court documents and development of explanatory multilingual videos, a greater burden will be placed on the trial courts in offering cost effective means for full language accessibility.
- **10% Reduction of the Remaining Request** (BCP Concept Total for 2016–17: \$298,000)
 Postponement of the translation and videos would reduce the overall request to \$298,000, and a 10% reduction of the remaining amount would result in a \$268,200 allocation. This 71% reduction in the overall request (\$944,675) would be determinable to ITF fulfilling its charge to structure full language accessibility to LEP court users within the next 5 years.
- *The ITF would strongly recommend not reducing the total requested amount by 71%. As noted above, removing funding for the translations of essential court documents and development of explanatory multilingual videos in the state’s top non-English languages will place a greater burden on the trial courts in offering cost effective means for full language accessibility. Postponing LAP implementation costs and work products will delay LAP implementation and increase the financial burden and funding amounts that will be required of the branch in 2017–18 and beyond.*

Priority	Description	Low Range	Medium Range	High Range
1	<p>Interpreter Services in Civil Matters: The Strategic Plan for Language Access in the California Courts recommended expansion of court interpreters in civil proceedings (recommendation 8). Fiscal year 2014-2015 reimbursable expenditures are estimated to exceed the fiscal year 2014-2015 year appropriation, and begin to utilize part of the surplus. Because many courts only recently began providing interpreters in civil matters, expenditures within the last quarter of the 2014-2015 fiscal year will likely be larger than prior 2014-2015 quarters. As a result, current year-to-date estimates are likely an under-representation of expenditures that will be made by the end of June 2015. Additional courts are planning on expanding into civil, consistent with recently enacted Evidence Code section 756, which will also increase expenditures. Request General Fund augmentation to TCTF Program 45.45 to allow courts to maintain the level of services that is being provided in FY 2014-15 and to allow for minimal expansion. The final numbers may change slightly as we continue to review current year expenditures and projected expenditures for the coming two years, and as we incorporate information received from the courts to assist in a formula for assessing costs for civil</p>	5,000,000	10,000,000	16,000,000
2	<p>Training and Signage Grant Program for Trial Courts: The Strategic Plan for Language Access in the California Courts recommended training for interpreters on civil cases and remote interpreting (recommendation 46) and appropriate signage and wayfinding throughout the courthouse (recommendations 39 and 42). The plan also recommends (recommendation 50) that judicial officers, including temporary judges, court administrators, and court staff will receive training regarding the judicial branch's language access policies and requirements in the Language Access Plan, as well as the policies and procedures of their individual courts. Recommendation 5 includes the provision of notices to those who utilize court services and to the general community regarding the availability of language access services in the courts. Request General Fund augmentation for training and to develop the notice in English and the state's top ten non-English languages, which would then be made available to all 58 trial courts to print and distribute.</p>	500,000	1,000,000	1,500,000

3	<p>On-Site Trial Court Support for Language Access: The Strategic Plan for Language Access in the California Courts made 75 recommendations to improve and expand language access in California's courts. These recommendations include early identification of language needs, changes to case management systems to track the provision or denial of language services; training; the designation of language access office or representative in each court to serve as a language access resources for all court users, court staff and judicial officers, and a host of other recommendations to provide meaningful access to justice to limited English proficient court users. Request augmentation to TCTF Program 45.10 for three language access specialists for each interpreter bargaining region to serve all 58 courts, for a total of 12 language access specialists, to be hired and housed at one or more courts in each region to assist courts with language access issues, including assessment of a court's needs, implementation, training, etc. (Note: may be an ongoing cost depending on LAP implementation needs).</p>	1,771,536	1,771,536	1,771,536
4	<p>Video Remote Interpreting: The Strategic Plan for Language Access in the California Courts made several recommendations regarding the use of Video Remote Interpreting in appropriate court proceedings where it will allow LEP court-users to fully and meaningfully participate in the proceedings. The plan recommended conducting a pilot project to collect data on due process issues, participant satisfaction, the effect on the use of certified and registered interpreters, the effectiveness of a variety of available technologies, and a cost benefit analysis. Request a General Fund augmentation to implement a pilot in up to 10 courts, using multiple technologies at each court to best evaluate the different technologies. (Note: will require separate JC funding for 1.0 FTE to cover personal services of \$133,000 and O&E \$22,500, for a total cost of \$575,700 in 2016-17; estimated total cost of \$193,700 for this item in 2017-2018).</p>	420,200	420,200	420,200
Totals for Each Range		7,691,736	13,191,736	19,691,736

Implementation of Language Access Plan Proposal

	2016-17	2017-18	2018-19
Translation of Forms, and Video Creation with Translation	\$ 646,675	\$ 406,450	\$ 266,450
Work of the LAP Implementation Task Force Itself (each year for three years)	\$ 298,000	\$ 298,000	\$ 298,000
Total	\$ 944,675	\$ 704,450	\$ 564,450

