



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: January 17, 2013

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Title	Agenda Item Type
Trial Court Allocation: Phoenix Financial Services Costs and New \$30 Court Reporter Fee Revenue	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	January 17, 2013
Recommended by	Date of Report
Trial Court Budget Working Group and Administrative Office of the Courts (AOC)	January 10, 2013
	Contact
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**Executive Summary**

The Trial Court Budget Working Group and the Administrative Office of the Courts submit recommendations for distribution of the new \$30 court reporter fee revenue to the courts and for allocation of monies from the State Trial Court Improvement and Modernization Fund to pay for the trial courts' direct costs related to Phoenix financial services.

## **Recommendation**

The Trial Court Budget Working Group (TCBWG) and the Administrative Office of the Courts (AOC) recommend that, effective January 17, 2013, the Judicial Council:

- 1a. Allocate revenue from the new \$30 fee for court reporting services in civil proceedings lasting under one hour to each trial court in the amount that each court remits to the Trial Court Trust Fund;
- 1b. Direct the AOC to request from the Department of Finance and the Legislature an additional \$4 million in Trial Court Trust Fund Program 45.10 (Support for Operation of the Trial Courts) expenditure authority for the purpose of distributing the new court reporter fee revenue to courts;
- 1c. Direct the AOC to distribute this allocation to courts even if the Department of Finance and/or the Legislature do not approve an additional \$4 million in expenditure authority; and
2. Allocate \$6.769 million in one-time funding from the State Trial Court Improvement and Modernization Fund for direct costs related to the financial component of Phoenix Financial and Human Resources Services that had been paid for by courts in previous years according to council policy.

## **Previous Council Action**

The council considered the recommendation for allocating the new court reporter fee revenue at its October 26, 2012 business meeting, but postponed any action due to possible concerns of the Department of Finance (DOF).

At its April 21, 2006 business meeting, the Judicial Council approved a TCBWG recommendation establishing council policy on which expenses for statewide administrative infrastructure services would be state-funded and which would be funded by the trial courts. Among the costs the council directed to be reimbursed by the courts were court-specific services related to the Court Accounting and Reporting System (CARS) and Court Human Resources Information System (CHRIS), which are now known as the Phoenix Financial and Human Resources Services program.

On the recommendation of the TCBWG at the council's August 31, 2012 business meeting, the council deferred the one-time allocation of \$6.769 million from the Trial Court Trust Fund (TCTF) Program 30 appropriation for the AOC staffing costs charged to trial courts for the financial component of the Phoenix Financial and Human Resources Services program until the council's October 2012 meeting, but approved the allocation of \$1.424 million from the TCTF

Program 30 appropriation for the AOC staffing costs charged to trial courts for the human resources component of the Phoenix program.

At its October 26, 2012 business meeting, the council allocated \$6.758 million from the State Trial Court Improvement and Modernization Fund (STCIMF) for costs of the Phoenix Financial and Human Resources Services program that are not costs funded by the trial courts. The council deferred action on the TCBWG recommendation to allocate, on a one-time basis, \$6.769 million for trial courts' direct costs related to Phoenix financial services from the STCIMF instead of the TCTF. The council deferred action due to potential concerns of the DOF.

## **Rationale for Recommendation**

### **Recommendation 1a: Trial Court Trust Fund allocation of revenue from new civil court reporting services fee**

As a result of the enactment of Senate Bill 1021, effective June 27, 2012, Government Code<sup>1</sup> section 68086(a)(1)(A) requires a new \$30 fee for court reporting services in civil proceedings lasting under one hour. Section 68085.1 requires trial courts to remit any monies collected pursuant to section 68086 to the Trial Court Trust Fund (TCTF). While section 68086(b) is silent on how the monies should be allocated among courts, it requires that the fees collected "shall be used only to pay the cost for services of an official court reporter in civil proceedings." In order to offset the costs incurred by the courts that are providing court reporter services in civil proceedings lasting under one hour, the TCBWG is recommending that the council allocate to courts any revenue from the new \$30 fee for court reporting services in civil proceedings lasting under one hour in the amount that each court has collected. If a court were to receive a share of the statewide \$30 fee revenue in an amount that exceeded its actual costs, the court could not use the "excess" monies for any other purpose, including reduction offset. The allocation of the revenues back to courts in the amount that they have collected ensures that statewide the maximum amount of the restricted revenues will be used to offset courts' court reporter costs.

