



NEWS RELEASE

Release Number: 44

Release Date: August 26, 2011

JUDICIAL COUNCIL OF
CALIFORNIA
ADMINISTRATIVE OFFICE
OF THE COURTS
Public Information Office
455 Golden Gate Avenue
San Francisco, CA 94102-3688
www.courtinfo.ca.gov

415-865-7740

Lynn Holton
Public Information Officer

Judicial Council to Consider New Fees To Help Courts Cope with Budget Cuts

Other Actions Taken at Public Business Meeting

San Francisco—At a public meeting today, the Judicial Council voted to consider new statewide fees or fee increases that may be recommended to the Legislature to help offset the severe reductions in state funding for California's 58 trial courts.

In a related action, the Judicial Council voted that its top budget priority will be to seek restoration of some level of the unprecedented \$350 million budget reduction in the judicial branch budget for fiscal year 2011–2012. The budget cut by the Governor and Legislature was the deepest budget reduction in state court history.

Today's council action on court fees followed a lively discussion of a request by the Bar Association of San Francisco to amend a statewide rule of court (rule 10.815) to authorize trial courts to establish a new fee for the appearance of each attorney at a case management conference in a complex civil case. The fee was intended to provide additional funding to trial courts.

The Judicial Council did not approve that proposal, because amending rule 10.815 as requested would likely be inconsistent with statute. But the Legislature could enact the fee by statute. The council's vote was 16 to 1, with one member abstaining.

Rule 10.815 implements Government Code section 70631, which authorizes courts to charge a reasonable cost-recovery fee for providing a service or product in the absence of a statute or rule authorizing or prohibiting a fee for the particular service or product, if the Judicial Council approves the fee.

“The Legislature has addressed fees for complex cases and case management conferences, and amending rule 10.815 as requested would be inconsistent with statute,” according to the report considered by the council. The complete council report is available online at <http://www.courts.ca.gov/documents/082611newitem.pdf>.

In other actions, the Judicial Council took the following actions:

Budget Proposals for Fiscal Year 2012–2013: Approved proposed fiscal year 2012–2013 budget requests for the Supreme Court, Courts of Appeal, trial courts, and Judicial Council/Administrative Office of the Courts. A priority of the budget requests will be to seek restoration of judicial branch funding in the current fiscal year. Development and transmittal of budget change proposals is the standard process for proposing funding adjustments. This year, the BCPs will be submitted to the state Department of Finance by its September 12, 2011, deadline.

Criminal Justice Funds for Trial Courts: Approved the allocation of \$17.689 million in operational funding and \$1.149 million in court security-related funding contained in the Budget Act of 2011 (Stats. 2011, ch. 33). This will address the increased workload of the trials court as a result of the passage of the Criminal Justice Realignment Act of 2011.

Special Funds for Trial Courts: Approved a recommendation to allocate \$7.4 million to trial courts for the replacement of personal computers and printers, and also authorizes courts to redirect these funds to offset the impact of budget reductions this fiscal year, as deemed necessary by each court. The council has the statutory authority to allocate funding from statewide special funds for projects and programs that support the trial courts.

Trial Court Audit Reports: At the recommendation of the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch, the council accepted four audit reports on the financial practices and operations of the Superior Courts of Amador, Imperial, Inyo, and Sonoma Counties. This complies with the policy approved last year that specifies Judicial Council acceptance of audit reports as the last step to finalizing the reports, before they are posted to the California Courts public Web site. The audit reports are now posted online at <http://www.courts.ca.gov/12050.htm>.

Judicial Branch Contracting Manual: Adopted a *Judicial Branch Contracting Manual* that addresses the procurement of goods and services by judicial branch entities effective October 1, 2011, and that the AOC continue to collaborate with a working group and present any additional proposed amendments to the manual to the council for consideration in December. Public Contract Code (PCC) section 19206 requires the council to adopt a manual that sets forth policies and procedures that are consistent with the PCC and

substantially similar to the provisions contained in the *State Administrative Manual* and the *State Contracting Manual*.

Court Facilities Modification: Approved a budget of \$30 million for statewide court facility modifications and planning in fiscal year 2011–2012, which reflects the current legislatively authorized funds for this purpose. The majority of the funding approved, \$22.5 million, will cover unplanned disruptions and emergencies in court facilities, such as fires and floods. The council also adopted a prioritized list of facility modifications, which ranks hundreds of needed facility modifications according to their relative criticality and necessity.

Subordinate Judicial Officers: Authorized two positions for subordinate judicial officers (SJOs) at the Superior Court of San Bernardino Court, in accordance with Government Code section 71622(a). These positions will improve access to justice in San Bernardino, which has a court workload for subordinate judicial officers that exceeds its current authorized SJOs plus a demonstrated need for more judicial officers. These positions will replace two existing hearing officer positions in the court; the court will pay for the cost out of its budget.

Kleps Awards for Trial Courts: Recipients of the Ralph N. Kleps Award for Improvement in the Administration of Justice were profiled for the Judicial Council. The Kleps Award is given annually to court programs that are innovative, transferable to other courts, and that have demonstrated results. In 2010–2011, seven programs were chosen for the award from a field of 16 nominations.

The council agenda and meeting materials are available at
<http://www.courts.ca.gov/documents/age20110826.pdf> .

-#-

The Judicial Council is the policymaking body of the California courts, the largest court system in the nation. Under the leadership of Chief Justice Tani Cantil-Sakauye, and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts carries out the official actions of the council and ensures leadership and excellence in court administration.