Judicial Council BCP Content (2016-17, funding would begin July 1, 2016)						
1	Translation of Forms, and Video Creation with Translation				\$646,675	\$406,450
a)	Forms				FY 2016–2017	FY 2017–2018
	718 Form Translations (defined as orig. form into one language)					
	226 forms have been translated into Spanish; 62 forms have been translated into Vietnamese, Korean and Chinese (leaving 164 forms to translate into those 3 languages [492 individual translations], plus 226 forms to translate in Farsi = approximately 718 individual form to other language translations needed for translation of Judicial Council forms into the state's top 5 non-English languages).					
	Two components to form translation:					
	a) initial translation by ATA certified translator and second quality checker and layout services, and	Per form approx. \$1,232.25 (\$707.25 in translation, and \$525 in formatting) x 200 forms			\$246,450	\$246,450
	b) an in-language attorney review. Generally speaking, a two page form can take an attorney 30 - 45 minutes if it's really unfamiliar content to the attorney. Recommended cost point for legal services type attorney \$150 per hour. Estimate at 40 minutes per form, at \$100.	\$100 x 200 forms			\$20,000	\$20,000
b)	Translation of MODEL court orders					
	Translation of 20 common order templates in 5 languages, to help courts issue the most common court orders for LEP court users in multiple languages (including for civil cases): \$1,232.25 x 100 = \$123,225 for initial translation and formatting \$100 x 100 = \$10,000 for in-language legal review Total: \$133,225					\$133,225
c)	Videos (Translation of voiceover)					
c1	Recommendation #18 - creation of multilingual standardized videos					
	create 5 appropriate new videos in English at \$12,000 per (outside vendor for video creation)	\$12,000	\$60,000		\$60,000	
	take 5 new videos, translate each of the five into 8 languages. Based on staff experience, each translation will cost \$7,000 - so one video into eight languages is \$56,000, and five original videos times \$56,000 is \$280,000 - spread translation activities over 2 years - \$140,000 per year	\$7,000		\$140,000	\$140,000	\$140,000
c2	Making Video Versions of Notice Information to Public About Available Services					
	Create Video format of Notice of language access services (create English video, outside vendor)	\$12,000	\$12,000		\$12,000	
	production in other languages with audio overlay and captioning for 5 languages	\$7,000	\$35,000		\$35,000	

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JCC Office: Real Estate and Facilities Management
Contact: Patrick McGrath/Angela Guzman

Date: 07/22/15

Trial Court Facilities Operations and Facilities Modification Program Augmentation**Fiscal Summary:**

Fund Source	Proposed JCC Positions	Proposed Consultant Positions	Total Personal Services	Operating Expenses & Equipment	Proposal Total 2016-17	Proposal Total 2017-18
GF	8.0	0.0	\$ 961,000	\$ 39,254,000	\$40,215,000	\$ 40,215,000

Proposal Summary:

The Judicial Council proposes an ongoing augmentation from the General Fund of \$40.2 million [\$27.6 million for transfer to the Court Facilities Trust Fund (CFTF) and \$12.6 million for transfer to the State Court Facilities Construction Fund (SCFCF)]. The requested funding will assist in providing for operations and maintenance funding to maintain trial court facilities at an industry standard level based on the Building Owners and Managers Association (BOMA) average and will reduce the deferred maintenance on the states facilities by addressing major repairs, system life-cycle replacements, and renovation projects in existing courthouses to provide safe and secure facilities for the benefit of all court users. In addition to the funding a total of 8.0 positions will be requested (4.0 for deferred maintenance/facility modifications and 4.0 for operations and maintenance).

Background Information:

AB 233 created the Task Force on Court Facilities (Task Force) charged to review and report on the status of court facilities throughout the state, and to make recommendations as to which government entity should be responsible for funding and managing court facility construction and maintenance. The Task Force report identified widespread and serious problems of inadequate security, safety, and access for the disabled in the courts, and further found that a significant number of state court buildings are in need of repair, renovation, or maintenance.

Senate Bill (SB) 1732 (Ch. 1082, Stats. 2002), the Trial Court Facilities Act of 2002, provided for the transfer of court facilities from the counties to the state and also stipulated that the counties provide a County Facility Payment (CFP) based on the historical costs of operating each transferred facility. The historical costs of operating each facility were based on costs for years from 1996 to 2000 inflated to the date of transfer.

Further the CFP was not intended to provide for inflationary cost increases beyond the date of transfer. SB 1732 states that “ongoing operations and maintenance of court facilities that are in excess of the county facility payment be provided by the state”. In recognition of the intent of the legislation, AB 1806, was enacted in 2006 and authorizes a cost of living increase

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against the CFP from the General Fund. The increase is based on the state appropriations limit (SAL) year-to-year- percentage change. However, due to the State's General Fund shortfall, the SAL adjustment was suspended for FY 2009–2010 and to date, has not been reinstated. This has required the Judicial Council to absorb trial court facility operating costs increases through existing resources, diverting discretionary funding to address mandatory cost increases for items such as rent and utilities.

In addition, the CFPs based on the historical costs of operating each facility are not sufficient to maintain trial court facilities at the Building Owners and Managers Association (BOMA) industry standard. CFPs are deposited into the Court Facilities Trust Fund (CFTF), and provide the major resources to fund trial court facility operations. If funding to support the inflationary cost increases and to maintain facilities at the BOMA average is not approved, non-mandatory facilities services will continue to be reduced. Because there is little flexibility in reducing utilities or lease payments, operations and maintenance costs are impacted when other mandatory cost increases are incurred without concurrent funding increases.

Justification:

The Judicial Council is now responsible for maintaining over 500 court facilities throughout the state of California, which equates to over 20 million square feet of space. To date, facilities assessments have been completed on over 14 million square feet in 207 facilities. Of the over 500 buildings, 40% have been assessed and over \$3.2 billion in deferred maintenance projects have been identified, of which the branch proportional share is estimated at \$1.8 billion. The assessment program data to date covers approximately 95 percent of the Judicial Council's financial responsibility for deferred maintenance.