### **Recommendation 1b: Requesting \$4 million in additional expenditure authority**

The Budget Act of 2012 does not include additional TCTF Program 45.10 expenditure authority for distribution of this new revenue to trial courts. Courts have remitted about \$1.16 million for the first four months of the fiscal year (see Attachment A). Assuming the statewide average monthly remittances for the remaining eight months will be the average of the August, September, and October monthly remittances, the total annual amount of revenue in 2012–2013 will be about \$3.8 million. If more courts start charging the fee or if collections in the remaining eight months are on average higher than the first four months, the total revenue collected will likely exceed \$3.8 million. Given the possibility of total annual revenue in 2012–2013 exceeding \$3.8 million, it would be prudent to request \$4 million in additional expenditure authority.

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<sup>1</sup> All future code references are to the Government Code unless specified otherwise.

Provision 4 language in the Budget Act of 2012, provided below, authorizes the council to request additional TCTF Program 45.10 expenditure authority due to additional revenues:

Upon order of the Director of Finance, the amount available for expenditure in this item may be augmented by the amount of any additional resources available in the Trial Court Trust Fund, which is in addition to the amount appropriated in this item. Any augmentation must be approved in joint determination with the Chairperson of the Joint Legislative Budget Committee and shall be authorized not sooner than 30 days after notification in writing to the chairpersons of the committees in each house of the Legislature that consider appropriations, the chairpersons of the committees and appropriate subcommittees that consider the State Budget, and the chairperson of the joint committee, or not sooner than whatever lesser time the chairperson of the joint committee, or his or her designee, may determine. When a request to augment this item is submitted to the Director of Finance, a copy of that request shall be delivered to the chairpersons of the committees and appropriate subcommittees that consider the State Budget. Delivery of a copy of that request shall not be deemed to be notification in writing for purposes of this provision.

**Recommendation 1c: Distribution of allocation of revenue from new civil court reporting services fee**

Currently, there is estimated to be \$25.1 million in available TCTF Program 45.10 expenditure authority, which can be used to distribute the new \$30 court reporter fee revenue to courts (see row 51 of Attachment B). The TCBWG recommends allocating this revenue regardless of approval of additional appropriation authority since direct costs have been and continue to be incurred by the courts that provide court reporting services in civil proceedings lasting under one hour. If the Department of Finance and/or the Legislature do not approve an additional \$4 million in Trial Court Trust Fund Program 45.10 (Support for Operation of the Trial Courts) expenditure authority, there would be an estimated \$21.1 million in expenditure authority available to allocate funding for other purposes, including reduction offsets (see row 55 of Attachment B). The TCBWG is deferring to a subsequent council meeting any recommendations on whether the council should allocate any further reduction offsets to trial courts, due, at least in part, to the TCBWG wanting to consider any recommendations on trial court funding allocation methodologies that might be issued by the Trial Court Funding Workgroup.

**Recommendation 2: State Trial Court Improvement and Modernization Fund (STCIMF) allocation for Phoenix financial services costs**

This recommendation is for a one-time exception to statewide administrative services policy in order to provide a measure of financial relief to the courts from the \$385 million of additional reductions allocated in FY 2012–2013. This adjustment will have no impact on the services

provided to the trial courts by the AOC Trial Court Administrative Services Office. If the council allocates funding from the STCIMF for these Phoenix financial services direct costs, courts would not be charged what they had been in FY 2011–2012 and prior years through distribution reductions in their TCTF allocation (see Attachment D).

