



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 17, 2015

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Title	Agenda Item Type
Juvenile Dependency: Court-Appointed– Counsel Funding Reallocation	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
N/A	April 17, 2015
Recommended by	Date of Report
Trial Court Budget Advisory Committee Hon. Laurie M. Earl, Chair	April 8, 2015
	Contact
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### Executive Summary

The Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council approve changes to the method used to allocate annual funding for court-appointed dependency counsel among the courts. The revised allocations will be based on the caseload-based calculation of funding for each court provided by the workload model approved by the Judicial Council through the [DRAFT Pilot Program and Court-Appointed Counsel](#) report of October 26, 2007. The method will also adjust the calculation of total funding required to meet the workload standard to the amount of funding that is currently available statewide, and provide a four-year reallocation process to bring all courts to an equivalent percentage of workload met by available statewide funding. The committee also recommends a method to allocate any new funding provided for court-appointed dependency counsel through the state budget process, and that a joint working group of the TCBAC and the Family and Juvenile Law Advisory Committee be formed to review the current workload model for possible updates and revisions.

## Recommendation

The Trial Court Budget Advisory Committee recommends, effective April 17, 2016:

1. That the Judicial Council approve a process to allocate dependency court-appointed counsel funds to the courts that is based on each court's workload as calculated by the workload model for juvenile dependency, and adjusted to available funding statewide ("workload-based funding"). (Recommended by 21 in favor with 8 opposed.)
2. That the new allocations be phased with annual increases or decreases in fiscal year (FY) 2015–2016, FY 2016–2017, and FY 2017–2018, and that in FY 2018–2019 all courts will receive an equivalent percentage of statewide funding as calculated by the workload model ("workload-based funding"). The allocations should be phased in by basing each court's annual allocation on a percentage of its historical base in FY 2014–2015, and a percentage of its workload-based funding in the current fiscal year; and the percentages should change annually as follows:
  - a. FY 2015–2016: court receives 10% of workload-based funding and 90% of historical base;
  - b. FY 2016–2017: 40% of workload-based funding and 60% of historical base;
  - c. FY 2017–2018: 80% of workload-based funding and 20% of historical base; and
  - d. FY 2018–2019: 100% of workload-based funding.(Recommended by 15 in favor with 13 opposed.)
3. That any court-appointed dependency counsel funding that is estimated to remain unspent at the end of the year be reallocated by Judicial Council staff to courts by workload as early in the fiscal year as is possible, using the formula and method approved by the Judicial Council for this purpose on January 22, 2015,<sup>1</sup> and that this be made a permanent policy beginning in FY 2015–2016. (Recommended by unanimous vote.)
4. That any new state funds designated for court-appointed dependency counsel in addition to the current \$103.7 million budget be allocated to courts with a ratio of historical base funding to workload-based funding that is below the statewide ratio of total base funding to total funding required to meet the workload standard. For example, in FY 2014–2015, \$103.7 million is available, and \$137.1 million is required for a statewide ratio of 76 percent. Courts with an allocation of less than 76 percent of workload-based funding would be eligible for new state funds. (Recommended by unanimous vote.)
5. That the Judicial Council staff develop a process to reimburse courts for unexpected and significant cost increases that includes reserving up to \$100,000 of the court-appointed

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<sup>1</sup> Judicial Council of Cal., Advisory Com. Rep., *Juvenile Dependency: Court-Appointed-Counsel Funding Reallocation* (Jan. 22, 2015), <http://www.courts.ca.gov/documents/jc-20150122-itemJ.pdf>.

dependency counsel budget for that purpose and implementing guidelines with an application and reimbursement process; that the unspent funds in this reserve be available in the following year; and that this process be approved by the Judicial Council by April 2016. (Recommended by 15 in favor with 14 opposed.)

6. That the Superior Court of Colusa County be provided with an allocation for court-appointed dependency counsel equal to 76 percent of workload-based funding. (Recommended by unanimous vote.)
7. That a joint working group of the Trial Court Budget Advisory Committee and the Family and Juvenile Law Advisory Committee be established to review the workload model for court-appointed dependency counsel and include in its review the following issues:
  - a. Whether attorney salaries should continue to be based on an average salary by region, or whether another method should be used such as an individual county index of salaries;
  - b. Whether the attorney salaries used in the model should be updated;
  - c. Whether the calculation for benefits costs in the model is accurate or if it should be changed;
  - d. Whether the calculation for overhead costs in the model is accurate or if it should be changed;
  - e. Whether the state child welfare data reported through the University of California, Berkeley accurately represents court-supervised juvenile dependency cases in each county, or whether court filings data or another source of data should be used;
  - f. Whether the ratio used to estimate parent clients in the model is accurate or if it should be changed;
  - g. Whether a modified methodology should be used for funding small courts; and
  - h. Whether dependency counsel funding should be a court or county obligation.(Recommended by unanimous vote.)

Recommendations from the joint working group will be brought to the respective committees in time for consideration by the Judicial Council at its April 2016 meeting.

### **Previous Council Action**

The Judicial Council approved a process to reallocate dependency, court-appointed counsel funds that are estimated to remain unspent in FY 2014–2015 at its January 22, 2015 meeting.

### **Rationale for Recommendations**

#### **Recommendation 1**

Court-appointed dependency counsel became a state fiscal responsibility in 1989 through the Brown-Presley Trial Court Funding Act (Sen. Bill 612/Assem. Bill 1197; Stats. 1988, ch. 945), which added section 77003 to the Government Code, defined “court operations” in that section as including court-appointed dependency counsel, and made an appropriation to fund trial court

operations. In 1997, the Lockyer-Isenberg Trial Court Funding Act of 1997 (Assem. Bill 233; Stats. 1997, ch. 850) provided the funding for, and delineated the parameters of, the transition to state trial court funding that had been outlined in the earlier legislation. In the transition to state funding, most trial court systems maintained the existing dependency counsel service delivery models of their respective counties.

In 2004, the Judicial Council and the American Humane Association conducted a time study of all dependency attorneys in California. From this study, a review of best practices, and input from attorneys, judicial officers, researchers, and others, the council in 2007 set a workload standard of 188 cases per attorney when the attorney has access to a part-time (50 percent) investigator.

In 2007, the Judicial Council approved a methodology to calculate the funding required in a court to achieve the target attorney caseload of 188 cases per attorney. The methodology uses the number of children in foster care in the county, the regional salary averages for attorneys, and investigator and overhead costs to calculate the funding. Overall, this workload model calculates statewide funding of \$137.1 million, \$33.4 million more than the base budget of \$103.7 million (see Attachment 1).

The \$103.7 million annual base funding for court-appointed juvenile dependency counsel represents approximately 76 percent of the \$137.1 million calculated by the workload model. Courts are not allocated base funding for court-appointed counsel in proportion to their dependency caseloads. Allocations for court-appointed counsel are primarily based on the local level of spending when the service was still a county function. For that reason, individual court allocations vary widely when the court's juvenile dependency caseload is taken into account: 26 courts receive an allocation of more than 100 percent of workload-based funding, 16 courts receive an allocation ranging from 50 percent to 100 percent, 14 courts receive an allocation of less than 50 percent, and two courts do not receive an allocation.

The committee recommends that each court's allocation of court-appointed dependency counsel funding be based on funding calculated by the workload model. Since funds do not exist to fully meet the \$137.1 million required, each court will receive an equal percentage of its workload-based funding. The percentage will be the available funding statewide divided by the total required statewide, or 76 percent at this time.

## **Recommendation 2**

The committee recommends that the recommended funding allocation process be phased in over a period of four years. See Attachment 2 for an estimate of how each court's annual allocation would change over the four years. Since over a period of four years the foster care caseloads in each county are liable to change, this recommendation provides for a recalculation of workload each year. The workload model uses an average of the previous three years of available child welfare caseload data by county to reduce sharp annual fluctuations, especially in smaller courts.

### **Recommendations 3–5**

The committee recommends that if new funds are provided for court-appointed dependency counsel through the state budget process, they be allocated to courts with a ratio of historical base funding to workload-based funding that is below the statewide ratio of total base funding to total funding required to meet the workload standard. This allocation should be made after the annual increase/reduction methodology described in recommendation 2 is applied. For example, in FY 2014–2015, \$103.7 million is available and \$137.1 million is needed for a statewide percentage of 76 percent. Courts with an allocation of less than 76 percent of funding as calculated by the workload model would be eligible for new state funds. Allocation of new state funds will be based on the court's proportion of unmet workload-based funding, using the same methodology approved by the Judicial Council for the allocation of unspent funds. These funds will remain in each court's base funding and be part of the allocation process described in recommendation 2 in the following years. The goal remains that by FY 2018–2019, all courts will receive an allocation that is based 100 percent on the workload model, whether or not the funding base increases.

### **Recommendation 6**

The committee recognizes that in the dependency process, a complex dependency trial can lead to an increase in court-appointed counsel costs that the court's budget may be unable to absorb. The committee recommended that staff develop a program that will allow courts to seek reimbursement for costs related to complex trials and other events.

### **Recommendation 7**

The Superior Court of Colusa County contacted Judicial Council staff in FY 2014–2015 to inform them that Colusa County continued to fund court-appointed dependency counsel after most courts transitioned to state funding, but had told the court that this funding would cease in FY 2015–2016. The workload model calculates Colusa's funding at \$50,570. The work group recommends that Colusa be funded at 76 percent of workload-based funding, or the funding it would receive when all courts reach parity in FY 2018–2019.

### **Recommendation 8**

Committee recommendations are focused solely on topics of allocating court-appointed dependency counsel funding. However, in its review of the funding estimates generated by the current workload model, a number of issues about the assumptions of the model were raised that the committee recommends be addressed by a joint working group with the Family and Juvenile Law Advisory Committee. The model was developed between 2005 and 2007, and many of the financial assumptions could be usefully revisited.