With the completion of the transition of the Los Angeles portfolio to Judicial Council management responsibility in June of 2011, the Judicial Council has been able to complete assessments on the largest court facilities within the portfolio. Elevators, roofing, HVAC systems and many other basic infrastructure requirements are operating beyond their design life and if not addressed in the near term will fail; this will result in disruptions to court operations and the public. If this backlog is allowed to persist the estimated cost of these projects will increase exponentially.

In addition, as a result of continued budget challenges within the state and decreases in funding approved for new court construction, many buildings that were targeted for replacement, and by definition buildings with the greatest financial need, must continue to serve the courts for an indeterminate number of years going forward. This results in increased demand for facility modification work within the court facility portfolio to address immediate and critical requirements. The renewal of critical infrastructure systems that were planned for completion during the capital construction project will now become the responsibility of the Facility Modification budget.

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This proposal will provide additional funding allocated for facility assessments, facility modification designs, construction, and related costs to allow for prioritized timely repairs and renovations in facilities, while limiting the liabilities posed by aging and neglected court facilities. Failure to take this action to adequately support the Council's responsibilities will result in faster degradation of existing court facilities and a growing shortage of "suitable and necessary" trial court facilities for the public and court.

Since FY 2009–2010, due to the state's budget shortfall, the SAL increase authorized pursuant to Government Code 77202(a)(1)(B)(iv) has been suspended. CFPs provided for facilities have not received SAL appropriation adjustments as expected and inflationary cost increases have been absorbed, including those for rent and utilities. In addition, previously submitted budget change proposals for this purpose requesting General Fund resources have been denied by the Department of Finance due to the General Fund shortfall.

As a result, to maintain expenditures within available budget, preventive maintenance services have been reduced to critical life-safety levels. In July of 2013, the Judicial Council reviewed our original program in relation to code compliance and growth of assets under management resulting from the final transition of facility management responsibility for Los Angeles Superior Court. In that analysis it showed an increasing gap between available and needed funding for preventive maintenance activities. Instead of providing routine monthly, quarterly and semi-annual required maintenance on non-code compliance systems, we are limited to a maintenance program that provides for facility service funding to emergency and code required actions only on the over 16 million square feet of court responsible space. This represents the continued deferral of over 15,000 monthly, quarterly and semi-annual preventive maintenance planned services, impacting over 6,600 assets, at an estimated cost of over \$14.92 million.

The additional funding being requested would provide for the implementation of standard maintenance program services such as scheduled painting of facility exterior and interior surfaces, proactive replacement of lamps, ballasts, and other similar components which are past their rated life, minor improvements to existing hardware and mechanical systems, exterior window washing, preventive maintenance to roofing systems, and other similar traditional maintenance methods used within the industry to extend the life cycle of buildings and their critical infrastructure components.

Current operations and maintenance funding levels force the branch into a run-to-fail operational methodology that is inefficient from an overall cost management standpoint, but more importantly, puts court operations at increased risk to system failures, services outages and facility closures. During these events, the public is negatively impacted. Additionally, this

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budget-driven run-to-failure methodology will add to an already overburdened facility modification program and tax its already extremely limited funding from the two trial court construction funds. Today the Judicial Council and courts are in a purely reactive mode, responding to actual or imminent system failures that can and will continue to shut down court facilities.

The Facility Condition Index (FCI) is a nationally recognized facility management benchmark used to assess the current and projected condition of a building. A lower FCI is an indication of better facility condition. Vanderweil Facility Advisors, Inc, a nationwide industry leader specializing in facility assessments and capital renewal planning, also the facility vendor of choice for the California Department of Corrections and Rehabilitation, maintains a database of FCIs. The nationwide average FCI in Vanderweil Facility Advisors, Inc's database, which includes over 38 million square feet of court facilities in at least four other states, is 9 percent. To date, the average FCI for fully assessed California courts is 35 percent, a 26 percent variance as compared to the nationwide average. Continued reduction in routine maintenance services will drive the courts average FCI even higher, requiring increased renovations and modifications to improve failing systems and infrastructure.

Staff Resources Supporting Facilities Modifications:

The 2.0 Project Manager (PM) III positions will be responsible for delivering facility modification services directly to the court and public customer. These projects are critical infrastructure renewals and renovations many of which will prevent system failures, and potential court closures, improve delivery of court services, and avoid service disruption to the public. Current resources are insufficient to meet the needs of this aged and failing infrastructure.

The 1.0 Facilities Planner will serve to improve short-term statewide facility modification project planning and also develop long-term infrastructure master plan, focused on facility modification needs in existing facilities. This will complement the annual Five-Year Infrastructure Plan that addresses replacement of existing infrastructure. This will allow for improved project execution by allowing a more strategic approach to future facility modification planning. Current resources are able to reasonably and efficiently plan for the current fiscal year, as a reaction to known and continuing identification of critical system failure, however lack of resources prevent a more holistic and long term approach.

The 1.0 Senior Contract Specialist is requested to ensure timely procurement and contracting services for facility modifications. Having contracts in place in a timely manner will prevent the significant lag time that occurs now from inception and approval of a project into work being performed. The current resources are insufficient to meet these needs, and if the position is not approved, may result in renovations being delayed, causing system failures to occur instead of being prevented and a potential delay in delivery of court services.

Staff Resources Supporting Operations and Maintenance:

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The 1.0 O&M Customer Support Representative supports data management of routine operations and maintenance and facility modification projects. As part of the Judicial Council Customer Service Center, they act as the initial point of contact for the court customer for operations and maintenance services to report emergency conditions as well as routine requests for building system repair and maintenance. This staff provides the administrative and communication support team receiving over 80,000 contacts either via direct phone, e-mail or through the Computer Aided Facility Management system (CAFM) each year from the courts, contractors, the public, and other service organizations in need of services from the Judicial Council.