Based on current revenue estimates and currently approved allocations, there are sufficient monies to fund this allocation (see Column E of Attachment C). Excluding the recommended allocation, AOC is projecting an ending unrestricted fund balance of \$38.3 million. In terms of expenditure authority, the Budget Act of 2012 authorizes the AOC to increase the current Program 30 appropriation amount of \$9 million to an amount up to \$18.673 million. To accommodate an additional \$6.769 million, the AOC would need to augment the current expenditure authority by \$5.815 million to \$14.822 million (see Column E of Attachment C).

### **Alternatives Considered and Policy Implications**

The TCBWG considered an alternative of distributing the new court reporter fee revenue pro-rata based on share of the TCTF allocation, but that would not ensure that statewide the maximum amount of the restricted revenues will be used to offset courts' court reporter costs. If a court were to receive a share of the statewide \$30 fee revenue in an amount that exceeded its actual costs, the court could not use the "excess" monies for any other purpose, including reduction offset. Regarding the funding of the AOC staffing costs for Phoenix financial services, the only other alternative the TCBWG considered was the status quo, where courts continue to pay for direct costs related to Phoenix financial services from their TCTF allocation.

### **Attachments**

1. Attachment A: 2012–2013 Remittance of \$30 Court Reporter Fee to Trial Court Trust Fund
2. Attachment B: 2012–2013 Trial Court Trust Fund Program 45.10: Appropriation vs. Actual/Estimate Allocation
3. Attachment C: 2011–2012 Phoenix Financial Services Charges to Trial Courts
4. Attachment D: State Trial Court Improvement and Modernization Fund—Summary Fund Condition Statement

**FY 2012-2013 Remittance of \$30 Court Reporter Fee  
Revenue to Trial Court Trust Fund**

<b>Court</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Total</b>
Alameda	-	-	1,999	12,813	<b>14,813</b>
Alpine	-	-	-	-	-
Amador	-	-	-	-	-
Butte	-	120	60	135	<b>315</b>
Calaveras	-	30	240	60	<b>330</b>
Colusa	-	-	-	-	-
Contra Costa	13,593	19,338	17,508	18,666	<b>69,105</b>
Del Norte	-	-	-	-	-
El Dorado	40	-	-	-	<b>40</b>
Fresno	840	120	60	90	<b>1,110</b>
Glenn	-	-	-	-	-
Humboldt	-	-	-	-	-
Imperial	537	659	1,200	1,050	<b>3,446</b>
Inyo	-	-	-	-	-
Kern	-	-	-	124	<b>124</b>
Kings	1,620	3,900	2,340	2,730	<b>10,590</b>
Lake	-	179	1,199	658	<b>2,036</b>
Lassen	-	-	-	-	-
Los Angeles	90	30	30	538	<b>688</b>
Madera	30	150	240	180	<b>600</b>
Marin	-	150	240	150	<b>540</b>
Mariposa	30	120	90	210	<b>450</b>
Mendocino	120	120	30	-	<b>270</b>
Merced	-	-	60	60	<b>120</b>
Modoc	-	-	-	-	-
Mono	-	-	-	-	-
Monterey	-	150	90	60	<b>300</b>
Napa	-	-	-	-	-
Nevada	-	-	-	30	<b>30</b>
Orange	22,979	89,554	67,269	84,596	<b>264,399</b>
Placer	-	-	60	54	<b>114</b>
Plumas	60	150	90	90	<b>390</b>
Riverside	43,703	64,144	54,240	64,716	<b>226,803</b>
Sacramento	989	1,497	1,526	1,708	<b>5,719</b>
San Benito	-	-	-	-	-
San Bernardino	32,253	52,747	50,187	58,132	<b>193,320</b>
San Diego	-	-	-	-	-
San Francisco	3,180	13,860	11,640	15,870	<b>44,550</b>
San Joaquin	-	-	-	-	-
San Luis Obispo	2,756	2,108	810	419	<b>6,093</b>
San Mateo	-	30	-	11,858	<b>11,888</b>
Santa Barbara	-	-	-	-	-
Santa Clara	27,853	45,315	37,155	43,320	<b>153,643</b>
Santa Cruz	-	-	-	-	-
Shasta	-	-	-	-	-
Sierra	-	-	-	-	-
Siskiyou	-	-	-	-	-
Solano	-	9,124	8,830	9,587	<b>27,541</b>
Sonoma	2,128	11,122	9,623	11,955	<b>34,829</b>
Stanislaus	960	3,480	3,460	3,060	<b>10,960</b>
Sutter	-	-	-	-	-
Tehama	-	748	30	30	<b>808</b>
Trinity	-	-	-	-	-
Tulare	3,381	10,265	7,418	10,402	<b>31,465</b>
Tuolumne	30	-	-	-	<b>30</b>
Ventura	2,876	14,080	10,755	12,638	<b>40,348</b>
Yolo	-	-	-	-	-
Yuba	-	-	-	-	-
<b>Total</b>	<b>160,048</b>	<b>343,290</b>	<b>288,478</b>	<b>365,989</b>	<b>1,157,805</b>