### **Comments, Alternatives Considered, and Policy Implications**

Public comment was received in advance of the TCBAC's March 23, 2015 meeting from 14 individuals or organizations, including 10 court-appointed counsel in dependency providers and four individual judges or superior courts. Ten of those providing comments requested that recommendations 1 and 2 not be approved, and two supported those recommendations. Of those

requesting that recommendations 1 and 2 not be approved, four were explicitly in support of allocating any new funds to courts that most require funding (recommendation 5). Many of those opposing added that more funding should be obtained for court-appointed dependency counsel before a reallocation was attempted. The 12 who provided comments on recommendation 8 were all in favor. All of the comments received are attached to this report. Public comment generally reflecting the written comments was provided at the meeting and can be heard at <http://www.courts.ca.gov/28621.htm>.

### **Alternatives considered and policy implications**

Alternatives were considered to recommendations 2, 5, and 6.

For recommendation 2, the committee considered two additional phase-in proposals for funding reallocation. Both proposals concerned the first year of reallocation, FY 2015–2016. The first proposal was to base 20 percent of the first year’s allocation on workload and 80 percent on historical funding. The second proposal was to base none of the first year’s allocation on workload, but to continue in the first year to base 100 percent of the allocation on historical funding. After discussion, the committee approved the proposal that is recommendation 2 of this report.

For recommendation 5, the committee considered a proposal to base a court’s eligibility for allocation of any new funding on whether the funding it receives is less than 100 percent of its workload-based funding. The committee approved a proposal to base the eligibility on a ratio of current base funding to workload-based funding that is below the statewide ratio of total current base funding to total funding calculated by the workload model.

For recommendation 6, the committee considered a proposal to develop a process for the smallest courts to seek reimbursement for unbudgeted costs of complex dependency trials. The committee approved a proposal to reserve funding and develop a process for all courts to seek reimbursement.

### **Implementation Requirements, Costs, and Operational Impacts**

Implementing the recommended funding increases and reductions will require, on the part of both the courts and Judicial Council staff, renegotiation of numerous contracts with court-appointed dependency counsel providers.

### **Attachments**

1. Attachment 1: Dependency Counsel Funding, Statewide Implementation Costs
2. Attachment 2: Dependency Counsel Funding, Four-Year Reallocation Recommendation: 10%-40%-80%-100%
3. Attachment 3: Written comments submitted for the TCBC meeting on March 23, 2015

## Dependency Counsel Funding

Statewide Implementation Costs			
Court	Workload Model	FY 2014-2015 Historical Base Funding Level	Base/Model
Alameda	\$3,450,970.68	\$4,171,032.46	120.9%
Alpine*	\$0.00	\$0.00	
Amador	\$85,336.77	\$120,146.93	140.8%
Butte	\$833,636.96	\$664,759.00	79.7%
Calaveras	\$226,026.98	\$76,519.00	33.9%
Colusa†	\$50,569.89	\$0.00	0.0%
Contra Costa	\$2,716,647.74	\$3,120,151.00	114.9%
Del Norte	\$168,566.70	\$223,089.81	132.3%
El Dorado	\$614,078.75	\$819,764.99	133.5%
Fresno	\$2,937,650.85	\$2,958,296.00	100.7%
Glenn	\$166,060.64	\$55,250.00	33.3%
Humboldt	\$458,193.85	\$562,460.00	122.8%
Imperial	\$545,032.34	\$607,371.00	111.4%
Inyo	\$34,019.37	\$76,990.00	226.3%
Kern	\$3,108,447.52	\$2,023,943.00	65.1%
Kings	\$686,524.56	\$199,672.35	29.1%
Lake	\$239,288.90	\$307,076.27	128.3%
Lassen	\$115,953.18	\$108,374.00	93.5%
Los Angeles	\$57,151,311.87	\$32,782,704.00	57.4%
Madera	\$586,978.22	\$53,030.50	9.0%
Marin	\$247,454.02	\$408,418.72	165.0%
Mariposa	\$51,591.50	\$32,243.00	62.5%
Mendocino	\$518,939.79	\$742,022.00	143.0%
Merced	\$1,064,521.71	\$593,861.37	55.8%
Modoc	\$20,432.28	\$16,064.00	78.6%
Mono	\$17,874.58	\$12,329.00	69.0%
Monterey	\$667,373.42	\$329,570.00	49.4%
Napa	\$294,546.52	\$176,430.00	59.9%
Nevada	\$202,963.00	\$232,799.00	114.7%
Orange	\$6,056,115.22	\$6,583,082.00	108.7%
Placer	\$743,663.62	\$418,422.00	56.3%
Plumas	\$82,240.12	\$163,290.96	198.6%
Riverside	\$10,235,491.48	\$4,171,897.50	40.8%
Sacramento	\$4,443,854.42	\$5,378,189.72	121.0%
San Benito	\$209,882.19	\$31,884.50	15.2%
San Bernardino	\$7,983,595.68	\$3,587,297.00	44.9%
San Diego	\$7,678,774.64	\$9,749,950.36	127.0%
San Francisco	\$2,951,118.03	\$3,907,633.00	132.4%
San Joaquin	\$2,542,228.38	\$3,081,900.92	121.2%
San Luis Obispo	\$781,869.29	\$707,000.04	90.4%
San Mateo	\$1,050,915.74	\$323,021.73	30.7%
Santa Barbara	\$1,318,162.00	\$1,610,017.00	122.1%
Santa Clara	\$3,340,629.23	\$4,700,130.81	140.7%
Santa Cruz	\$703,196.64	\$894,764.81	127.2%
Shasta	\$940,395.62	\$569,416.00	60.6%
Sierra	\$3,575.65	\$14,898.00	416.7%
Siskiyou	\$173,163.56	\$256,552.00	148.2%
Solano	\$847,816.33	\$896,319.14	105.7%
Sonoma	\$1,274,378.06	\$1,150,195.00	90.3%
Stanislaus	\$1,100,152.36	\$1,130,985.52	102.8%
Sutter	\$272,154.93	\$84,082.75	30.9%
Tehama	\$313,635.48	\$93,909.01	29.9%
Trinity	\$119,528.83	\$83,204.00	69.6%
Tulare	\$1,598,825.80	\$658,892.25	41.2%
Tuolumne	\$210,458.79	\$63,980.75	30.4%
Ventura	\$2,010,744.36	\$755,357.00	37.6%
Yolo	\$565,644.04	\$333,430.00	58.9%
Yuba	\$264,659.14	\$199,732.00	75.5%
Unallocated		\$651,641.31	
<b>Total</b>	<b>\$137,077,862.19</b>	<b>\$103,725,444.48</b>	