The 2.0 Facility Management Administrators are responsible for the implementation of a comprehensive facility operations and maintenance program for several court facilities within a county or multi-county territory; collaboratively plan and direct all on-site facilities management staff and contracted services engaged in managing and maintaining court facilities; ensure alignment of facility management priorities with those of regional and superior court administration; perform complex and specialized work associated with building maintenance and facility management services including procurement, contracting, grounds management and maintenance services for the judicial branch at designated court locations; and implement strategic operational plans consistent with codes, regulations, guidelines and industry standard practices, including BOMA and IFMA (International Facilities Management Association-an organization that provides facilities management best practices based on input from international facility management organizations).

The 1.0 Mechanical Electrical Plumbing Engineer position is critical for program success. With the increase of capital construction projects entering the design phases of construction, it becomes more critical to have the necessary resources to review designs and plans for constructability and maintainability. This resource also provides much needed technical review and input on the additional FM funding within the program. Improving existing maintenance and installation standards, this position provides for improved program efficiency today and into the future.

Lack of sufficient staff and financial resources in these areas may result in failure to ensure compliance to federal, state, and local codes and regulations, exposing the state to liability; failure to control building condition degradation, and backlog of requirements to properly sustain court operations; failure to meet legislative intent for equal access to justice with excessively delayed ADA and related modifications; cause disruption to court operations; and continue to hamper the people's access to justice.

The proposal supports the Judicial Council's Strategic Plan.

Goals I, II, VI and VII of the Judicial Council's Long-Range Strategic Plan directly support this proposal.

Goal I, Access, Fairness and Diversity states "all persons will have equal access to the court and court proceedings and programs." This proposal supports funding to ensure court users have access to the trial court facilities.

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Goal II, Independence and Accountability states, “the judicial branch must also exercise its constitutional and statutory authority and responsibility to plan for, direct, monitor, and support the business of the branch and to account to the public for the branch’s performance.” Securing sufficient resources to ensure accessible, safe, and efficient facilities for the public directly addresses this goal.

Goal VI, Branch wide Infrastructure for Service Excellence states “Infrastructure improvements needed to better serve the public include (1) acquisition, construction, renovation, and maintenance of adequate facilities.” This goal seeks to provide fully functional facilities that are safe and secure for conducting court business for all court users.

Goal VII, Consistent with the Judicial Council’s legislative priority to advocate for investment in our justice system to preserve access to justice for all Californians, the branch must make every effort to achieve greater financial independence and flexibility for funding the court system at a level of sufficiency.

Fiscal Impact:**Operations and Maintenance:**

Based on the BOMA average cost/SF for calendar year 2013, the JC would need \$66 million annually to support the costs of maintaining the current portfolio. The current budget for routine maintenance is \$39 million which leaves a shortfall of \$27 million. The additional funds will augment the CFPs provided by the county and will provide ongoing necessary resources to maintain facility services at a recommended industry standard level of care. Without this ongoing baseline adjustment, services to the operations and maintenance to the trial court facilities will have to be drastically reduced.

Facility Modifications:

Based on the most recent assessment of the trial court facilities there are a total of 2,887 deferred maintenance needs with an estimated cost of \$1.7 billion.

Based on the minimum industry standard for capital infrastructure reinvestment of two percent and the estimated trial court portfolio replacement cost of \$3.9 billion, there is a total reinvestment need of \$77.0 million annually (not including reimbursements). In fiscal year (FY) 2014-2015 funding for facility modifications reflected a total investment in trial court modifications of \$65.0 million. Based on this there is a current funding shortfall of \$12.0 million (not including reimbursements).

Due to the limited resources available, this funding is primarily allocated to meet the ongoing emergency and critical needs of the branch (priority 1 and 2 projects).

While the budget currently meets the most critical needs of the branch, it is not sufficient to address the overall condition of the facilities or historically deferred maintenance. Due to the fact that the funding is not available to address the condition of the facilities, court facilities will continue to degrade to a point where court operations will be impacted.

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Outcomes and Accountability:

On an annual basis the Judicial Council will review the progress that is being made on the facility modification backlog to determine timeliness of response to these projects and maintenance needs, project costs, and quality of work. In addition, the Judicial Council will track the number of maintenance requests, preventive maintenance and collection work orders completed to assess the management and oversight of the trial court facilities. The Trial Court Facility Modification Advisory Committee (TCFMAC) was established by the Judicial Council to primarily provide oversight responsibilities in continuously reviewing and reprioritizing the projects on the list as facilities transition, and assessments are completed and reviewing operations and maintenance work in trial court facilities. The TCFMAC will ensure adherence to quality construction standards, project schedules, and management of costs.

The requested positions are needed to meet the organizational needs involved with the additional funding for operations and maintenance and facility modification requested in this BCP. Annually, staff will monitor, review and analyze the workload data for the Facilities Management unit to ensure that the newly authorized BCP positions are sufficient to meet the needs of the program. Failure to fund these positions will result in additional delays in executing approved facility modifications.

