

BENCH-BAR COALITION (BBC)
Quarterly Membership Conference Call: Monday, January 28, 2019; 4:00 p.m. – 5:00 p.m.
Telephone number: (877) 820-7831, Passcode: 785036
Conference Line Opens at 3:55 p.m.

AGENDA

I. Welcome/Introductions (5 minutes)

Mr. Pelayo Llamas & Mr. James Heiting, BBC Cochairs

II. Update from the Judicial Council (20 minutes)

Mr. Martin Hoshino, Administrative Director; Judicial Council of California;

Mr. Cory Jaspersen, Director, Judicial Council Governmental Affairs

- Overview of Governor's proposed FY 2019-2020 State Budget (*attached*)
- Judicial Branch Legislative Priorities for 2019 (*attached*)

III. Bench-Bar Coalition Activities (15 minutes)

BBC Leadership and Members

- Chairs Update *Mr. Pelayo Llamas and Mr. James Heiting*
- BBC Fall Meeting 2018 Review
- Day in Sacramento and 2019 State of the Judiciary
- BBC Goals and Objective for the 2019-2020 Legislative Session (*attachment, vote required*)

IV. Legal Community Updates: (15 minutes)

(Individuals whose names are bolded have confirmed their availability to participate in today's call.)

State Bar of California

Mr. Jason Lee, President, Board of Trustees, and Ms. Leah T. Wilson, Executive Director, State Bar of California

California Lawyers Association

Ms. Heather Rosing, President, California Lawyers Association, Ms. Ona Dosunmu, Executive Director and Mr. Saul Bercovitch, Director of Governmental Affairs, California Lawyers Association

Legal Services and the California Commission on Access to Justice

Hon. Mark A. Juhas, Chair, California Commission on Access to Justice, and Ms. Elizabeth Hom, Program Supervisor, Office of Access & Inclusion, State Bar of California

California Judges Association

Hon. Paul Bacigalupo, President, and Ms. Nicole Virga Bautista, Executive Director, California Judges Association

American Bar Association

Ms. Ruthe Ashley, California Bench-Bar Coalition Liaison to the ABA, and Mr. Andrew Demetriou, California representative on the ABA Board of Governors

V. Calendar Review and Adjournment (5 minutes)

- **Monday, April 22, 2019:** 4:00–5:00 p.m., BBC Quarterly Membership Conference Call
- **Monday, July 22, 2019:** 4:00–5:00 p.m., BBC Quarterly Membership Conference Call
- **Monday, October 21, 2019:** 4:00–5:00 p.m., BBC Quarterly Membership Conference Call



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date January 10, 2019	Action Requested For Your Information
To Judicial Officers, Court Administrators, and Employees of the California Judicial Branch	Deadline N/A
From Martin Hoshino, Administrative Director Judicial Council	Contact Zlatko Theodorovic Budget Services Director 916-263-1397 phone zlatko.theodorovic@jud.ca.gov
Subject 2019–20 Judicial Branch Budget	

The Governor's proposed fiscal year (FY) 2019–20 budget released today provides \$4.1 billion in operating funds for the judicial branch. This includes \$327 million in new General Fund monies. These additional funds would be used to address a variety of branch needs including pretrial pilot projects, technology, facilities' needs, trial court operational costs, and solvency of the State Trial Court Improvement and Modernization Fund.

The budget proposal for the branch provides \$2.1 billion in General Fund monies, representing 1.5 percent of all General Fund spending. The judicial branch represents 2 percent of total state funds of \$209.1 billion. Approximately 77 percent of the branch's operational budget is allocated to the trial courts.

A breakdown of the proposed FY 2019–20 budget for all judicial branch entities follows.

Judicial Branch Entity	Proposed Total Funding Level
Supreme Court	51.5 m
Courts of Appeal	247.1 m
Trial Courts	3,156.2 m
Judicial Council	171.8 m
Judicial Branch Facility Program	528.5 m
Habeas Corpus Resource Center	16.8 m
Subtotal, Operational Budget	\$4,171.9 m
Offset from Local Property Tax Revenue	-\$62.7 m
Adjusted Operational Budget	\$4,109.2 m
Less Non-State Funds ¹	-\$95.2 m
Adjusted Operational Budget, State Funds	\$4,014.0 m
Total Funding²	\$4,109.2 m

¹ Non-state funds include federal funds and reimbursements.