<b>Four-Year Reallocation Recommendation: 10%-40%-80%-100%</b>								
<b>Court</b>	<b>Workload Model</b>	<b>FY 2014-2015 Historical Base Funding Level</b>	<b>Base/Model</b>	<b>Court at 75.7% need</b>	<b>FY 2015-2016: Total</b>	<b>FY 2016-2017: Total</b>	<b>FY 2017-2018: Total</b>	<b>FY 2018-2019 Total</b>
	<b>Total</b>	<b>Total</b>			<b>10% workload model</b>	<b>40% workload model</b>	<b>80% workload model</b>	<b>100% workload model</b>
	\$137,077,862	\$103,725,444						
Alameda	\$3,450,970.68	\$4,171,032.46	120.9%	2,611,315	4,038,793	3,562,967	2,928,532	2,611,315
Alpine*	\$0.00	\$0.00		0	0	0	0	0
Amador	\$85,336.77	\$120,146.93	140.8%	64,573	115,273	98,373	75,840	64,573
Butte	\$833,636.96	\$664,759.00	79.7%	630,805	665,146	653,699	638,436	630,805
Calaveras	\$226,026.98	\$76,519.00	33.9%	171,032	86,406	114,615	152,226	171,032
Colusa†	\$50,569.89	\$0.00	0.0%	38,266	3,827	15,306	30,613	38,266
Contra Costa	\$2,716,647.74	\$3,120,151.00	114.9%	2,055,660	3,031,455	2,706,190	2,272,503	2,055,660
Del Norte	\$168,566.70	\$223,089.81	132.3%	127,553	214,805	185,721	146,942	127,553
El Dorado	\$614,078.75	\$819,764.99	133.5%	464,667	788,920	680,835	536,723	464,667
Fresno	\$2,937,650.85	\$2,958,296.00	100.7%	2,222,891	2,901,588	2,675,356	2,373,712	2,222,891
Glenn	\$166,060.64	\$55,250.00	33.3%	125,656	62,605	83,622	111,645	125,656
Humboldt	\$458,193.85	\$562,460.00	122.8%	346,711	544,085	478,294	390,572	346,711
Imperial	\$545,032.34	\$607,371.00	111.4%	412,421	591,332	531,695	452,179	412,421
Inyo	\$34,019.37	\$76,990.00	226.3%	25,742	72,303	56,783	36,089	25,742
Kern	\$3,108,447.52	\$2,023,943.00	65.1%	2,352,131	2,068,278	2,162,896	2,289,053	2,352,131
Kings	\$686,524.56	\$199,672.35	29.1%	519,486	232,790	328,355	455,776	519,486
Lake	\$239,288.90	\$307,076.27	128.3%	181,068	296,223	257,838	206,658	181,068
Lassen	\$115,953.18	\$108,374.00	93.5%	87,741	106,927	100,532	92,004	87,741
Los Angeles	\$57,151,311.87	\$32,782,704.00	57.4%	43,245,825	34,015,545	37,092,305	41,194,652	43,245,825
Madera	\$586,978.22	\$53,030.50	9.0%	444,161	92,445	209,684	366,002	444,161
Marin	\$247,454.02	\$408,418.72	165.0%	187,246	388,625	321,499	231,997	187,246
Mariposa	\$51,591.50	\$32,243.00	62.5%	39,039	33,106	35,084	37,720	39,039
Mendocino	\$518,939.79	\$742,022.00	143.0%	392,677	711,309	605,098	463,484	392,677
Merced	\$1,064,521.71	\$593,861.37	55.8%	805,513	618,406	680,775	763,933	805,513
Modoc	\$20,432.28	\$16,064.00	78.6%	15,461	16,095	15,884	15,602	15,461
Mono	\$17,874.58	\$12,329.00	69.0%	13,526	12,519	12,854	13,302	13,526
Monterey	\$667,373.42	\$329,570.00	49.4%	504,995	348,988	400,990	470,327	504,995
Napa	\$294,546.52	\$176,430.00	59.9%	222,880	182,079	195,679	213,813	222,880
Nevada	\$202,963.00	\$232,799.00	114.7%	153,580	226,202	201,994	169,718	153,580
Orange	\$6,056,115.22	\$6,583,082.00	108.7%	4,582,602	6,420,491	5,807,861	4,991,021	4,582,602
Placer	\$743,663.62	\$418,422.00	56.3%	562,723	435,233	477,729	534,392	562,723
Plumas	\$82,240.12	\$163,290.96	198.6%	62,230	154,114	123,486	82,649	62,230
Riverside	\$10,235,491.48	\$4,171,897.50	40.8%	7,745,094	4,552,955	5,617,001	7,035,730	7,745,094
Sacramento	\$4,443,854.42	\$5,378,189.72	121.0%	3,362,620	5,207,234	4,592,363	3,772,534	3,362,620
San Benito	\$209,882.19	\$31,884.50	15.2%	158,816	44,759	82,778	133,470	158,816
San Bernardino	\$7,983,595.68	\$3,587,297.00	44.9%	6,041,107	3,853,089	4,582,428	5,554,881	6,041,107
San Diego	\$7,678,774.64	\$9,749,950.36	127.0%	5,810,452	9,411,476	8,211,135	6,610,679	5,810,452
San Francisco	\$2,951,118.03	\$3,907,633.00	132.4%	2,233,081	3,762,412	3,252,635	2,572,933	2,233,081
San Joaquin	\$2,542,228.38	\$3,081,900.92	121.2%	1,923,679	2,983,614	2,630,302	2,159,220	1,923,679
San Luis Obispo	\$781,869.29	\$707,000.04	90.4%	591,633	699,486	663,535	615,600	591,633
San Mateo	\$1,050,915.74	\$323,021.73	30.7%	795,217	372,079	513,125	701,187	795,217
Santa Barbara	\$1,318,162.00	\$1,610,017.00	122.1%	997,440	1,557,920	1,371,093	1,121,991	997,440
Santa Clara	\$3,340,629.23	\$4,700,130.81	140.7%	2,527,821	4,509,643	3,849,036	2,968,226	2,527,821
Santa Cruz	\$703,196.64	\$894,764.81	127.2%	532,102	863,590	753,094	605,766	532,102
Shasta	\$940,395.62	\$569,416.00	60.6%	711,588	586,873	628,445	683,874	711,588
Sierra	\$3,575.65	\$14,898.00	416.7%	2,706	13,764	10,078	5,163	2,706
Siskiyou	\$173,163.56	\$256,552.00	148.2%	131,031	245,460	207,317	156,460	131,031
Solano	\$847,816.33	\$896,319.14	105.7%	641,534	875,941	797,805	693,624	641,534
Sonoma	\$1,274,378.06	\$1,150,195.00	90.3%	964,309	1,138,151	1,080,204	1,002,941	964,309
Stanislaus	\$1,100,152.36	\$1,130,985.52	102.8%	832,474	1,107,570	1,015,871	893,607	832,474
Sutter	\$272,154.93	\$84,082.75	30.9%	205,937	96,747	133,143	181,672	205,937
Tehama	\$313,635.48	\$93,909.01	29.9%	237,325	108,785	151,632	208,760	237,325
Trinity	\$119,528.83	\$83,204.00	69.6%	90,446	84,402	86,417	89,103	90,446
Tulare	\$1,598,825.80	\$658,892.25	41.2%	1,209,815	717,734	881,761	1,100,464	1,209,815
Tuolumne	\$210,458.79	\$63,980.75	30.4%	159,252	73,872	102,332	140,279	159,252
Ventura	\$2,010,744.36	\$755,357.00	37.6%	1,521,510	836,270	1,064,683	1,369,235	1,521,510
Yolo	\$565,644.04	\$333,430.00	58.9%	428,017	344,786	372,530	409,521	428,017
Yuba	\$264,659.14	\$199,732.00	75.5%	200,265	200,922	200,703	200,411	200,265
Unallocated		\$651,641.31						
<b>Total</b>	<b>\$137,077,862.19</b>	<b>\$103,725,444.48</b>		<b>103,725,444</b>	103,725,444	103,725,444	103,725,444	103,725,444

*Candi M. Mayes, JD, MJM, CWLS*  
*CEO & Executive Director*

*Brian Blackwood, JD*  
*Chief of Operations*



*Dependency Legal Group of San Diego*

*A Non-Profit Public Benefit Corporation*

*1660 Hotel Circle North, Suite 200, San Diego, CA 92108*

March 19, 2015

To: Trial Court Budget Advisory Committee

Re: Meeting on March 23, 2015, Agenda Item: Court Appointed Dependency Counsel Allocation

Dear Committee Members,

My name is Candi Mayes and I am the CEO and Executive Director of Dependency Legal Group of San Diego (DLG). We are a 501(c)(3) non-profit public benefit corporation created to provide legal representation to indigent families involved in juvenile dependency court in San Diego County. DLG employs 58 full-time staff attorneys and 18 full-time investigators dedicated to representing the parents and children in San Diego's six full-time dependency courtrooms.

We are very appreciative of the attention being paid to court appointed dependency counsel and the budget needs of everyone in the state who does this work. The work that this committee is putting into these issues is important to us and to the families we serve; thank you.

We are in strong support of this group adopting the majority of the recommendations in the report prepared for the March 23, 2015 meeting and in strong opposition to the recommendation to the Council regarding the reallocation of the budget over the next four years. Some parts of the state have been in crisis for too long, some are newly entering into a critical time, and with this four year plan, others will plunge there as well. Specifically, we support:

- All unspent funds being reallocated to counties currently in crisis;
- All new monies being reallocated to first serve counties historically underfunded and with the greatest current need;

- All recommendations regarding the creation of a working group and development of a new funding methodology.

A little over a million dollars of the unspent money currently in the fund is from San Diego. This is money that has been allocated to us but for which we have not been allowed to invoice the Judicial Counsel. While it has not been easy, we have made the reductions necessary to continue to function at this lower funding level this year. I understand that there are court appointed dependency programs in other counties in California who have critical unmet needs and I fully support the reallocation of that money to those counties – it is the right thing to do for California’s families.

What I cannot support, however is the drastic cuts proposed in the four-year plan outlined in Attachment 2. Parity and equity are essential elements of any just judicial system, but creating problems for some while trying to address the needs of others does not actually accomplish anything but moving the problem around. I ask you to please consider the following:

1. The DRAFT program was created to address attorney compensation and caseloads to improve outcomes for families. During the years of its formation, its participants, some of whom are here today, have developed sophisticated new models of practice which have indeed led to better outcomes for families. Dependency courts now have dedicated, trained, and supervised attorneys appearing on these matters as a result. Today’s proposed four-year plan will erode these advancements.
2. Acknowledging that the current methodology needs to be reviewed and changed but then using it to recommend a budget allocation plan for the next four years is fundamentally flawed. We are in this position of crisis management because of the process currently in use and implementing the four-year plan based on it will make a bad situation even worse. The costs of doing business continue to rise, the cases continue to get more complicated and difficult, and we are already working with budget numbers established in 2007-2008; no business person would endorse this as a sound, stable model. Further cutting counties may have drastic consequences. In San Diego, if this plan is adopted, our firm will not survive – we simply will not have enough money to continue to operate and we will be forced to close our doors. While I am confident this is not the intention of this proposal, I want to ensure that this committee understands that it will be the result for San Diego and probably other counties as well.
3. DLG’s current contract ends in August 2015 so an RFP is expected to issue and that may give the Judicial Council an opportunity to change the nature of court appointed dependency representation in San Diego. There are other counties however who have existing contracts that are not ending this year. Those contracts must be honored as providers have detrimentally relied upon the terms of the contracts. Breach of these contracts would not only undoubtedly lead to lawsuits, more refusals to accept cases, and lack of competent, timely

representation for children and families, but it will also impact others ability to secure and maintain support from financial institutions. If our contracts with the Judicial Council become insecure and unreliable we will not be able to continue to secure financial support – a key component to operation under our contracts because of the invoice and payment process.

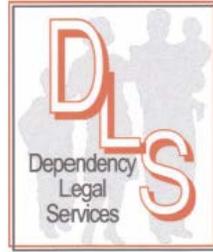
4. Finally, the notion that any county is “overfunded” is inconsistent with the reality that those of us who work in this field know to be true. Our attorneys throughout the state make far less than their agency counterparts sitting at the other end of counsel table and only a fraction of what their colleagues make on other appointed work. My staff has never had any increase, not even a cost-of-living adjustment. In fact, I have attorneys who are taking second jobs at nights and on the weekends as Uber© drivers and in retail department stores to make ends meet. They do this work because they are dedicated to the families we serve and they don’t expect to get rich working for a non-profit but it is difficult to attract and retain bright, competent attorneys when they can make twice the salary at the agency or doing other public interest work. Cutting our budgets further will make a difficult task impossible.

I urge this committee to adopt all of the recommendations relating to unspent and new monies. I fully support the regular and systematic reallocation of unspent funds every year to counties with critical needs. I welcome the opportunity to participate in the development of a new methodology that takes into consideration current caseload standard sources as well as the pending legislation in California, SB316. This is important work that is long overdue.