Projected Outcomes:**Facility Modifications**

Workload Measure	2013-14	2014-15	2015-16	2016-17
Facility Modification Work Order	1,104	1,478	1,478	1,774
Plans, Studys, Conceptual Estimate	504	630	630	756
New Projects Identified	3,965	4,047	4,047	4,856

Operations and Maintenance

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Workload Measure	2013-14	2014-15	2015-16	2016-17
Routine Maintenance Requests	53,112	46,373	58,894	74,795
Preventive Maintenance Work Orders	16,666	19,980	16,666	33,620
Collection Work Orders	1,491	1,480	1,500	2,130
Court Visits/Inspections	3,170	3,222	3,222	3,673
Trial Court Portfolio Growth	16.8 Million Sq Ft	17.2 Million Sq Ft	17.7 Million Sq Ft	18.3 Million Sq Ft

Other Alternatives Considered

1. Alternative #1:

Provide an augmentation for operations and maintenance of \$12.3 million from the General Fund for transfer to the CFTF and 2.0 positions to support inflationary cost increases for facility operating costs, based on the total State Appropriations Limit (SAL) funding that would have been provided to the CFTF had the SAL adjustment not been suspended and approve an augmentation from the General Fund for transfer to the SCFCF in the amount of \$6.325 million annually, \$6.0 million for facility modification projects and \$.325 million for 2.0 positions to support project implementation and timely execution. This is 1/2 of the funding required for this effort.

Pros:

- Provides some level of additional funding for the Facility Modification Program to address some of the backlog of facility assessments and for an increase in routine maintenance services.
- This alternative does not request the full commitment of fund from the General Fund.
- Partially improves the organizations ability to promptly and cost effectively rectify facility security, life-safety, and accessibility problems.
- Provides a portion of the essential staff to support the increased funding for facility modifications. Provides some resources to process facility modification requests address the backlog of facility modifications and better meet the needs of the public and courts.

Cons:

- Does not allow the Judicial Council to address the full capital reinvestment need and facilities will continue to degrade impacting court operations.
- Does not fully address the unfunded backlog of facility modification projects and does not address the deferred maintenance of court facilities.
- This alternative does not fully address the maintenance needs of trial court facilities as it does not provide sufficient funding to maintain facilities to the BOMA average cost. This will increase the existing backlog of facility modification projects and will result in continued degradation of court facilities statewide and increase disruption of court services.

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- This alternative requires a commitment of funds from the General Fund.

2. Alternative #2:

Provide an augmentation of \$5.4 million from the General Fund for transfer to the CFTF to support inflationary cost increases for facility operating costs, based on the FY 2014-15 price letter adjustment and approve an augmentation from the General Fund for transfer to the SCFCF in the amount of \$3.1 million and for 1.0 positions to support project implementation and timely execution.

Pros:

- Provides some level of additional funding for operations and maintenance and the Facility Modification Program to address some of the backlog of facility assessments and projects that will assist in achieving the goals and objectives of the Judicial Council and the operations of the courts. May allow for some priority 3 modifications to begin. In addition, this alternative provides a partial increase for routine maintenance services to prolong the life of existing infrastructure.
- Provides one staff to support the increased funding for facility modifications.

Cons:

- Does not allow the Judicial Council to address the full capital reinvestment need and facilities will continue to degrade impacting court operations.
- Does not fully address the unfunded backlog of facility modification projects and does not fully address the deferred maintenance of court facilities.
- Does not fully address the maintenance needs of trial court facilities as it does not provide sufficient funding to maintain facilities to the BOMA standard cost. This will increase the existing backlog of facility modification projects and will result in continued degradation of court facilities statewide and increase disruption of court services.
- This alternative requires a commitment of funds from the General Fund.

3. Alternative #3:

Status Quo. Maintain Current Funding level.

Pros:

- No additional resources required from the State General Fund.
- Facility Modification projects having a priority 1-2 will continue to be accomplished.

Cons:

- This alternative would result in a continued increase in the backlog of facility modification projects, allowing the condition of court facilities to further deteriorate and leaving the Judicial Council open to liability from the public and court employees.
- This option does not adequately address the needs of the public, courts, or state. Failure to provide sufficient resources to relieve this backlog will lead to increased costs of these projects in the long run and result in a growing shortage of suitable and necessary trial court facilities.

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- This alternative further reduces preventive maintenance services to critical life-safety levels, redirecting remaining funds to only responding to emergency and urgent requirements.
- This alternative increases cost of repairs and interruptions as a result of reduced preventive maintenance efforts.
- This alternative erodes the established confidence in the state managed facility program.
- This alternative advances deterioration of trial court facilities which are essential to access to justice for all Californians.

2016-17 FY Budget Change Proposal Overview**JCC Office: Information Services****Date: July 29, 2015****Contact: Michael Derr****Proposal Title:** Information Systems Control Enhancements**Fiscal Summary:**

Fund Source	Proposed JCC Positions	Proposed Consultant Positions	Total Personal Services	Operating Expenses & Equipment	Proposal Total 2016-17	Proposal Total 2017-18
GF	3.0	0.0	\$ 561,395	\$ 2,629,676	\$ 3,191,071	\$ 1,950,482

Proposal Summary:

The FY 2016-17 Budget Change Proposal for the Implementation of Information Systems Control Enhancements requests \$3.2 million (initial) and \$2.0 million (ongoing) to strengthen information technology security controls and enhance the reliability of Judicial Branch data. Focus is needed both within the Judicial Council, and in the Judicial Council's ability to more effectively assist the trial courts in these areas. This request includes three full-time employees to support information technology security and disaster recovery programs within the Judicial Council.

Background Information:

The National Institute of Standards and Technology (NIST), part of the U.S. Department of Commerce, provides standards, guidelines and other useful security-related information which organizations can use to assess their security posture, and to implement or strengthen controls to improve their security posture. Among these publications, Special Publication 800-53 provides specific guidance in a broad range of areas including security management, access controls, configuration management, contingency planning, incident response, and more. The Judicial Council has reviewed NIST's Special Publication 800-53, and has identified five critical areas where investment is critical.