² Includes General Fund; special, bond, federal, and nongovernmental cost funds; and reimbursements.

Specifics on the proposals that provide the foundation for budget discussions with the legislative and executive branches of government over the next several months are outlined below.

Trial Courts

The Governor's proposal includes \$275.2 million in new funding from the General Fund to support trial court programs, facilities, and operations, for a total of \$3.16 billion. Of this amount, \$2.38 billion is for trial court operations. The breakdown is as follows:

Pretrial Pilot Projects: \$75 million General Fund to be allocated over a two-year period by the Judicial Council to fund the implementation, operation, or evaluation of programs or efforts in eight to ten courts related to pretrial decisionmaking. The Governor noted the importance of continuing and replicating the work of the courts related to the Recidivism Reduction Fund and local probation department efforts to conduct risk assessments.

Revenue Backfill: \$52.5 million in General Fund support to address anticipated revenue shortfalls in the Trial Court Trust Fund due to lower filing fee and criminal assessment revenues.

Employee Costs: \$25.9 million to support the increase in trial court employee retirement and health benefit costs.

In addition, beginning in 2019–20, the proposal includes a mechanism to fund trial court employee benefit increases in both the current year and budget year. The current set aside for those costs is \$25 million.

Trial Court Case Management System Replacements: \$23.1 million from General Fund in 2019–20 (a total of \$33.7 million over five years) to replace various outdated legacy case management systems used by 10 trial courts (Amador, Colusa, Contra Costa, Lassen, Marin, Mariposa, Mono, Nevada, Shasta, and Solano) with a new, commercial, off-the-shelf case management system.

Trial Court Facility Operation and Maintenance: \$20.2 million General Fund for underfunded trial court facility operations and maintenance costs. This funding would extend the useful life of trial court facilities and avoid adverse impacts on court operations.

Dependency Counsel: \$20 million General Fund to help reduce the average attorney caseload statewide.

Chapter 993, Statutes of 2018 (AB 1793, Bonta) – Cannabis Convictions – Resentencing: \$13.9 million General Fund in 2019–20 and \$2.9 million in 2020–21 to support costs associated with increased workload for the trial courts as a result of the enactment of chapter 993, Statutes of 2018 (AB 1793). This legislation requires sentence modification of past cannabis conviction cases pursuant to The Control, Regulate, and Tax Adult Use of Marijuana Act.

Judicial Compensation Adjustments: \$14 million General Fund for previously approved judicial officer salary and benefit cost increases. Judicial salaries are set by operation of statute (Government Code section 68200 et seq.), and increases are tied to state employee salaries. The increase reflects the average salary increase for the current fiscal year for California state employees as explained in Government Code section 68203(a).

Implementation of Phoenix Roadmap: \$7.7 million General Fund to maintain the Phoenix enterprise resource management system (financial and human resources) and deploy the requisite upgrade of the system's software and infrastructure. This proposal addresses the most critical needs of the program to modernize and support the trial courts and provides some savings to the branch as the cost of equipment maintenance and refresh will be avoided. This proposal would provide the State Trial Court Improvement and Modernization Fund \$3.2 million in relief and help address the ongoing solvency of the fund.

Data Analytics and Futures Commission Information Technology (IT) Directives: \$7.8 million General Fund with a two-year expenditure period to advance: 1) three IT pilot projects recommended by the Futures Commission (video remote hearings, intelligent chat, and natural language voice-to-text translation), and 2) an IT project to establish and support the foundation of a business intelligence, data analytics, and identity and access management program.

Trial Court Security Systems and Equipment: \$6 million General Fund to refresh, maintain, and replace security equipment and systems, including video surveillance, electronic access control, duress alarm, and specialized systems used to control access within court holding areas.

Digitizing Court Records: \$5.6 million General Fund to conduct phase one of a multi-phase program for digitizing mandatory court records for trial and appellate courts, and to develop best practices for future statewide implementation. Of this amount, \$600,000 is for appellate courts.

Language Access Funding: \$4 million General Fund to make prior year one-time funding permanent, which would enable the continuation and expansion of interpreter services for civil matters in all courts.

