

**Trial Court Budget Advisory Committee**  
**AOC San Francisco Office – Judicial Council Boardroom**  
**Minutes for Meeting of January 16, 2014**

**Trial Court Budget Advisory Committee members present:** Judge Laurie M. Earl, Co-Chair, Zlatko Theodorovic, Co-Chair, Judges Loretta M. Begen, Thomas J. Borris, Rene A. Chouteau, C. Don Clay, Mark A. Cope, Thomas DeSantos, Barry P. Goode, Lloyd L. Hicks, Elizabeth W. Johnson, Laura J. Masunaga, Marsha Slough, Robert J. Trentacosta, Brian Walsh, and David S. Wesley; court executive officers Sherri R. Carter, Jake Chatters, Richard D. Feldstein, John Fitton, Rebecca Fleming, Kimberly Flener, Shawn C. Landry, Deborah Norrie, Michael D. Planet, Michael M. Roddy, Brian Taylor, Mary Beth Todd, Tania Ugrin-Capobianco, Christine M. Volkers, and David H. Yamasaki; advisory members present: Curt Soderlund.

**Members absent:** None

**Public Comment**

Ms. Annabelle Garay commented regarding item 3.

**Written Comments Received**

No written comments were received.

**Approval of Minutes**

The minutes were approved with the correction of Judge Goode's last name to include the "e".

**Update on Governor's Budget for 2014–2015**

Information only, no action taken.

**Item 1 – Allocation of TCTF Revenue from Two New Fees**

This item was removed from the agenda before the meeting.

**Item 2 – Allocation of Court-Appointed Counsel Fees Costs Recovered from Juvenile Court-Appointed Dependency Counsel Cases**

A motion was made and approved unanimously to allocate the full cumulative balance of \$2.3 million immediately to eligible courts so these courts may begin claiming reimbursement for costs incurred to reduce court-appointed attorney caseloads in dependency proceedings. The specific amounts allocable to each eligible court are provided in attachment A to the memorandum.

**Item 3 – Allocation of Domestic Violence—Family Law Interpreter Program Funding**

A motion was made and approved unanimously that the Judicial Council at its meeting on January 23, 2014, review the information provided in the report and adopt the prior year's methodology which focuses on funding of domestic violence matters and allocates based on prior year's expenditures and current year's request.

#### **Item 4 – Recommendations of the Realignment Subcommittee**

A motion was made and approved with one “no” vote to recommend to the Judicial Council that:

1. The method to distribute the allocation presented in Table 1 to the report be adopted. This methodology redistributes the remaining FY 2013–2014 realignment funding based on a combination of population (post-release community supervision [PRCS] and parole) and workload (measured as petitions to revoke/modify PRCS or parole).
2. Realignment allocations be made based solely on the data collected from the Criminal Justice Court Services Office and that no action related to the distribution of the remaining funding be taken at this time regarding the realignment expenditure survey. As in FY 2012–2013, courts that received more funding than needed, as reflected by the expenditure survey, would be allowed to keep the excess funding.
3. No action be taken related to the reserve funding at this time, but the funding could be used at the end of the year to true-up expenditures by the courts that spend more than they have received.

#### **Item 7 – Security Growth Funding for Courts with Marshals**

A motion was made and approved unanimously to defer action on this item for now. AOC staff was directed to discuss the issue and possible solutions with the Department of Finance. If no action occurred as a result of the discussions, the TCBAC would consider the issue of these two courts along with security growth issues affecting other courts, such as the Superior Court of Butte County.

#### **Item 5 – Recommendations of the Funding Methodology Subcommittee**

A motion was made and approved unanimously to present the following recommendations to the Judicial Council:

1. Starting with the Workload Allocation Funding Model (WAFM) that will be used to compute 2014–2015 allocation adjustments, use 3-year average for Bureau of Labor Statistics (BLS) adjustment for all courts as part of WAFM.
2. Create full-time equivalent (FTE) allotment floor for courts with less than 50 FTEs. The floor is the median BLS-adjusted average FTE allotment of courts with less than 50 FTEs.
3. Establish an absolute funding floor of \$750,000 (for 2014) and a graduated floor (for 2014–2015: \$875,000, \$1,250,000, or \$1,874,999), where the floor is based on the court’s WAFM funding need.
4. For courts whose WAFM-related funding level is below the absolute floor of \$750,000, fund them at the floor. For courts who would receive a graduated floor funding level, their allocation would be determined as follows: if the graduated funding floor for a particular court is less than the prior year allocation plus 10%, then apply the graduated

funding floor. If the graduated funding floor is greater than the prior year's allocation plus 10%, then the higher of two amounts is applied: 1) the prior year's allocation plus 10%; or 2) the court's allocation if no floor were applied.