I also implore this committee not to adopt the four-year plan proposed in today’s report. I understand that there are counties right now in dire need and that this committee must find ways to manage that crisis immediately but this recommendation is not the way to solve the problem because it will simply move it from one county to another. While the negative consequences may be unintended they are not unknown or unanticipated. Please do not eliminate us in your efforts to help court appointed dependency counsel.

Thank you,

Candi M. Mayes, JD, MJM, CWLS



107 West Perkins Street, Suite 12 Ukiah, California 95482  
Every Client Empowered. Every Family Strengthened. Every Right Defended.

March 23, 2015

Re: Item 3, Court-Appointed Dependency Counsel Allocation

Ladies and Gentlemen of the Committee:

My name is David Meyers, and I am the Chief Operating Officer of Dependency Legal Services. DLS is a non-profit law firm built to represent children and families in California's child welfare system. We currently have personnel working in six Northern California counties: Humboldt, Mendocino, Lake, Sonoma, Marin and Stanislaus. In addition, from 2005-2012, I served here at the Judicial Council, as the senior attorney for the DRAFT program.

We have been paying extremely close attention to the many issues surrounding the Court-Appointed Counsel budget, and first would like to thank each of you for taking the time to consider these issues. And while our most vulnerable children and families throughout the state won't have any idea what is happening, they are the ones most impacted by your decisions today.

To that end, we are in strong support of this group adopting the majority of its recommendations, and in strong opposition to this group's recommendation to the Council regarding the reallocation of the budget over the next four years. Some counties in our state have been in crisis for a long time, some are newly entering, and with this recommendation, others will plunge into crisis as well.

Specifically, we fully support:

- All unspent funds being reallocated to historically underfunded counties;
- All new monies being allocated to first serve historically underfunded counties
- All recommendations regarding the development of a working group and new methodology

What we cannot support, however, is the notion of robbing Peter to pay Paul. Parity and equity are essential elements of any just judicial system, but creating problems for others to address problems for some does not accomplish this goal. The quality of dependency representation in our state can only move in one direction: forward.

Here is some information to support our request that we would ask you to consider:

1. The DRAFT program was created to address attorney compensation and caseloads and to improve outcomes. During the years of its formation, its participants, some of whom are here today, have developed sophisticated new models of practice which have indeed led to better outcomes for families. Today's proposed amendments will erode these advancements. For example:
  - a. Accountability and Supervision Infrastructure will disappear in small counties. In a large county, attorneys begin work with a large case load, but they are also greeted by a supervisor, firm director, and Executive Director, all of whom have years of experience, and are capable of meeting any clients' needs. In our small counties, I often function as all three of those individuals. In Marin, my compensation is less than .1 FTE and in Sonoma, it is roughly .3FTE. With these cuts, that infrastructure vanishes, because the money will have to be spent on case-carrying attorneys, leaving inexperienced attorneys isolated and forced to make decisions that could detrimentally impact their clients. The current methodology has always failed to take this into account, and these cuts would be the equivalent of funding courts to staff courtroom clerks only;
  - b. Small county recruitment and retention: Attracting quality dependency lawyers to work in Lakeport, Eureka or Ukiah is no easy task, and these lawyers not only need financial support, they also need access to the experts, investigators and mentors that their counterparts in the larger counties are able to have on staff in order to provide a comparable level of service.
2. Making a recommendation to develop a new methodology that works better along with a recommendation to reallocate based upon the existing one is fundamentally flawed. The existing methodology is based on outdated data and inaccurate numbers. None of the existing case-counting methods are said to produce accurate results, and circumstances change daily. In Humboldt, for example, the reported baseline is inaccurate and new leadership in child welfare has caused our filings to increase by more than 30%. Our Court already supplements their allotment to meet the demand, and this proposal would not only decimate these efforts, but would result in layoffs, refusals to accept appointments, and force us to once again face the biggest challenge we have there: finding qualified, competent attorneys to do this work.
3. Existing contracts must be honored. Some counties slated for these cuts are operating under existing, multi-year contracts. Providers have detrimentally relied upon the terms of these contracts and cancellation could result in lawsuits, more refusals to accept cases, and most importantly: the services to children and families will suffer.
4. Finally, the notion that any county is "overfunded" is inconsistent with the reality that those of us who work in this field know to be true. Attorneys throughout the state make far less than their counterparts who represent social services, and only a fraction of what their colleagues make on other appointed work. There are three

federal sources for caseload standards for children: The National Association of Counsel for Children, the American Bar Association, and a reported Federal decision from Georgia. All of these sources cite a significantly lower standard, and we now face pending legislation, SB 316, designed to bring us in accord with these federal sources.

Again, we urge this committee to adopt all recommendations relating to unspent and new monies, and welcome the opportunity to participate in the development of a new methodology. Instead of a wholesale reallocation based upon old data and inaccurate case counts, however, we recommend the committee do the following:

1. Re-evaluate the funding need over the next four years on a county-by-county basis. This happens naturally as contracts expire, and in counties where contracts are year-to-year, we recommend that Council staff be directed to develop an evaluation schedule and a fair process to include the providers and court staff in these discussions;
2. Continue the mid-year reallocation process every year to insure unspent funds are being directed to counties in crisis;
3. Continue to advocate for new money for Court-Appointed Counsel and commit to spending those new dollars to bring parity;
4. Supplement with additional funds from the Branch to fully fund this critically needed service and give children and their families just and equitable representation throughout the state.

Thank you for your time and for the opportunity to be heard.

Sincerely,

/s/

David M. Meyers, JD  
Chief Operating Officer  
Dependency Legal Services  
(916) 220-2853

March 19, 2015



EAST BAY  
CHILDREN'S  
LAW OFFICES

*Transmitted by email to tcbac@jud.ca.gov*

Re: Trial Court Budget Advisory Committee  
March 23, 2015 Meeting  
Item 3, Court-Appointed Dependency Counsel Allocation

Dear Trial Court Budget Advisory Committee Members:

I am the Executive Director of East Bay Children's Law Offices (EBCLO), a nonprofit children's law firm. EBCLO has been the DRAFT provider of court-appointed legal representation of children in Alameda County Juvenile Dependency Court since July 1, 2009. Thank you for your time and attention to the critical issues involved in the court-appointed counsel budget. At stake is access to effective legal services for all California children and parents involved in the juvenile dependency court.

Along with Dependency Legal Services and others, we are in strong support of many of the Work Group's recommendations, but we are strongly opposed to the recommendation regarding the reallocation of the budget over the next four years. While we can agree that children and parents should have equal access to competent counsel in every county, the proposed reallocation plan is essentially "robbing Peter to pay Paul."

We join in support of:

- All unspent funds being reallocated to courts with a funding need.
- All new funds added to the budget being first allocated to courts with an allocation of less than 100% of need.
- Developing a joint working group to review the caseload funding model.

However, we have significant concerns about the proposed reallocation plan. Prior to making any reallocation, the Judicial Council should first and foremost ensure that it is relying on an accurate picture of each county's estimated funding need based on a current and updated funding model. It is not.

First, as indicated in the recommendations, there are a number of assumptions in the Caseload Funding Model (CFM) that need review and require the creation of a joint working group. Determining an equitable reallocation based on an unreliable funding model will wreak havoc on the ability to provide competent legal services to parents and children throughout the state.

Second, the 2007 CFM is based on out-of-date information that results in some counties being currently misclassified by funding region. The CFM must be updated before a meaningful reallocation can occur. Alameda County, for example, is the only contiguous bay area county placed in the lower funded DRAFT Region 3 instead of Region 4 (Contra Costa, Marin, San

Francisco, San Mateo, and Santa Clara). This seemed unusual and so I raised the issue prior to assuming the DRAFT contract for Alameda County, and several times since in the past five years. In 2011, I was informed that the 2007 methodology would be reviewed every five years. Then in October 2013, I was informed again by Judicial Council staff that the region classifications would be reviewed (or perhaps were already reviewed). If this has occurred, it has not been released publicly nor is it reflected in the current Estimated Funding Need as presented to this Subcommittee. Alameda County is probably not the only county for whom the CFM is out-dated.

Third, the workload for dependency attorneys has changed since 2007. For children's attorneys, our duties to our clients have only increased over the past five years. From receiving notice of a dependent child's suspension from school, to ensuring appointment of educational rights holders, to monitoring the appropriate usage of psychotropic medications, to participating in 241.1 crossover youth hearings, to simply visiting a child in their home environment, a child's attorney is required to do more than attend court hearings.

It is important to note that no provider of dependency legal representation is flush with funds and those counties that moved the services from a county function to a private function did so at a considerable reduction in costs borne by the private provider.

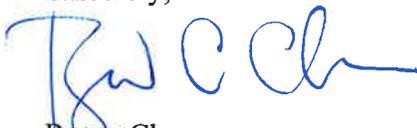
While we understand the need to reallocate funds in this difficult budgetary period, the current Statewide Implementation Costs data is misleading. As a result, implementation of the recommended reallocation will be devastating to counties like Alameda. Access to legal services for children and parents will be severely reduced, caseloads will increase, and court calendars will be impacted. The reallocation will essentially become a "race to the bottom" instead of fulfilling the goals and ethical obligations to provide quality legal representation to children and parents in juvenile dependency cases.

As stated in the comment by David Meyers and DLS, "parity and equity are essential elements of any just judicial system, but creating problems for others to address problems for some does not accomplish this goal." Likewise, we join in the other comments by Mr. Meyers and DLS.

We urge this committee to reject the recommendation for reallocation based upon old data and inaccurate caseload assessments. Any reallocation decision should be informed by an updated funding formula that provides the Judicial Council with a complete and accurate picture of the needs in each county.

Thank you for your consideration.