Judicial Entities at the State Level

The Governor's proposal includes \$11.3 million in total General Fund and other state funds to support the following for state level judicial branch entities:

Litigation Management Program: \$5.6 million General Fund to support the defense and indemnity (as permitted) of all judicial branch entities, including the Supreme Court, Courts of Appeal, the Superior Courts, and the Judicial Council. This proposal would provide the State Trial Court Improvement and Modernization Fund \$5.2 million in relief and help address the ongoing solvency of the Fund.

Employee Costs: \$3.3 million to support retirement and health benefit cost adjustments for employees of the Supreme Court (\$0.26 million), Courts of Appeal (\$1.8 million), Judicial Council (\$1.2 million), and Habeas Corpus Resource Center (\$0.08 million).

In addition, funding is provided in a separate budget item for a 3.5 percent salary increase for state level judiciary employees at the Supreme Court, Courts of Appeal, Judicial Council, and Habeas Corpus Resource Center.

Rent Costs: \$1.4 million for rent increases in buildings occupied by the Supreme Court, Courts of Appeal, and Habeas Corpus Resource Center.

Fi\$Cal Staffing: \$952,000 General Fund to provide support and administer the newly deployed Financial Information System for California (Fi\$Cal). This funding would be used to effectively manage use of the Fi\$Cal and ensure the accuracy and integrity of financial information provided by the Judicial Council in support of judicial branch entities.

Judicial Branch Facilities

Deferred Maintenance: \$40 million one-time for deferred maintenance in the courts, as prioritized by the Judicial Council.

Next Steps on Judicial Branch Budget

This proposed budget sets the stage for the next phase of the ongoing budget development cycle for the state for the 2019–20 fiscal year that begins on July 1, 2019. This will include further discussions with the Administration, legislative hearings, meetings with legislators and their staff, updated state revenue numbers in April, a May Revision to the Governor’s proposed budget, and then an intensive period of legislative activity to pass a balanced budget by the June 15 constitutional deadline.

Over the next several months, the Chief Justice and the Judicial Council, with the support of trial and appellate court leaders, the bar, and other justice system stakeholders, will continue to advocate with the Governor and the Legislature on judicial branch policy and funding issues critical to maintaining court services for the public and advancing solutions to improve the delivery of equal and timely access to justice for all Californians.

The Governor’s proposed FY 2019–20 budget may be reviewed at: www.ebudget.ca.gov.



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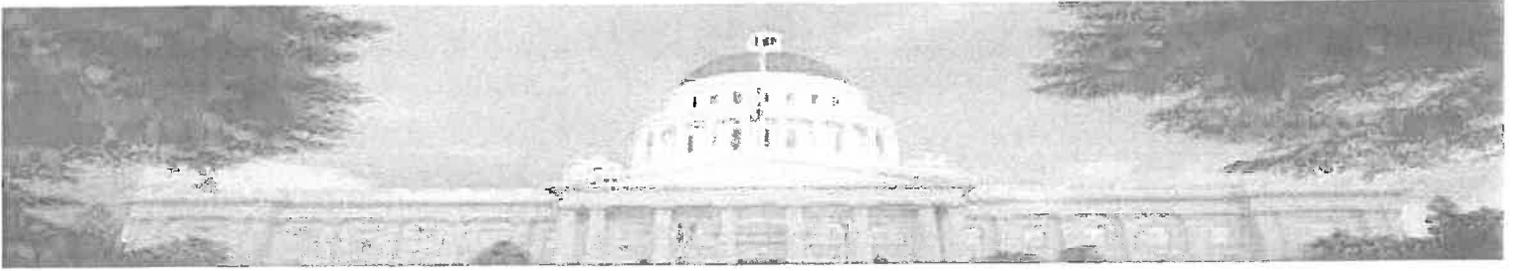
Overview of Judicial Branch Legislative Priorities for 2019

The Judicial Council has adopted the following legislative priorities for 2019. These priorities embody the Chief Justice's Access 3D framework for increased access to the courts.

