



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: June 26, 2015

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Title	Agenda Item Type
Budget: Fiscal Year 2016–2017 Budget Requests for Trial Courts	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	June 26, 2015
Recommended by	Date of Report
Trial Court Budget Advisory Committee, Hon. Laurie Earl, Chair	June 16, 2015
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### Executive Summary

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve the proposed fiscal year 2016–2017 budget requests for the trial courts. Submittal of budget change proposals (BCPs) is the standard process for proposing funding adjustments in the State Budget. This year, the BCPs are to be submitted to the state Department of Finance by September 2, 2015.

### Recommendation

The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective June 26, 2015, approve the preparation and submission of fiscal year (FY) 2016–2017 budget change proposals to the state Department of Finance for the trial courts for the following programs and needs, which appear below in no particular priority. The order of priority will be presented to the council at its August 21, 2015 meeting:

- Funding for trial courts at 80 percent of their Workload-Based Allocation and Funding Methodology need;

- Cost-of-living adjustment for trial court employees consistent with increases to be provided to executive branch employees;
- Technology (individual items to be included in this request will be determined by the Court Technology Advisory Committee and the Judicial Council Technology Committee);
- Court-appointed dependency counsel;
- New Judgeships (Assem. Bill 159; Stats. 2007, ch. 722);
- Increased costs for new facilities; and
- Implementation of Language Access Plan.

### **Previous Council Action**

The Judicial Council has the statutory authority to approve budget requests on behalf of the trial courts. The recommendation in this report is consistent with the council's past practice under this authority.

### **Rationale for Recommendation**

From FY 2005–2006 through FY 2007–2008, the trial courts received new funding from the state General Fund based on the percentage change in the state appropriations limit (SAL). As a result, few trial court BCPs were submitted to the state Department of Finance (DOF) during that time. With the worsening of the fiscal situation in FY 2008–2009, the SAL was suspended for the trial courts and, instead, new court funding was approved based on the lower Consumer Price Index. Beginning in FY 2009–2010, the Legislature suspended formula-based funding increases for all state-funded entities. While the SAL has not been reinstated, the May Revision to the 2015 Governor's Budget includes a 5 percent increase in the trial court support appropriation (Program 45.10) in 2015–2016, the second year of a two-year funding approach approved by the Legislature in FY 2014–2015. At the time of this report the DOF has given no indication that a 5 percent increase in the trial court support appropriation will continue into 2016–2017.

### **Statewide BCP priority development**

In order to generate a discussion of potential FY 2016–2017 statewide BCP priorities, the chair of the Trial Court Budget Advisory Committee (TCBAC) sent a survey to the TCBAC members requesting that they provide input regarding statewide budget needs of the trial courts for FY 2016–2017. Members were asked to rank the following seven proposed BCP priorities and then to provide and rank any three additional priorities they may have.

1. Modernization of case management systems including a solution for the V3/Sustain courts
2. E-filing implementations
3. Document management systems
4. Increased costs for new facilities (custodial/IT infrastructure/security)
5. New judgeships (AB 159)
6. Implementation of Language Access Plan

## 7. Dependency counsel

Responses were received from a majority of the TCBAC members. Judicial Council staff reviewed the responses and provided the results to the TCBAC. The TCBAC met on May 18, 2015, and discussed the results of the survey and other priorities suggested by their members. The results of these discussions are described below.

### **BCPs recommended for Judicial Council approval**

The seven programs listed below are recommended for consideration by the Judicial Council for submission of BCPs. They are not listed in order of priority. The TCBAC will meet again, subsequent to this Judicial Council meeting, to discuss and recommend a priority for the programs that are approved for BCPs, to be presented to the council at its August 21, 2015 meeting. The seven programs were approved unanimously by the TCBAC.

- ***Funding for trial courts at 80 percent of their Workload-Based Allocation and Funding Methodology (WAFM) funding need (\$TBD)***. The WAFM provides a budget development and allocation process for annual state trial court operations funds. It's based on a three-year rolling average of filings and takes into consideration variations in case types and court resources needed for those various case types. The annual estimates produced by the Resource Assessment Study model identify different funding needs across courts based on workload composition (e.g., workload-intensive felony cases are weighted more heavily than infractions cases) and filing patterns over time. It provides an equitable basis for determining funding levels to support trial court functions and help the state's most under-resourced courts. The proposal would request 80 percent of the difference between the amount of funding needed by the courts based on the WAFM and the trial court base funding.
- ***Cost-of-living adjustment for trial court employees consistent with increases to be provided to executive branch employees (\$TBD)***. Executive branch agencies have received funding to provide for a 2 percent salary increase to their employees in the current fiscal year and are slated to receive an additional 2.5 percent in 2015–2016. This proposal would request a similar increase for trial court employees.
- ***Technology (\$TBD)***. This proposal will be coordinated in consultation with the Judicial Council Technology Committee and the Court Technology Advisory Committee to address the technology needs of the trial courts for FY 2016–2017.
- ***Court-appointed dependency counsel (\$TBD)***. In FY 2014–2015, the base budget for court-appointed dependency counsel is \$103.7 million. The need based on the current workload model is \$137.1 million—an ongoing need of \$33.4 million in new funding to address the costs for court-appointed counsel for parents and children. The new funding would enable the reduction of caseloads from the current rate of 250 clients per attorney to 188. The American Bar Association recommends 100 clients per attorney. If new