### Trial Court Trust Fund Program 45.10: Appropriation vs. Estimated/Approved Allocations

#	Description	Type	Estimated and Approved 2012-13 Allocations
1	<b>I. Prior-Year Ending Baseline Allocation</b>	<b>Base</b>	1,684,326,038
3	<b>II. Adjustments</b>		
4	Reduction for FY 2011-12 Appointed Converted SJO Positions	Base	-1,545,824
5	New Screening Station Funding	Base	114,509
6	<b>Total, Adjustments</b>		<b>-1,431,315</b>
8	<b>III. FY 2012-2013 Allocations</b>		
9	\$385 Million Court Operations Reduction	Non-Base	-385,000,000
11	\$240 Million Adjustment for Funding to be Distributed from ICNA	Non-Base	-240,000,000
12	2.0% Holdback	Non-Base	-27,813,940
13	1.5% & 0.5% Emergency Funding & Unspent Funding Allocated Back to Courts	Non-Base	27,813,940
14	San Luis Obispo CMS Replacement	Non-Base	3,360,000
15	Prior Year Judicial Council-Approved Allocations for screening stations and facilities operations and security	Non-Base	192,136
16	Criminal Justice Realignment Funding	Base	9,223,000
17	Non-Sheriff's Base Security Funding	Base	3,615,864
18	Prior Year Judicial Council-Approved Allocations for screening stations	Base	505,426
19	<b>Total, FY 2012-2013 Allocations</b>		<b>-608,103,574</b>
21	<b>IV. Estimated Reimbursements</b>		
22	Court-Appointed Dependency Counsel (includes DRAFT Program)	Non-Base	103,725,000
23	Jury	Non-Base	16,000,000
24	PC Replacement	Non-Base	7,400,000
25	Replacement Screening Stations	Non-Base	1,286,000
26	Self-Help Center <sup>1</sup>	Non-Base	2,500,000
27	Elder Abuse	Non-Base	332,000
28	<b>Total, Reimbursements</b>		<b>131,243,000</b>
30	<b>V. Estimated Revenue Distributions<sup>1</sup></b>		
31	Civil Assessment	Non-Base	96,996,491
32	Fees Returned to Courts	Non-Base	18,036,810
33	Replacement of 2% automation allocation from TCIF	Non-Base	10,907,494
34	Children's Waiting Room	Non-Base	4,012,388
35	Automated Recordkeeping and Micrographics	Non-Base	3,149,166
36	Telephonic Appearances Revenue Sharing	Non-Base	943,840
37	<b>Total, Revenue Distributions</b>		<b>134,046,190</b>