- 1) Audit and Accountability: NIST's Audit and Accountability controls specify the ability to (i) create, protect, and retain information system audit records to the extent needed to enable the monitoring, analysis, investigation, and reporting of unlawful, unauthorized, or inappropriate information system activity; and (ii) ensure that the actions of individual information systems users can be uniquely traced to those users so they can be held accountable for their actions.

While system and event logging capabilities have and continue to be in place, specialized tools are required to facilitate the aggregation and extended retention of those logs, and to facilitate the presentation of this data in a more useful and efficient manner. While the Judicial Council has implemented the tools required to provide adequate auditing capabilities for transactions related to user access, these same capabilities must still be implemented within the trial courts. Funding

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Requested: \$620,400 one-time and \$46,800 ongoing for the implementation of user access auditing tools within the trial courts.

- 2) **Risk Assessment**: The Judicial Council security framework follows NIST standards that organizations must perform periodic information technology risk assessments. For these assessments to be objective, however, they should be performed by external qualified parties. As a result, these assessments will result in costs that are unable to be covered within the Judicial Council's existing budget. Assessments are to include a review of the risk and magnitude of the harm that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the organization's operations and assets.

Risk assessments take into account threats, vulnerabilities, likelihood, and impact to organizational operations and assets, individuals, and other organizations based on the operation and use of information systems. Risk assessments also take into account risk from external parties (e.g., service providers, contractors operating information systems on behalf of the organization, individuals accessing organizational information systems, outsourcing entities). Funding Requested: \$208,000 one-time and \$104,000 ongoing for the establishment of annual information systems risk assessments within the Judicial Council. Additionally, \$936,000 is requested initially and ongoing for each subsequent year for the performance of risk assessments and proactive remediation efforts within the trial courts.

- 3) **Contingency Planning**: While the Judicial Council has partially implemented individual functions specified by this set of controls, others must still be implemented or enhanced and formalized under an ongoing disaster recovery program. This set of controls specifies the establishment of (i) procedures for protecting information resources and minimizing the risk of unplanned interruptions and (ii) a plan to recover critical operations should interruptions occur. Such plans should consider the activities performed at general support facilities, such as data processing centers and telecommunications facilities, as well as those performed by users of specific applications.

To determine whether recovery plans will work as intended, they should be tested periodically in disaster-simulation exercises. Organizations are responsible for the implementation of an information security program that includes plans and procedures to ensure continuity of operations for information systems that support the operations and assets of the organization. Funding Requested: \$540,276 one-time and \$334,276 ongoing for the implementation of information technology disaster recovery infrastructure and capabilities within the Judicial Council. Also, \$177,898 one-time and \$167,491 ongoing is being requested for the addition of one full time Senior Business Systems Analyst to the Judicial Council staff to support contingency planning functions.

- 4) **Security Program Management**: While the Judicial Council has partially implemented individual functions specified by this set of controls, others must still be implemented or enhanced and formalized under an ongoing security program that is properly staffed and whose work assignments do not include the same development, administration and support tasks that they are responsible for monitoring and reviewing.

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This set of controls specifies the need for a formalized security program within the organization. Such a program includes the establishment of a security program plan, the appointment of an Information Security Officer, and the establishment of information security resources. Additionally, measures of performance are to be established, along with a risk management strategy, insider threat program, testing, training and monitoring capabilities, and the establishment of a threat awareness program. Funding Requested: \$383,497 one-time and \$361,915 ongoing for the implementation of a formalized information security program within the Judicial Council, to include the addition of one full time Information Systems Supervisor and one full time Senior Business Systems Analyst.

- 5) Media Protection: While the Judicial Council has partially implemented individual functions specified by this set of controls, the establishment of a formalized data classification program is still outstanding. This set of controls specifies the need for specific media protection measures, which include access controls, storage and transport requirements, use restrictions, and handling of media that is commensurate with the security category and/or classification of the information residing on the media. Funding Requested: \$325,000 one-time to establish the framework for the implementation of a data classification program within the Judicial Council.

Justification:

The security of the Judicial Branch's technology systems and the reliability of the data produced by these systems are paramount. Sustained budget cuts have left the branch with no margin to make significant investments in critical areas such as this without making cuts in other critical areas. The controls established within NIST SP 800-53 and incorporated in the Judicial Council's security framework were motivated by ever-evolving threats to security, and characterized by the increasing sophistication of cyber-attacks and the increasing frequency of these attacks. Without sufficient funding for security, the Judicial Council's ability to keep pace with these evolving threats will be impaired, and technology systems will be at a greater risk for compromise and data loss.

In regards to Audit and Accountability functions, the implementation of user access auditing tools within the trial courts is critical in identifying when user access was granted, changed or removed. These tools work in conjunction with computer server logs, and show when access changes were transacted by the system, as opposed to help desk call logs which only show when requests were received and marked as complete. Without these tools, courts would have difficulty demonstrating in an objective manner exactly when these changes were transacted.

In regards to Risk Assessment functions, the establishment of annual information systems risk assessments within the Judicial Council is essential in ensuring that all threats and vulnerabilities to the council's information systems are identified and considered, that the greatest risks are addressed, and that appropriate decisions are made regarding which risks to accept and which to mitigate through security controls. Without an effective risk management program, the Judicial Council risks not being able to identify and address critical vulnerabilities before they result in outages, system compromise, or loss of data.