A motion was made and approved unanimously to make the following recommendation to the Judicial Council. (The original recommendation was amended to change the second "2014–2015" to 2015–2016".)

5. Courts should receive the same level of funding from the \$4 million State Trial Court Improvement and Modernization Fund allocation for the complex civil litigation program in 2014–2015 as they did in 2013–2014. Starting in 2015–2016, the allocation of the \$4 million should use a different methodology. The new allocation methodology should address the inequities of the current methodology.

A motion was made and approved with six "no" votes to approve the following recommendation to the Judicial Council with an amendment that changed "death penalty" to "special circumstances":

6. Recommend to the council that they direct the SB 56 Working Group to study special circumstances cases in their next round of updates and direct the Court Executives Advisory Committee to work with the SB 56 Working Group to determine how best to collect the data necessary to support the study and, when a determination is made, the council should direct the trial courts to start reporting such data.

#### Mendocino Funding Issue

Judge Earl recommended, and the members agreed, that the Mendocino issue (which involves including a factor in WAFM for additional funding for any court that has such a significant population center living in a remote and challenging geographic area that the court is not able to provide reasonably adequate court services to the entire population) be directed to the Funding Methodology Subcommittee for consideration.

#### **Item 6 – Preliminary Recommendations of the Revenue and Expenditure Subcommittee**

The Revenue and Expenditure Subcommittee sought a preliminary endorsement of the TCBAC on a number of allocation recommendations from the Trial Court Improvement and Modernization Fund (IMF) and the Trial Court Trust Fund (TCTF), with the understanding that the subcommittee would meet again before final recommendations were presented to the TCBAC on some of these items.

A motion was made and approved unanimously to approve the following recommendations:

#### FY 2013–2014 Allocation

2. Allocate \$719,749 from the IMF for Workers' Compensation Reserve to pay for liabilities associated with workers' compensation tail claims of trial court employees who were formerly employees of Sacramento County. The county requested payment only after the council meeting in August 2013.

FY 2014–2015 Allocation

3. Decrease of \$9,000 for CFCC Educational Programs to \$90,000 from IMF (due to typo in materials).
4. Decrease of \$229,000 for Judicial Partner Outreach/e-Services to \$385,602 from IMF (due to unfilled positions).
5. Decrease of \$800,000 for California Court Protective Order Registry to \$701,914 from IMF (related to not funding optical character recognition functionality).
6. Decrease of \$2.9 million for Data Integration to \$4.086 million from IMF (revised estimated need for 2014–2015).
7. Decrease of \$625,000 for Enhanced Collections to \$0 from IMF and move all costs to the TCTF.
8. Elimination of EAP for Bench Officers to \$0 (savings of \$47,448) from IMF.
9. Increase of \$100,000 for JusticeCorps to \$347,550 from IMF (due to typo in materials).

A motion was made and approved unanimously to approve the following recommendations:

11. To determine the feasibility of funding all statewide IT programs and projects for trial courts from the IMF instead of both the IMF and TCTF, request the AOC to identify the operational impacts of moving the costs of ITSO-related programs/projects funded by the TCTF to IMF and not transferring \$20 million from the IMF to TCTF.
12. Recommend that the Technology Committee develop a plan to eventually eliminate subsidies from the TCTF and IMF to courts for V3 (civil, small claims, probate, and mental health) case management system and Sustain Justice Edition costs.

A motion was made and approved unanimously to defer action by the advisory committee at this time on preliminary recommendations 1 and 10 which deal with funding of Telecommunications Support in FY 2013–2014 (1.) and FY 2014–2015 (10.). Judge Earl will discuss with Judge Trentacosta and Sherri Carter rescheduling of the items for consideration by TCBAC.