### Trial Court Trust Fund Program 45.10: Appropriation vs. Estimated/Approved Allocations

#	Description	Type	Estimated and Approved 2012-13 Allocations
39	<b>VI. Miscellaneous Charges</b>		
40	Judicial Branch Worker's Compensation Fund Premiums	Non-Base	-16,516,037
41	Statewide Administrative Infrastructure Charges	Non-Base	-5,698,887
42	<b>Total, Miscellaneous Charges</b>		<b>-22,214,924</b>
44	<b>Total, Base Program 45.10 Allocations</b>		<b>1,696,239,013</b>
45	<b>Total, Non-Base Program 45.10 Allocations</b>		<b>-378,373,598</b>
47	<b>Total, Estimated FY 2012-13 Program 45.10 Trial Court Allocations</b>		<b>1,317,865,415</b>
49	<b>Program 45.10 Appropriation (per AB 1477)</b>		<b>1,343,000,963</b>
51	<b>Estimated Remaining Program 45.10 Appropriation</b>		<b>25,135,548</b>
53	Estimated Court Reporter Fee Allocation	Non-Base	3,800,000
55	Estimated Remaining Program 45.10 Appropriation		21,335,548

1. With the exception of the 2% replacement allocation and the telephonic appearance fee revenue sharing allocation, both of which are fixed by statute, the revenue level, by court and statewide, depends on actual fee and assessment remittances to the Trial Court Trust Fund.



**State Trial Court Improvement and Modernization Fund --  
Summary Fund Condition Statement<sup>1</sup>**

		Actual <sup>2</sup>		Estimate		
		FY 2010-11	FY 2011-12	FY 2012-13	New Allocation	FY 2012-13 Adjusted
		A	B	C	D	E
1	Beginning Balance	51,607,538	41,298,062	48,128,575		48,128,575
2	Prior-Year Adjustments	8,248,413	4,622,852	6,129,159		6,129,159
3	<b>Adjusted Beginning Balance</b>	<b>59,855,951</b>	<b>45,920,914</b>	<b>54,257,734</b>		<b>54,257,734</b>
5	Revenue	63,977,881	55,152,046	52,627,726		52,627,726
6	Transfers - Ongoing <sup>3</sup>	34,378,140	26,842,630	5,312,000		5,312,000
7	<b>Subtotal, Revenue/Ongoing Transfers</b>	<b>98,356,021</b>	<b>81,994,676</b>	<b>57,939,726</b>		<b>57,939,726</b>
8	Transfers - One-time <sup>4</sup>	(31,600,000)	(20,000,000)	(7,223,000)		(7,223,000)
10	<b>Total Resources</b>	<b>126,611,972</b>	<b>107,915,590</b>	<b>104,974,459</b>		<b>104,974,459</b>
12	<b>Expenditures/Encumbrances/Allocations</b>					
13	Program 30 (support provided by AOC staff)	5,817,863	7,207,342	8,053,000	6,769,000	14,822,000
14	Program 45 (distribution to courts and vendors)	78,634,277	52,133,635	57,101,000		57,101,000
15	Charge for services provided by the SCO	861,770	446,039	163,000		163,000
16	<b>Total Expenditures/Encumbrances/Allocations</b>	<b>85,313,910</b>	<b>59,787,016</b>	<b>65,317,000</b>		<b>72,086,000</b>
18	<b>Fund Balance</b>	<b>41,298,062</b>	<b>48,128,575</b>	<b>39,657,459</b>		<b>32,888,459</b>
19	Net Revenue/Ongoing Transfers Over or (Under) Expenditure	13,042,111	22,207,660	(7,377,274)		(14,146,274)
21	<i>Restricted Fund Balance</i>					
22	Jury Instructions Royalties	1,068,731	1,478,216	1,386,405		1,386,405
23	<b>Total Restricted Fund Balance</b>	<b>1,068,731</b>	<b>1,478,216</b>	<b>1,386,405</b>		<b>1,386,405</b>
25	<b>Total Unrestricted Fund Balance (row 18 -23)</b>	<b>40,229,331</b>	<b>46,650,359</b>	<b>38,271,054</b>		<b>31,502,054</b>
27	<b>Appropriation Authority</b>					
28	Program 30 (support provided by AOC staff <sup>5</sup> )	9,601,000	9,601,000	9,007,000	5,815,000	14,822,000
29	<b>Program 30 Appropriation Balance</b>	<b>3,783,137</b>	<b>2,393,658</b>	<b>954,000</b>		-
30	Program 45 (distribution to courts and vendors) <sup>6</sup>	N/A	N/A	71,309,000		71,309,000
31	<b>Program 45 Appropriation Balance</b>	N/A	N/A	<b>14,208,000</b>	<b>5,815,000</b>	<b>14,208,000</b>