Sincerely,



Roger Chan  
Executive Director  
East Bay Children's Law Offices  
(510) 496-5201  
Roger.chan@ebclo.org



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT**

Chambers of  
**Joyce D. Hinrichs**  
Presiding Judge

March 19, 2015

**RE:** Court Appointed Juvenile Dependency Counsel Funding Allocation

Dear Members of the Trial Court Budget Advisory Committee:

We are corresponding with the members of this Committee to express our concerns regarding Item 3 – Court Appointed Juvenile Dependency Counsel Funding Allocation.

We agree the funding methodology needs to be revisited and most likely revised. This program has been underfunded for years. Most courts are supplementing actual expenditures from their general fund because the baseline funding is insufficient. For example, in Attachment 2, the Four-Year Reallocation Recommendation, Humboldt's CFM Estimated Need is \$458,193.85 using the current methodology. However, going back as far as FY 09-10 Humboldt spent \$600,800 for this program. This is when the County Public Defender's Office was still representing children and contracting for the representation of parents. At that time, we were on pace to spend approximately \$800,000 by FY 14-15. In FY 11-12 we discontinued working with the County and entered in to multiple contracts for a total annual cost of \$600,000. Four years later, we are still spending \$600,000. And, this includes a \$40,000 contribution from our general fund each year.

The current funding model calculates the CFM Estimated Need by taking an average of children in dependency for the last three years, and then multiplying that number by a parent factor of .82. This results in a client caseload of 544 for Humboldt. Our actual client caseload is 729. One of the flaws in this methodology is using averages. The number of clients fluctuates from year to year. In fact, using this methodology Humboldt had 274 child clients in 2012 and 346 child clients in 2014. This is a 26% increase over three years. These are actual children and parents who require, and deserve, to be represented in our judicial system. And, this assumes the data from the California Department of Social Services is accurate. Currently, we are in the process of validating our child and parent caseload using our own data from our case management system. We anticipate this will be completed by the end of March and we will be

Members, Trial Court Budget Advisory Committee  
March 19, 2015  
Page 2 of 2

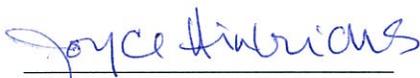
happy to share this data with the Committee. We are confident it will exceed the averages used to calculate our funding need.

If Humboldt's funding is decreased by the recommended \$40,000 in FY 15-16 the Court will be spending \$80,000 from our general fund to support this non-discretionary program. We do not have an extra \$40,000 in our general fund. Even if we receive new funding in FY 15-16, as it is proposed in the Governor's budget, it will not be enough to address all the funding shortfalls we have experienced over the last six years. More important, this is the impact in one fiscal year, and it becomes progressively worse over the next three years of the four year reduction strategy before you today.

In closing, Humboldt respectfully disagrees with the recommendations in this agenda item. Funding for dependency counsel has been a quagmire for many years and it truly is a complicated issue. There are many other funding models that might work better, and for this reason we do support convening a representative group of individuals and organizations to develop a model that is more responsive to the needs of children and parents. There are a number of reasons why the client number fluctuates from year to year and those reasons are out the Court's control.

If there is any additional information we can provide to the Committee please let us know. Thank you for considering this point of view while trying to make a difficult decision.

Very truly,



Honorable Joyce D. Hinrichs  
Presiding Judge

*(by Keenan)*



Kerri L. Keenan  
Court Executive Officer

**LEGAL ADVOCATES FOR CHILDREN & YOUTH***Law Foundation of Silicon Valley*152 N. Third St., 3<sup>rd</sup> Floor

San Jose, California 95112

www.lawfoundation.org

Fax (408) 288-8850 • Telephone (408) 280-2440

March 23, 2015

Re: Item 3, Court-Appointed Dependency Counsel Allocation

Ladies and Gentlemen of the Committee:

My name is Jennifer Kelleher. I am the Directing Attorney of Legal Advocates for Children and Youth, a program of the non-profit organization Law Foundation of Silicon Valley. LACY provides legal services to youth throughout Santa Clara County, including court-appointed representation to juvenile dependents. We have provided juvenile dependency services under a contract with the Judicial Council since July, 2009.

The Judicial Council created the DRAFT program with a vision of implementing a statewide network of high-quality legal advocates for the most vulnerable children and their parents throughout California. This model assumed equitable compensation, reasonable caseloads, standards for supervision and training, and the support of the Judicial Council for the providers. This committee's investment of time into the issue of resource allocation for this vital work demonstrates your continued interest in meeting those promised standards.

It has become clear for a number of years that these standards cannot be met without an influx of resources. However, the pending proposal to cut dollars from a long list of counties only "spreads the suffering" to all of the agencies who have dedicated themselves to this difficult work. The figures and formulas used to determine these cuts in each county have significant flaws including inaccurate caseload counts, courtroom demands, and rudimentary estimates about the ratio of parents to children in any given case. The additional recommendations fail to reconcile how potential new funding garnered from the budget will impact these cuts.

The Council acknowledges that the current funding formula has resulted in inequities. As such, it seems near-sighted to make decisions that will necessarily result in lay-offs, caseload increases, and less favorable outcomes for children based upon it. For these reasons, my office asks the committee to reject Recommendations 1 and 2 in today's report.

Recommendation 8 in the report calls for the formation of a joint working group to review this model. In the course of conducting this review, the working group will have a great number of factors to consider. The report captures a number of these factors, all of which are important. In addition to considering those six factors, which include a review of the appropriateness of using regional indices, certain cost estimates and measurements for tracking caseloads, I urge the working group to consider the following:

- Calling for a new study to determine appropriate caseload levels for attorneys that recognizes the evolution in practice models, including the distinction in roles between law office social workers and investigators.

**LEGAL ADVOCATES FOR CHILDREN & YOUTH**

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- Inclusion of annual adjustments to a county's estimated need based on changes to cost of living.
- Regular adjustments, whether annual or otherwise, to a county's estimated need based on substantial changes to workload.
- Whether estimates for benefits and overhead costs should vary geographically.

My office agrees in an allocation of funds that prioritizes fairness and equity. The only way to ultimately reach this goal will be to adopt a funding model that is comprehensive and accurate. As this model is being developed, we look forward to continuing this dialogue with the Council and working with our colleagues to urge the Legislature take the steps necessary to fully fund the court-appointed counsel budget.

Sincerely,



Jennifer Kelleher  
Directing Attorney



THE BAR ASSOCIATION OF  
SAN FRANCISCO

March 20, 2015

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Judicial Council of California  
Trial Court Budget Advisory Committee  
ATTN: Bob Fleshman at [tcbac@jud.ca.gov](mailto:tcbac@jud.ca.gov)

Re: March 23, 2015 Meeting of Trial Court Budget Advisory Committee,  
Item 3, Court-Appointed Dependency Counsel Allocation (Action Item)

Dear Members of the Trial Court Budget Advisory Committee:

I write as chair of the Lawyer Referral and Information Service (LRIS), a California State Bar certified program and the oldest and largest public service program of The Bar Association of San Francisco, an 8,000 member organization.

The LRIS is committed to providing access to quality legal services, and consistent with the mission of BASF, annually provides legal services to many thousands of disadvantaged and underserved individuals in San Francisco. The LRIS also oversees the administration of the Dependency Representation Program of San Francisco, the sole provider of highly qualified legal representation to children and families in our Dependency courts.

We write to request additional time to provide comments to the Judicial Council's Trial Court Budget Advisory Committee which meets Monday, March 23, 2015.

I am in receipt of the materials for the March 23<sup>rd</sup> meeting and I am advised that the materials were distributed on Wednesday, March 18<sup>th</sup>, calling for comment by close of business Friday, March 20<sup>th</sup>. As adoption of Action Item 3 and its subparts will create profound impact on the delivery of services to families served not only by our Superior Court and dependency counsel in San Francisco, but also throughout the state, I urge you to delay the deadline for comment so that organizations dedicated to serving our neediest citizens are provided with a meaningful opportunity to consider the implications and outcomes of the numerous recommendations outlined in Item 3.

Grave and irreparable consequences must be avoided and thoughtful consideration to any proposed changes must be given ample time for meaningful consideration. Surely more than two days should be provided.



THE BAR ASSOCIATION OF  
SAN FRANCISCO

Letter to Trial Court Budget Advisory Committee  
March 20, 2015  
Page 2

On behalf of the LRIS, I urge you to expand the period of time for comment on these multifaceted proposals, and thus delay action on this agenda item accordingly.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'David Otsuka'.

David Otsuka  
Chair, Lawyer Referral and Information Service

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March 20, 2015

Judicial Council of California  
Trial Court Budget Advisory Committee  
ATTN: Bob Fleshman at [tcbac@jud.ca.gov](mailto:tcbac@jud.ca.gov)

Re: Item 3, Court-Appointed Juvenile Dependency Counsel Funding Allocation

Members of the Committee:

San Francisco Counsel for Families & Children (SFCFC) is a policy organization comprised of juvenile dependency attorneys working in the City and County of San Francisco. Each of us has independently gained admission to the San Francisco Dependency Panel which is administered through the Bar Association of San Francisco (BASF). BASF's Lawyer Referral and Information Service engages in a vigorous application and evaluations system to ensure that attorneys appointed by our court are highly experienced and efficient.<sup>1</sup> Attorneys on this panel average 17 years in experience. Twenty-five percent of our attorneys have obtained or are studying for the Child Welfare Legal Specialist certification. These knowledgeable, efficient attorneys are cost effective and dedicate countless volunteer hours to collaborate with our Court to continually assure efficiencies due to the very limited funding available. Because we are independent attorneys, we have joined together to create SFCFC to speak with one voice on policy issues that affect our community.

We urge the Trial Court Budget Advisory Committee to delay action on Item 3 at this time. The recommendations made by the Court Appointed Dependency Counsel Funding Allocation Work Group will bring profound change to dependency courts throughout the state – some courts will receive modest increases to their annual funding while others will incur comparatively significant reductions. Providing the dependency legal community, the Trial Courts, and most importantly, the families and youth of the state only two days to analyze and prepare comments for such drastic reductions to many counties' funding is fundamentally unfair.