funding is provided through the 2016 Budget Act, it would be allocated as approved by the Judicial Council at its April 17, 2015 meeting, to courts with a ratio of historical base funding to workload-based funding that is below the statewide ratio of total base funding required to meet the workload standard. Adequately funding effective counsel for parents and children has resulted in numerous benefits both for the courts and for children in foster care. Effective counsel can ensure that the complex requirements in juvenile law for case planning, notice, and timeliness are adhered to, thereby reducing case delays and improving court case processing and the quality of information provided to the judge. Unnecessary delays also result in children spending long periods of time in foster care, a situation that has improved greatly in the past few years through the courts' focus on effective representation and adherence to statutory timelines.

- ***New Judgeships (AB 159) (\$TBD)***. While the second of three sets of 50 judgeships were authorized by the Legislature in Assembly Bill 159 (Stats. 2007, ch. 722), the funding was not appropriated and the judges were never appointed. At the time of this report the 2015–2016 Budget Conference Committee has approved \$7.8 million for new judgeships, which removes funding for court security costs from the \$10 million that the Senate Subcommittee No. 5 on Corrections, Public Safety and the Judiciary had approved earlier. The legislature has also added budget bill language to require the trial courts to place the new judges in courtrooms that were active at the time of 2011 Criminal Realignment Act but then subsequently closed, since these counties were already provided funding for the security detail for these judgeships.

This proposal would take the results of the final Budget Act into consideration. It will request additional new judges and funding for much-needed court support staff, both inside and outside the courtroom. The most current judicial needs assessment, which was presented to the Judicial Council in December 2014, showed a need for 270 new judges. That assessment was based on filings data for the period FY 2010–2011 through FY 2012–2013. While statewide filings have been declining, the decline (5% since the 2012 Judicial Needs Assessment) has tended to be in the types of cases that take less judicial time to adjudicate. Having sufficient judgeships is an important part in ensuring access to justice for the citizens of the state.

- ***Increased costs for new facilities (\$TBD)***. This proposal would be address increased facility operating costs (operations and maintenance, utilities, and insurance) and would be coordinated in consultation with the Trial Court Facility Modification Advisory Committee.
- ***Implementation of Language Access Plan (\$TBD)***. At its January 22, 2015 meeting, the Judicial Council adopted the *Strategic Plan for Language Access in the California Courts* (Language Access Plan) as presented by the Joint Working Group for California's Language Access Plan. The proposed BCP, as approved by the Language Access Plan Implementation Task Force at its April 29, 2015 meeting, would request funding to

implement provisions of the Language Access Plan including (a) expanding interpreter services into all civil proceedings, (b) providing training for interpreters on civil cases and remote interpreting and for signage in the courthouse regarding availability of the services, (c) providing on-site trial court support for language access, and (d) implementing a pilot program for video remote interpreting.

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

While this item was not circulated to the public for comment, prior to submitting this report to the Judicial Council the TCBAC members were surveyed as to what they believed the statewide trial court budget priorities were for FY 2016–2017. As part of that survey process, TCBAC members suggested funding for a number of alternative priorities, such as psychiatric evaluations and transcriptions, unfunded security costs and increases for locally retained security services, self-help centers, locally funded court facility leases, the third set of new judgeships, and backfill of unfunded employee benefits. A few of the alternatives were folded into the recommended priorities—statewide COLAs for court staff, technology (the BCP, if approved, may incorporate a number of initiatives), court facilities, and court reinvestment (providing funding to bring courts to a certain percentage of the WAFM funding need). Discussion at the meeting focused primarily on those programs that received the highest ranking overall, which did not include the items identified as alternatives.

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

Not applicable. This item requests the funding to address any increased costs that would be incurred to implement the proposals.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

The funding proposals requested for the trial courts will address the strategic plan goals of Access, Fairness, and Diversity (Goal I); Independence and Accountability (Goal II); Modernization of Management and Administration (Goal III); and Branchwide Infrastructure for Service Excellence (Goal VI).