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Risk assessments are also critical for the trial courts, however many of the smaller trial courts do not have the funding or resources to facilitate. Accordingly, the ability to provide these resources is proposed so that executives and IT management located at these courts will have access not just to an independent review of their information systems security posture, but also to pro-active guidance that will help them remediate deficiencies. As opposed to audits, where the results are released outside of the court, risk assessments are internal court evolutions, and findings would be reported directly to individual courts. Any external release would be at the discretion of the court.

In regards to Contingency Planning functions, the implementation of effective information technology disaster recovery infrastructure and capabilities within the Judicial Council is critical to ensure service continuity by addressing potential disruptions. These may include relatively minor interruptions such as temporary power failures as well as major disasters such as fires, natural disasters and terrorism, all of which might require re-establishing operations at a remote location. Without an effective information technology disaster recovery program, the Judicial Council risks extended downtime and potential loss of data in the event of the loss of key systems or facilities. For the one full time position that is being requested to support this function, duties to be performed are as follows:

- Senior Business Systems Analyst
 - Disaster recovery program administration, to include the definition of strategy, requirements, and policy for the disaster recovery program; implementation and adherence to best practices, policies, and procedures; documentation of procedures that adhere to requirements and policies; and the administration of an information technology incident response program
 - Disaster Recovery Planning, to include the development and maintenance of a detailed disaster recovery plan; the establishment of processes to ensure plans are kept up to date and reflect applicable changes; and the review and approval of plans and procedures.
 - Disaster Recovery Testing, to include the performance of scheduled testing per Judicial Council policies; the establishment of test requirements; the coordination of all test participants; the participation in testing in accordance with the plan and procedures, the tracking and report of test results; and the development of action plans to address results.
 - Review and Reporting of Disaster Recovery Activities, to include the conducting of status review meetings; reviewing strategy; technical enhancements in the plan; and plan changes based on the production environment.

In regards to Security Program Management functions, the implementation of a formalized and effective information security program within the Judicial Council is critical to ensure the Judicial Council's ability to implement and enforce best practices, and to keep pace with evolving threats which can impair technology systems and place the agency at a greater risk for compromise and data loss. Without funding in this area, the Judicial Council cannot adequately address the critical elements identified by NIST for an

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effective security management program. For the two full time positions that are being requested to support this function, duties to be performed are as follows:

- **Supervising Information Systems Analyst**
 - Administer the security program, to include the development, oversight and maintenance of the security operation; working with external agencies and industry to ensure that Judicial Council policies and procedures are in line with applicable guidelines, law, and industry best practices; verifying that continuous monitoring is able to detect, contain and mitigate incidents that could otherwise impair information security and agency information systems.
 - Perform assurance and training functions, to include verification that Judicial Council support staff have received information security awareness training with the assistance of any applicable vendors; working with human resources and management to verify that Judicial Council employees have received training; updating the security awareness training program; and working with human resources and management to verify staff are aware of applicable policies.
 - Administer security policies, to include the development, maintenance and oversight of information security policies, procedures and control techniques to address all applicable requirements; working with management to draft acceptable use and information security policies for Judicial Council information handlers, assets, and users; and working with staff, external parties, and to ensure that Judicial Council policies are up to date, in compliance with applicable laws and with industry best practices.
 - Security reporting, to include the preparation and submission of reports to agency executives regarding the effectiveness of the information security program; reporting on the status of automated and continuous monitoring, including threat assessments; and the reporting of progress on actions to remediate threats.

- **Senior Business Systems Analyst**
 - Protect information and information assets by ensuring that all new information and information assets deployed are in compliance with applicable standards, policies, and industry best practices; ensuring that all changes to the enterprise are in compliance with applicable standards, policies, and security industry best practices; participating in reviews of current asset configuration and penetration testing; verifying that any identified issues are resolved in a timely manner; and working as part of the business continuity team to ensure that the Judicial Council can continue to function in a secure fashion in the event of a declared disaster or equivalent.
 - Managing vulnerabilities, to include reviewing system configuration, designs, and software packages to identify vulnerabilities in Judicial Council information systems and assets; working to resolve identified issues; working with external agencies (e.g. State CIO, et.al.) to resolve any externally identified issues; reviewing reports from groups like United States

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Computer Emergency Readiness Team (US-CERT) for applicability to Judicial Council information systems and assets; and working to remedy any identified issues.

- Managing threats and incidents, to include directing the Judicial Council incident response team for any identified issues; working with team members to prevent information disclosure or loss of function; working with external agencies to identify threats to the Judicial Council information systems or assets; and directing appropriate resources to mitigate threats or risks.
- Security reporting, to include reporting any issues to applicable Judicial Council senior management as needed; and following up with external agencies (US-CERT, State CIO) to close out any issues or report incidents as needed.

In regards to Media Protection functions, preparations for the implementation of a data classification program within the Judicial Council are critical in that an effective data classification program provides the foundation to ensure that information is properly classified, and in turn, that the appropriate security measures to preserve the integrity, availability and required level of confidentiality of the council's information resources. Without funding in this area, the Judicial Council risks the mishandling of data that has not been properly classified, and risks increased costs by maintaining data for longer periods than are required.

In regards to the three proposed additional positions (one for the contingency planning function and two for the security program management functions), a review of existing staffing was performed to identify potential resources that could be reassigned or absorb these duties in addition to their current duties. In general, our findings were that capacity does not exist with existing staffing to perform these functions without suspending the delivery of other critical technology support functions. More specific findings were as follows:

- Contingency planning (1 FTE): This position would directly support the Judicial Council, Courts of Appeal, and Supreme Court. One staff member was identified as possessing the skill set needed to perform the duties defined for this position. This resource, however, is already fully utilized in providing these same types of duties in support of the trial courts through the California Courts Technology Center (CCTC), and a reassignment of this resource would leave the trial court's DR program gapped.
- Security program (2 FTEs): These positions would directly support the Judicial Council, Courts of Appeal, and Supreme Court. These positions require a specialized skill set that cannot be directly filled by existing staff. In addition, a key part in the basis for establishing these positions was to be able to separate the security and oversight functions from the day-to-day duties that are being performed by program and operational staff, which necessitates that these resources not have other service delivery or support duties that would conflict with their assigned duties.