---

<sup>1</sup> Please note the rigorous application found at: <http://www.sfbar.org/lawyerreferrals/> and the evaluation procedure in the Superior Court's Policies and Procedures Manual on the Dependency (<http://www.sfbar.org/lawyerreferrals/att-drp.aspx>). Each attorney must re-qualify his or her experience and fully satisfy the evaluation process every three (3) years.

If the Committee nonetheless acts today, we urge the Committee as follows:

- Reject recommendations #1 and #2 from the Work Group.
- Approve recommendations #4, #6, and #8.
- Approve a modified version of recommendation #5, whereby any supplemental funds received from the State Legislature apply immediately to the Trial Courts most in crisis, while leaving the budgets of other counties intact. *See attached Proposal of Distribution of 33M.*

We are asking the Committee to FIRST, DO NO HARM. There are no *overfunded* counties. Taking money away from counties that are working hard and struggling to provide adequate representation based on their current budgets so that other counties can achieve a slightly improved budget will only result in a greater number of counties statewide providing inadequate representation for their clients.

That said, the undeniable truth is that some counties are in far deeper crisis than others. The Legislature is currently contemplating a supplemental allocation for dependency counsel in the amount of \$33,352,748. This money is desperately needed, and the energy of the Judicial Council and dependency attorneys statewide should be focused on ensuring that this supplemental money is fully authorized. Although the methodology is flawed, SFCFC agrees that the counties calculated to be under 90% of CFM need more funding immediately. Once allocated, this money should be distributed according to need-based funding formula urged in the January 5, 2015 report to the Trial Court Budget Advisory Committee called "Formula 3" so that the counties with the greatest need receive additional funding as quickly as possible. Attachment 1 to this letter provides for the specific allocation of these additional funds to the highest needs courts – all in one year.

Funding should not be taken away from any county without first developing a methodology that the Council and all stakeholders can trust. For that reason, we urge the Committee to approve recommendation #8. While we agree with the workgroup's finding that the "financial assumptions [within the current caseload funding model] could be usefully revisited," this vastly understates the need for an updated methodology:

- Accurate numbers of dependent children are necessary: UC Berkeley's numbers of children in each county's dependency system are not accurate and do not fully capture the work of our dependency courts.
- Accurate numbers of appointed counsel for parents are necessary: The multiplier of 1.77 clients per child used to determine the number of clients receiving appointed counsel, under-reports the number of clients receiving court-appointed counsel. In San Francisco, the number of clients based on UC Berkeley numbers amounts to 2200 clients while

BASF reports 3000 clients. San Francisco appoints counsel at a rate of 2.5 per child.

- Court Funding Models must be updated: The Work Group is relying on Judicial Council's Oct. 26, 2007 Report in determining 2015 funding levels. Since 2007, the Consumer Price Index rose by 14% statewide, and by 16% in San Francisco. The cost of commercial real estate rose by 100% in San Francisco. Moreover, the Court Funding Model fails to follow the State Bar Guidelines on the Delivery of Services in Indigent Defense (2006).
- Workload Time-Studies Must be Updated: The data relied upon in the 2004 time-study report was collected in 2002. Attorney representation models, local court practices, and statutory obligations of counsel have evolved and increased substantially in the past 13 years. Data supporting funding cannot be based solely on inaccurate case counts premised on assumptions out of date. Currently, and statewide, funding models for legal services are based on case-weighting analysis and should apply with equal force to dependency courts.

The Judicial Council has determined San Francisco's Court Funding Need to be \$2.9 million, which is approximately \$1 million less than its current budget. That number was developed by relying on data from the 2002 time-study, published in 2004, based on market conditions as they existed in 2007. Reliance on an outdated methodology will not only result in irreparable harm to the clients served in San Francisco, it's simply wrong to do so.

The proposed cuts to San Francisco represent a potential 46% cut to our dependency counsel budget within the next four years. The Committee should not cut funding to any county by using inaccurate case count, outdated economic models, and stale time-study methodologies.

We implore the Committee to delay action on this item so that the Work Group can receive further input from all stakeholders before making recommendations that will eradicate meaningful representation of our most vulnerable children and parents in so many counties. The state's children and families should not be pitted against one another by county. All counties deserve full funding, utilizing current conditions, accurate data, and updated standards of practice given the current statutory requirements of counsel.

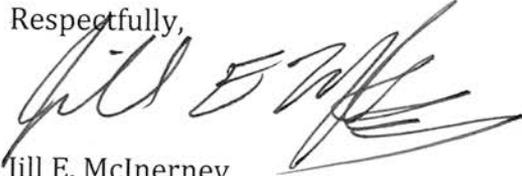
Letter to Trial Court Budget Advisory Committee

March 20, 2015

Page 4

Thank you for your careful consideration of this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Jill E. McInerney". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Jill E. McInerney  
Executive Director  
San Francisco Counsel for Families & Children

COUNTY	Formula 3 Share of Net	\$33,352,418 allocated proportional to share of net \$ needed	CFM Estimated Funding Need	Base CAC Funding Level	Total new Funding after Allocation of Supplemental Funding Based on Formula 3	New Base/CFM
Alpine	0.00%	\$0	\$0	\$0	\$0	
Butte	0.39%	\$130,074	\$833,637	\$664,759	\$794,833	95.35%
Calaveras	0.35%	\$116,733	\$226,027	\$76,519	\$193,252	85.50%
Colusa	0.12%	\$40,023	\$50,570	\$0	\$40,023	79.14%
Glenn	0.26%	\$86,716	\$166,061	\$55,250	\$141,966	85.49%
Kern	2.52%	\$840,481	\$3,108,448	\$2,023,943	\$2,864,424	92.15%
Kings	1.13%	\$376,882	\$686,525	\$199,672	\$576,554	83.98%
Los Angeles	56.60%	\$18,877,469	\$57,151,312	\$32,782,704	\$51,660,173	90.39%
Madera	1.24%	\$413,570	\$586,978	\$53,031	\$466,601	79.49%
Mariposa	0.04%	\$13,341	\$51,592	\$32,243	\$45,584	88.35%
Merced	1.09%	\$363,541	\$1,064,522	\$593,861	\$957,402	89.94%
Modoc	0.01%	\$3,335	\$20,432	\$16,064	\$19,399	94.95%
Mono	0.01%	\$3,335	\$17,875	\$12,329	\$15,664	87.63%
Monterey	0.78%	\$260,149	\$667,373	\$329,570	\$589,719	88.36%
Napa	0.27%	\$90,052	\$294,547	\$176,430	\$266,482	90.47%
Placer	0.76%	\$253,478	\$743,664	\$418,422	\$671,900	90.35%
Riverside	14.08%	\$4,696,020	\$10,235,491	\$4,171,898	\$8,867,918	86.64%
San Benito	0.41%	\$136,745	\$209,882	\$31,885	\$168,630	80.35%
San Bernadino	10.21%	\$3,405,282	\$7,983,596	\$3,587,297	\$6,992,579	87.59%
San Mateo	1.69%	\$563,656	\$1,050,916	\$323,022	\$886,678	84.37%
Shasta	0.86%	\$286,831	\$940,396	\$569,416	\$856,247	91.05%
Sutter	0.44%	\$146,751	\$272,155	\$84,083	\$230,834	84.82%
Tehama	0.51%	\$170,097	\$313,635	\$93,909	\$264,006	84.18%
Trinity	0.08%	\$26,682	\$119,529	\$83,204	\$109,886	91.93%
Tulare	2.18%	\$727,083	\$1,598,826	\$658,892	\$1,385,975	86.69%
Tuolumne	0.34%	\$113,398	\$210,459	\$63,981	\$177,379	84.28%
Ventura	2.92%	\$973,891	\$2,010,744	\$755,357	\$1,729,248	86.00%
Yolo	0.54%	\$180,103	\$565,644	\$333,430	\$513,533	90.79%
Yuba	0.15%	\$50,029	\$264,659	\$199,732	\$249,761	94.37%
TOTALS	99.98%	\$33,345,748			\$81,736,651	

Formula 3 is an allocation formula recommended in the Trial Court Budget Advisory Committee's January 5, 2015 Report to the Judicial Council titled: "Juvenile Dependency: Court-Appointed Counsel Funding Reallocation"

**DEPENDENCY ADVOCACY CENTER**

111 W. St. John Street, Suite 333 · San Jose, CA 95113 · 408.995.0714

March 23, 2015

Re: Item 3, Court-Appointed Dependency Counsel Allocation

Ladies and Gentlemen of the Committee:

My name is AnnaLisa Chung and I am a founder and the Chief Executive Officer of Dependency Advocacy Center. DAC is a non-profit legal services organization created to provide court-appointed counsel to parents and conflict children in Santa Clara County. As a DRAFT program provider since October 2008, DAC utilizes a multi-pronged approach to advocacy incorporating a team of attorneys, social workers and mentor parents who work in concert to give our clients and their families the best possible chance for success. DAC's ability to continue providing this innovative approach will be jeopardized if the Committee adopts the full slate of recommendations today.

Access to justice has and continues to be a very real concern for our dependency court children and families and we are grateful for this Committee's commitment to making statewide improvements in this area. In early 2008, the San Jose Mercury News published a series of articles that resulted from a yearlong investigation of California's Dependency Courts. Overwhelming caseloads, high staff turnover, inexperienced attorneys, and the inability to attain justice for families as a consequence of these deficiencies were among the many criticisms raised. I was asked specifically how DAC was going to address these concerns, if selected to be the DRAFT provider in Santa Clara County, and our model, with its unique approach that elevated representation for both parents and children, was viewed as a strength. DAC was not "overfunded" in 2008, but rather appropriately funded to implement this model and to meet the goals of the DRAFT program in our county. In 2011, this budget was reduced by 20%, resulting in layoffs and further widening the gap between our attorneys and their counterparts who represent social services and who are among the highest paid County Counsel in the state.