**Notes**

- 1 SB 1021, effective in FY 2012-2013, merged the Judicial Administration Efficiency and Modernization Fund and the Trial Court Improvement Fund into the State Trial Court Improvement and Modernization Fund.
- 2 Combines the FY 2010-2011 and FY 2011-2012 fund condition statements of the Judicial Administration Efficiency and Modernization Fund and the Trial Court Improvement Fund.
- 3 Included in this line are transfers from the General Fund, to the Trial Court Trust Fund per GC 77209(j) (previously GC 77209(k)), from the Trial Court Trust Fund (TCTF) previously required per GC 77209(b), and assumes that \$20 million of the transfer to the TCTF in FY 2012-2013 will continue in future fiscal years.
- 4 Included in this line are the \$31.6 million and \$20 million transfers from the Modernization Fund to the TCTF in FY 2010-2011 and FY 2011-2012 as well as FY 2012-2013 transfers to the TCTF related to AOC staff cost savings, the Deloitte CCMS Delay Cost reimbursement, and fund balance.
- 5 The 2012 Budget Act allows this item's appropriation to be increased up to \$18.673 million.
- 6 Prior to FY 2012-2013, the former Trial Court Improvement Fund was continuously appropriated and did not have an expenditure limit. The Judicial Administration Efficiency and Modernization Fund had an appropriation of \$38.709 million in FY 2010-2011 and \$18.709 million in FY 2011-2012.

**2011-2012 Phoenix Financial  
Services Charges to Trial Courts**

<b>Court</b>	<b>Amount</b>
Alameda	381,129
Alpine	3,797
Amador	18,473
Butte	68,305
Calaveras	15,079
Colusa	8,306
Contra Costa	208,602
Del Norte	16,375
El Dorado	46,894
Fresno	258,771
Glenn	12,341
Humboldt	46,396
Imperial	59,035
Inyo	10,917
Kern	239,691
Kings	43,239
Lake	21,264
Lassen	12,958
Los Angeles	-
Madera	44,260
Marin	86,669
Mariposa	7,594
Mendocino	41,483
Merced	58,024
Modoc	5,696
Mono	9,137
Monterey	110,970
Napa	46,467
Nevada	36,215
Orange	710,790
Placer	71,789
Plumas	9,374
Riverside	388,511
Sacramento	342,002
San Benito	14,951
San Bernardino	396,411
San Diego	708,995
San Francisco	244,616
San Joaquin	153,426
San Luis Obispo	79,905
San Mateo	196,974
Santa Barbara	144,066
Santa Clara	361,206
Santa Cruz	79,065
Shasta	83,299
Sierra	4,438
Siskiyou	27,529
Solano	124,592
Sonoma	110,519
Stanislaus	113,129
Sutter	30,614
Tehama	23,888
Trinity	8,472
Tulare	124,829
Tuolumne	23,020
Ventura	194,055
Yolo	54,298
Yuba	26,342
<b>Total</b>	<b>6,769,192</b>