1. Advocate for continued investment in the judicial branch to include a method for stable and reliable funding for courts to address annual cost increases in baseline operations and plan for the future; and for sufficient additional resources to improve physical access to the courts by keeping courts open, to expand access by increasing the ability of court users to conduct branch business online, and to restore programs and services that were reduced over the past few years.
2. Increase the number of judgeships and judicial officers in superior courts with the greatest need.
 - Seek funding for 10 of the 48¹ previously authorized but unfunded judgeships, to be allocated to courts with the greatest need based on the most recently approved Judicial Needs Assessment.
 - Seek funding for one additional justice in Division Two of the Fourth Appellate District (Inyo, Riverside, and San Bernardino Counties).
 - Advocate for legislative ratification of the Judicial Council's authority to convert up to 16 vacant subordinate judicial officer (SJO) positions to judgeships in eligible courts, and sponsor legislation for legislative ratification of the council's authority to convert up to 10 additional vacant SJO positions to judgeships, in eligible courts, if the conversion will result in an additional judge sitting in a family or juvenile law assignment that was previously presided over by an SJO.

¹ Senate Bill 847 (Stats. 2018, Ch. 45) provided two judgeships to the Superior Court of California, County of San Riverside. Leaving 48 of the 50 judgeships statutorily authorized in 2007 that remain unfunded. SB 847 also added 1 new justice in Division Two of the Fourth Appellate District.

3. Seek legislative authorization, if needed, for the disposition of unused courthouses as authorized by the Judicial Council in 2019 in a fair market value transaction with the proceeds to be directed to the Immediate Critical Needs Account of the State Court Facilities Construction Fund established by Senate Bill 1407 (Perata; Stats, 2008, Ch. 311) or any other Judicial Council facilities fund authorized by the Legislature.
4. Continue to sponsor or support legislation to improve judicial branch operational efficiencies, including cost savings and cost recovery measures.
5. Advocate for legislation to implement the recommendations of the Commission on the Future of California's Court System (Futures Commission) as recommended by the Judicial Council and its advisory bodies.
 - Civil adjudication of minor traffic infractions: The Chief Justice appointed the Futures Traffic Working Group to collaborate with the Judicial Council's Traffic Advisory Committee, the Civil and Small Claims Advisory Committee, the Advisory Committee on Providing Access and Fairness, and the Criminal Law Advisory Committee, to develop for Judicial Council consideration a proposal to implement and evaluate a civil model for adjudication of minor vehicle infractions.
 - Revision of civil case tiers and streamlined civil procedures: The Judicial Council's Civil and Small Claims Advisory Committee is currently assessing and making recommendations to the Judicial Council on advancing a legislative proposal for increasing the maximum jurisdictional dollar amounts for limited civil cases to \$50,000, creating a new intermediate civil case track with a maximum jurisdictional dollar amount of \$250,000, and streamlining methods for litigating and managing all types of civil cases.
 - Assistance for self-represented litigants: The Judicial Council's Advisory Committee on Providing Access and Fairness is considering the structure, content, and resource requirements for an education program to aid the growing number of self-represented litigants (SRLs) in small claims and civil cases where SRLs are most common.
 - Expansion of technology in the courts: The Judicial Council's Information Technology Advisory Committee is considering the feasibility of and resource requirements for developing and implementing a pilot project to allow remote appearances by parties, counsel, and witnesses for most noncriminal court proceedings. Further, the committee is exploring available technologies and making recommendations to the Judicial Council on the potential for a pilot project using voice-to-text language interpretation services at court filing and service counters and in self-help centers, as well as exploring the potential for a pilot project using intelligent chat technology to provide information and self-help services.
6. Advocate for legislation to implement Pretrial Detention Reform.



BENCH-BAR COALITION

GOALS AND OBJECTIVES: 2019-2020 LEGISLATIVE SESSION

(DRAFT)

- 1. Support funding priorities for the Judicial Branch.** The Judicial Council will continue to support investment in the courts to improve access to justice for all Californians.
- 2. Support efforts to address the shortage of judgeships statewide.** The judicial branch is significantly impacted by the statewide need for additional judgeships to meet the courts' workload demands and to improve access to justice in the trial courts. BBC members can be instrumental in educating legislators about the ongoing need for judgeships throughout California.
- 3. Educate the community, the public, legislators, and the Governor on the contributions of the judicial branch to our government.** Too often the public is unaware of the judicial branch's role and function as a separate branch of government and does not understand its contributions to our democracy. By meeting with community and business leaders and obtaining firsthand accounts of how reduced access to the courts has affected them, BBC members can not only educate and inform stakeholders, but also gain support from an additional constituency.

*To be adopted by the Bench-Bar Coalition in January 2019