Despite flaws in the current caseload funding methodology, it is evident that there are a number of counties in California who are desperately in need of additional funding now. The reallocation of unspent funds approved by the Judicial Council on January 22, 2015, is a mere step toward bringing parity to these historically underfunded counties. In furtherance of this goal, DAC supports recommendations 3 through 8, as well as legislative efforts currently underway to increase the overall pot of available funding for court-appointed dependency counsel. Additionally, we are in full support of any new monies being first allocated to counties with the greatest need.

While it is imperative that the Judicial Council and the Legislature prioritize a plan for parity and equity to be achieved throughout the State, DAC strongly opposes the approach being proposed in recommendations 1 and 2, which would have a devastating impact on counties like Santa

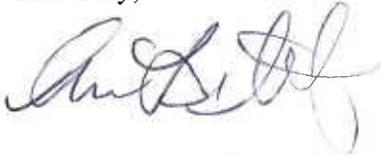
March 23, 2015  
Page 2 of 2

Clara. The practice of dependency law is continuously evolving, case counting methods are imprecise, and the data used to develop the existing funding methodology is outdated. To approve a four-year budget reduction plan based on inaccurate data is a dangerous proposition and may result in many counties taking a step back in the depth and quality of representation that they have been providing. Moreover, and more importantly, it is our dependency court children and their families who will feel the greatest impact of these changes. A thoughtful and comprehensive approach to the reallocation of existing court-appointed dependency counsel funding must precede any action that would drastically reduce funding to any of our counties.

DAC fully supports the immediate implementation of recommendation 8 and would encourage the Committee to ensure that a cross-section of DRAFT and non-DRAFT providers be given the opportunity to join or provide input to the joint working group. We recognize the urgency to assist our counterparts throughout the State and look forward to participating in these efforts.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "AnnaLisa Chung".

AnnaLisa Chung  
Chief Executive Officer  
Dependency Advocacy Center

**From:** [Judge Cindee Mayfield](#)  
**To:** [TCBAC](#)  
**Subject:** Dependency funding re-allocation  
**Date:** Friday, March 20, 2015 10:54:51 AM

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Dear Members of the Trial Court Budget Advisory Committee:

I write to you as a former Presiding Judge, former member of the Trial Court Budget Advisory Committee, and current Juvenile Court judge in the Mendocino County Superior Court. I understand the difficult recommendation you have been asked to make to the Judicial Council about how to fairly allocate funding to the 58 California counties to provide for court-appointed dependency counsel. While I understand the need to achieve parity in state funding, I am very concerned about the unintended consequences of the re-allocation which you have been asked to approve at your meeting on March 23, 2015.

Mendocino County was one of the first ten counties in California to adopt the DRAFT program. I was serving as the Juvenile Court judge when DRAFT was initiated. I lobbied to be included in the program in order to address chronic problems which plagued our dependency court. Prior to DRAFT, the Public Defender accepted appointments to indigent parents in dependency court. Usually the most junior members of the office were assigned; these attorneys received inadequate training; and, for the most part, they quickly rotated out of this assignment into other jobs in counties where the pay was higher, or to more “prestigious” felony assignments. Court clerks would have to make telephone calls to local attorneys almost daily to find attorneys willing to represent children or other parents. Few local attorneys wanted to undertake the difficult work in dependency court for the very low hourly rate of pay which the court was able to offer. As you can imagine, the quality of representation was low.

DRAFT immediately changed the situation in the Mendocino County Juvenile Court. The Judicial Council staff contracted directly with subject matter experts to provide dependency representation, offered additional training for DRAFT attorneys, and contracted for support staff. The pool of 4 DRAFT attorneys in Mendocino County has been stable for many years. These quality of representation is currently good to excellent. The recommendation to reduce by almost half state funding for dependency counsel in Mendocino County will devastate this highly successful program.

The charts provided to the TCBAC depict a shocking imbalance in dependency funding state-wide which cannot be ignored. However, the premise upon which the proposed re-allocation is founded—that 26 counties are “over-funded” for dependency counsel services—is fundamentally flawed. In Mendocino County, the DRAFT contracts take into account workload based upon the state-wide caseload study, comparable hourly rates of pay in the region, and cost of living. The contracts are reasonable, not lavish. Should court-appointed attorneys for indigent parents be called upon to accept *significant* (25-50%) reductions in funding over a four year period because the State has decided to “cap” dependency funding at 75% of what the State acknowledges is actually needed? It is insulting to call this a “solution” to the problem.

Yet if the TCBAC adopts the proposed four-year funding re-allocation this will undoubtedly be the outcome. Trial courts no longer have fund balances to draw from to pay unexpected expenses or

unfunded mandates. The Legislature's decision to limit trial courts to fund balances which cannot exceed 1% of annual budget assures that this court has absolutely no way to pay the 25% (or higher) deficit should state-funding of dependency counsel be reduced to 75% of need. Since the court will not be able to fund dependency counsel at anything approaching the current rates, I expect the dependency court to regress to what it was like pre-DRAFT: the current attorneys will either leave field for better paid full time legal positions or may try to practice dependency part-time while working in other courts in order to support themselves and their families. I expect more delays in time-sensitive dependency cases, more stress, and an overall decline in the quality of representation as attorneys limit their services to the bare essentials. Is this what parents trying to reunify with their children deserve? Is this what children seeking permanency deserve?

On paper, funding all courts at 75% of need may appear "fair." This is merely an illusion. Artificially capping dependency funding at \$103 million and re-distributing the funds so that each court receives 75% of need would decimate the constitutionally mandated provision of court-appointed counsel to families served by the dependency court. The issues at stake in dependency cases are monumental and the system is complex. If the Judicial Council is genuinely concerned about families and access to justice, the most significant investment it can make is the provision of adequate numbers of qualified dependency counsel state-wide. A responsible approach to resolving the funding disparity involves first increasing the overall amount of dependency counsel funding to something approaching the current need.

Thank you for considering my comments,

Cindee Mayfield  
Judge of the Juvenile Court



*Superior Court*  
State of California  
County of Lake  
255 N. Forbes Street  
Lakeport, California 95453  
707-263-2374

STEPHEN O. HEDSTROM

\_\_\_\_\_  
PRESIDING JUDGE

\_\_\_\_\_  
KRISTA D. LeVIER

\_\_\_\_\_  
COURT EXECUTIVE/CLERK  
JURY COMMISSIONER

March 20, 2015

Trial Court Budget Advisory Committee

Re: Item 3 Court-Appointed Dependency Counsel

Dear Committee Members:

We are writing to express our concern with the recommendation to reallocate Court-Appointed Dependency Counsel funding over the next four years, beginning in Fiscal Year 2015/16.

First, the attorneys in our County have signed multi-year contracts to provide dependency counsel services to our Court. These contracts are with the Judicial Council, as we participate in the DRAFT program. Given how close we are to the beginning of the next Fiscal Year, there is not enough time to renegotiate current contracts or go out to bid for new contracts.

The second concern is recruitment and retention of qualified attorneys. We are a small rural County and it is extremely difficult to recruit and retain experienced, qualified attorneys. Reducing the funding available for dependency counsel in our court will reduce the quality of representation to children and parents.

Lastly, it seems pre-mature to make such drastic reductions in funding allocations based on a funding methodology that is outdated and scheduled to be reviewed. We urge you to wait to make any allocation decisions until such time as the funding methodology can be reviewed and validated. Thank you for your time.

Sincerely,

Handwritten signature of Stephen O. Hedstrom in cursive.

Stephen O. Hedstrom  
Presiding Judge

Handwritten signature of Krista LeVier in cursive.

Krista LeVier  
Court Executive Officer



Superior Court of California  
COUNTY OF ALAMEDA

Executive Office  
René C. Davidson Courthouse  
1225 Fallon Street, Oakland, CA 94612  
Telephone: (510) 891-6012

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## Memorandum

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<b>Date:</b>	March 20, 2015	<b>Action Requested:</b>	Review and accept other changes
<b>To:</b>	Members of the Trial Court Budget Advisory Committee	<b>Deadline:</b>	March 20, 2015
<b>From:</b>	Winifred Y. Smith, Presiding Judge 	<b>Contact:</b>	wsmith@alameda.courts.ca.gov Ph: (510) 891-6040
<b>Subject:</b>	Dependency Counsel Caseload Funding Recommendation		

Dear Members of the Trial Court Budget Advisory Committee:

As you know, I participated in the Court Appointed Dependency Counsel Working Group that generated the recommendation being considered as Item 3 on your March 23, 2015, agenda, Court-Appointed Dependency Counsel Allocation. My comment pertains to a narrow issue not directly addressed by either the Working Group or the recommendations being considered, and specifically relates to Recommendation 8:

*That a joint working group of the Trial Court Budget Advisory Committee and the Family and Juvenile Law Advisory Committee be established to review the caseload funding model for court appointed dependency counsel*

No timeframe for the establishment and activity of the joint working group is articulated; in my view, the working group must be convened immediately and must conclude its work in time to inform the planned FY 15-16 reallocation. To institute a reduction of the magnitude proposed, 20 percent, based on data that has not been updated since 2007, would be unwise and unfair. Updated data may result in a very different picture of funding need, necessitating a reallocation in FY 16-17 simply to correct what was done the previous year. Further, irrespective of the impact on any particular court or courts, sound public policy suggests that, if current data is available (which it is), that data should be used as the basis for any allocation methodology.

cc: Leah T. Wilson, Executive Officer

WYS/LTW/gal

**From:** [Krekorian, Kenneth](#)  
**To:** [TCBAC](#)  
**Subject:** Committee Meeting of March 23, 2015-Action Item 3  
**Date:** Friday, March 20, 2015 1:30:24 PM

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Judge Earl and Members of the Trial Court Budget Advisory Committee:

I am the Executive Director of Los Angeles Dependency Lawyers. Los Angeles County is identified as an underfunded county. Our Base/CFM is presently at 57.4%. As a result of being significantly underfunded, our caseload/workload is significantly higher than most of the state. As the county with the largest child and parent dependency population the effect of continued underfunding on clients and our attorneys has been extremely negative. Outcomes for children and the families have been negatively affected.