Fiscal Impact:

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Audit and Accountability (\$620,400 one-time and \$46,800 ongoing): includes one-time costs auditing software licenses, a one-time hardware expenditure to equip each trial court with a server to operate the auditing tool software, and ongoing software maintenance and support costs for the auditing tool software.

Risk Assessment (\$1,144,000 one-time and \$1,040,000 ongoing): based on the retention of an outside professional services firm that specializes in this type of work, who can perform this function independently and objectively.

Within the Judicial Council, cost estimates are based on 2,080 hours required for an initial assessment by a team of resources working at a System Specialist level. It is assumed that subsequent assessments will be less labor intensive as proficiencies are established. As a result, subsequent assessments assume approximately 700 hours of effort each.

In regards to trial court-based risk assessments, cost is based on 240 hours of effort for each of the smallest 26 courts on a biennial basis.

Contingency Planning (Operating Expenses & Equipment = \$540,276 one-time and \$334,276 ongoing, Personal Services = \$177,898 one-time and \$167,491 ongoing): based on a one time professional services engagement to review and update existing disaster recovery plans, service upgrades to the Judicial Council wide area network used by the Supreme Courts and Courts of Appeal to support remote site recovery, hardware upgrades to support the expanded service, ongoing maintenance and support coverage for additional hardware deployed, and the addition of one full time staff member within the Judicial Council .

Security Program Management (\$383,497 one-time and \$361,915 ongoing): based on the addition of two full time staff members within the Judicial Council.

Media Protection (\$325,000 one-time): based on a one-time professional services engagement to develop and implement a data classification methodology.

Outcomes and Accountability:

The Judicial Council expects to see improvements in the following areas:

- 1) Audit and Accountability (the implementation of user access auditing tools within the courts): The purchase of new auditing tool software will allow the courts to gain visibility into the underlying automated logging that shows the date and time of when actual system events were processed. The tool provides the ability for reports to be generated on a scheduled basis for distribution to senior management.

Using the deployment of user access auditing tools within the Judicial Council as a proof of concept, the intent is to extend this functionality to the courts via a centrally-funded program that does not divert court funding from other priorities. Trial courts will then have local tools that can collect server

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log data into a single location where user account changes can be identified and documented. This will give them visibility into the underlying automated logging that shows the date and time of when actual system events were processed.

- 2) Risk Assessment (the establishment of annual information systems risk assessments within the Judicial Council): The hiring of specialized external consultants on an annual basis to provide ongoing risk assessments will help determine the risk and magnitude of harm associated with unauthorized access, use, disclosure, disruption, modification or destruction of information and information systems that support the courts operations and assets.

The initial assessment will create a baseline and report findings. Annually, these assessments will be used to monitor progress against any issues. Ongoing risk assessments would determine risk and magnitude of harm associated with unauthorized access, use, disclosure, disruption, modification or destruction of information and information systems that support their operations and assets.

In regards to assessments performed at trial courts, an additional focus would be provided in helping trial court executives and IT management understand what is needed to comply with security controls that have been mandated.

- 3) Contingency Planning (the implementation of information technology disaster recovery infrastructure and capabilities within the Judicial Council): The establishment of a formalized disaster recovery program will ensure service continuity by addressing potential disruptions. These may include relatively minor interruptions such as temporary power failures as well as major disasters such as fires, natural disasters and terrorism, any of which might require re-establishing operations at a remote location.
- 4) Security Management Program (the implementation of a formalized information security program within the Judicial Council): The security program will improve the Judicial Council's ability to implement and enforce best practices, and to keep pace with evolving threats which can impair technology systems and place the agency at a greater risk for compromise and data loss.
- 5) Media Protection (preparations for the implementation of a data classification program within the Judicial Council): Through the implementation of a data classification study, the Judicial Council will be able to ensure that data is stored, labeled and safeguarded using industry standards. A properly architected data classification program will ensure that data is stored, labeled and safeguarded at a level commensurate with its classification.

Projected Outcomes:

The following workload measures can be achieved if the Budget Change Proposal is approved and funding and resources are received.

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Workload Measure	2013-14	2014-15	2015-16	2016-17
Trial Court User Access Auditing Tool Deployment	0	0	0	1
Trial Court IT Risk Assessments	0	0	0	13
Judicial Council Disaster Recovery Study	0	0	0	1
Judicial Council Data Classification Study	0	0	0	1
Judicial Council WAN Infrastructure Enhancements	0	0	0	1
Judicial Council WAN Service Enhancements	0	0	0	1
Judicial Council Information Technology Risk Assessments	0	0	0	1

Other Alternatives Considered:

The alternate solution would be to do nothing, which would continue to leave fundamental gaps in the Judicial Council's information systems controls.

Pros:

- No additional funding would be required at the current time.

Cons:

- Fundamental gaps will remain in the Judicial Council's information systems controls.
- Without sufficient funding for security, the Judicial Council's ability to keep pace with these evolving threats will be impaired.
- Technology systems will be at a greater risk for compromise and data loss.
- The potential for unexpected expenses to address information security-related issues down the road is increased.