I have read the Summary and Recommendations of the TCBAC Subcommittee on Juvenile Dependency Representation and dependency funding, specifically Item 3, 'Court Appointed Juvenile Dependency Counsel Funding Allocation (Action Item).' After review of Item 3's analysis, I support the recommendations, specifically recommendations 1-7 included in the report. I believe the way in which the reallocation of existing dependency funding is being proposed is fair and properly measured. It allows the overfunded counties to have funding slowly reduced to the appropriate level, allowing them to gradually adjust to the change, and, at the same time, it immediately begins giving the needed relief to the underfunded counties starting with this next fiscal year.

Resolution of all of the issues contained in Recommendation 8 are, in themselves, critical to the health of dependency representation. I request the recommendation that a joint working group be immediately formed to consider the questions posed in this recommendation be approved. Eight a.- c. of this recommendation must be immediately reviewed. In Los Angeles County there is a huge inequity of salaries between attorneys in the government sphere and dependency child and parent lawyers. I have heard this is also a state-wide issue. In Los Angeles salaries for government lawyers start out about 15% higher than dependency lawyers and within a year can rise to as much as 40% higher. Thereafter, the salary and benefit differential widens further. Something must be done to reach one of the Blue Ribbon Commission's goals of making dependency representation attractive enough so that attorneys who enter the employment of dependency representation then wish to make it their career goal.

Thank you, for your consideration.

Kenneth Krekorian

**From:** [Cheryl Hicks](#)  
**To:** [TCBAC](#)  
**Subject:** Item 3, court Appointed Dependency counsel funding allocation  
**Date:** Friday, March 20, 2015 12:13:21 PM

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Members of the Committee:

I am the executive director of Juvenile Dependency Counselors, (JDC), and we are contracted to provide representation to parents, legal guardians and conflict minors for the Alameda County Superior Court. We at JDC were surprised to find out our county is considered overfunded for dependency representation. Our contract began in 2010 and at that time we were instructed that the new funding for dependency representation would be reduced by ten percent. Our attorneys all took cuts in pay to continue provide representation to the families of Alameda County. We have received no increases in our contract amount since its inception. Our attorneys are paid far less than their counter parts with similar experience and training. Most are forced to supplement their income from other sources.

We were also deeply disturbed by the budgetary numbers provided to us recently that show how poorly funded other counties in California are for dependency representation. Therefore we support the recommendations that all unspent funds be reallocated to counties in crisis, all new monies be reallocated to first serve counties with the greatest need, and the creation of a working group and development of new funding methodology.

We want to join with our colleagues and encourage the committee to seek proper funding for all California counties so that each party in a juvenile dependency case, parents and children, receives the quality representation they are statutorily entitled to. This cannot be achieved by the adoption of the four year plan proposed in the report.

Additional funding for court appointed dependency representation must be allocated.

Thank you for your time and attention.

Cheryl Hicks  
President/Executive Director  
Juvenile Dependency Counselors  
Sent from my iPad



# Children's Law Center of California

Excellence In Advocacy

March 20, 2015

Trial Court Budget Advisory Committee  
Judicial Council of California  
Attn: Bob Fleshman  
tcbac@jud.ca.gov

*SENT VIA ELECTRONIC MAIL*

**RE: Court Appointed Juvenile Dependency Counsel Funding Allocation**

Dear Honorable Members:

Children's Law Center of California ("CLC") submits this statement in support of the recommendations of the Court Appointed Dependency Counsel Funding Allocation Work Group ("the work group") of the Trial Court Budget Advisory Committee. We also want to recognize the commitment and diligence demonstrated by the work group since its creation in the fall of 2014. The steps being recommended today to address the highly troubling inequities in dependency counsel funding are critical to securing a permanent solution to this longstanding problem.

By way of background, CLC, formerly known as Dependency Court Legal Services, was founded in 1990 as a non-profit public interest law corporation designed to serve as dependency court appointed counsel for parents and children. In an effort to improve the quality of legal representation for children, the Los Angeles County Superior Court created a policy designating CLC as the first choice for representation of children. Accordingly, CLC focused on representing children in abuse and neglect proceedings and improved resources tailored to that goal. In 2011, CLC expanded to Sacramento, where we now also represent the foster children of Sacramento County. With a staff currently numbering over 275, CLC serves as the "voice" for over 32,000 abused and neglected children in California.

**Support for Equitable Distribution According to Workload**

With inadequate funding and in some counties unconscionably high caseloads, court appointed dependency counsel throughout California are struggling to meet their legal mandates. Currently, 30 counties do not receive sufficient funding to meet even the *maximum* American Humane Society caseload recommendation of 188 clients per attorney. In many of these counties, including Los Angeles, dependency attorneys are representing more than 300 clients each. This is a travesty of justice for the families involved in the foster care system. Without access to high quality legal representation, children have no voice, their trauma is compounded and the promise of a fair and just legal system is broken.

To address this critical issue, the work group has recommended that the current funds earmarked for California's court appointed dependency counsel be reallocated and distributed according to workload. The recommendation suggests a 4-year implementation plan, which will eventually provide

each county with 75.7% of the funds needed to achieve the target attorney caseload of 188 cases per attorney. CLC supports this recommendation and plan for implementation.

Undoubtedly there will be opposition to the recommendation. Reliance on historical allocations has resulted in huge discrepancies in caseloads throughout California. In addition, the entire allocation for California's court appointed dependency counsel is significantly less than the demonstrated need. While we sympathize with those counties who will, without new funding, suffer reductions, there is no way to reallocate pursuant to workload without decreasing certain distributions. Any "solution" that does less for the most impacted counties than what is proposed today or that relies exclusively on new money is not a solution.

We understand this will result in difficult adjustments for some counties. In fact, according to the estimates in the work group's recommendation, funds allocated for CLC in Sacramento will be decreased as a result of the reallocation.<sup>1</sup> However, the plan to implement over a period of 4 years allows us time to plan and adjust for these changes. Furthermore, without an increase in overall funding, there is no other way to address the dire caseload crisis impacting many California counties. The work group recommendation is the most equitable methodology of distributing the funds that exist today. Consistent with a fair and just state wide judicial system, counties throughout the state must equally share the burden of the shortfall in funding.

### **The Work Group's Recommendations Should be Adopted Forthwith**

There has been a suggestion that the Trial Court Budget Advisory Committee hold off on implementation of the work group's recommendations. We strongly oppose any delays for several reasons. First, the current situation should not be sustained. A difference of over 200 clients per attorney in similarly structured organizations is not justifiable. Crushing caseloads in Los Angeles and other underfunded counties, for example, have forced attorneys to take a triage approach to representation, jeopardize compliance with federal time lines and are causing experienced attorneys to seek employment elsewhere. Interestingly, it is not low pay – but rather the frustration and stress of not being able to meet their legal and ethical mandates and responsibilities is the number one reason given for resignation.

Second, and importantly, both the Executive and Legislative branches have made it clear that until there is a demonstrated commitment to reducing the current inequities it is highly unlikely that the overall shortfall in court appointed dependency counsel funding will be addressed through the state budget process. For the past two years, CLC has asked the Legislature and Governor Brown to increase the current allocation by \$33.4 million so that the goal of 188 clients per attorney can be actualized. We are consistently asked about the current inequities in distribution, and have been told that the requested increase is extremely unlikely unless and until this issue is resolved. Thus, we strongly urge the Trial Court Budget Advisory Committee to act now.

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<sup>1</sup> CLC's does note that our data as to the Sacramento caseload differs from the data presented in Attachments 1 and 2. See Areas for Additional Consideration #3 below.

### **Areas for Additional Consideration**

1. *The importance of the Judicial Council's Commitment to Increase the Overall Allocation to \$137.1 Million as recommended by the Chief Justice cannot be overstated.*

Though the recommendation acknowledges that the goal of 188 clients per dependency attorney cannot be met without an overall allocation of \$137.1 million; there is no suggestion to provide any increase to the allocation without a specific increase in the state budget. We urge the Judicial Council will consider a commitment to increase the allocation *regardless* of the actions of the state. We also urge the Judicial Council to continue to work closely with Legislative and Executive Branches to ensure that the need for an increased allocation gets the attention it deserves.

2. *Remove Any Suggestion that the Current Proposal Would Fulfill "100% Need" of Any County*

Throughout the recommendation and in the attachments, there are notations which indicate that at the conclusion of the 4 year plan counties will be funded at "100% need." This nomenclature is misleading, as it suggests that the methodology will eventually address the overall shortage in funding. While we understand that this refers to the proportions/percentages of base funding and percentage of need funding the wording can be easily misunderstood to mean that 100% of actual need rather than 75.7% of need will be met. This confusion has the potential to unintentionally disrupt current efforts to increase the allocation in the state budget.

3. *Ensure Data Accurately Represents Dependency Cases in Each County*

Several agencies have expressed concern over the data reflected in the charts. We share these concerns, as the Sacramento County data regarding court-supervised cases is not consistent with our current numbers. This data and the method for determining the workload must be revisited and clarified, ideally with vendor/stakeholder input prior to implementation, as a plan to distribute equitably according to workload must presume accurate data. This need for corrected data should not be a bar to approving this proposal.

In sum, CLC respectfully requests that the recommendations of the work group be adopted and implemented over the next four years. CLC would like to thank the Trial Court Budget Advisory Committee for their hard work and for this proposal. I will be in attendance at Monday's meeting and look forward to answering any questions that you might have.

Sincerely,



Leslie Starr Heimov  
Executive Director