



JUDICIAL COUNCIL  
OF CALIFORNIA

TRIAL COURT BUDGET  
ADVISORY COMMITTEE

[www.courts.ca.gov/tcbac.htm](http://www.courts.ca.gov/tcbac.htm)  
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TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

June 2, 2015

3:00 p.m. to 5:00 p.m.

Conference Call

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**Advisory Body Members Present:** Judges: Laurie M. Earl (Chair), Jonathan Conklin, Mark A. Cope, Thomas DeSantos, Gregory Gaul, Dodie Harmon, Elizabeth W. Johnson, Carolyn Kuhl, Cynthia Ming-mei Lee, Marsha Slough, and Winifred Younge Smith; Executive Officers: Alan Carlson, Sherri R. Carter, Jake Chatters, Richard D. Feldstein, Rebecca Fleming, Jose Guillén, Shawn C. Landry, Michael M. Roddy, Mary Beth Todd, Kim Turner, Christine M. Volkens, and David Yamasaki; Judicial Council staff advisory members: Jody Patel, Curt Soderlund, and Zlatko Theodorovic.

**Advisory Body Members Absent:** Judges: Thomas Borris, Barry Goode, Lesley Holland, Paul Marigonda; Executive Officers: Kimberly Flener, Stephen Nash, and Deborah Norrie; Judicial Council staff advisory members: None.

**Others Present:** Judges: Lorna Alksne, Judicial Council staff: Lucy Fogarty, Steven Chang, Leah Rose-Goodwin, Deana Farole, and Vicki Muzny.

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OPEN MEETING

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**Call to Order and Roll Call**

The meeting was called to order at 3:03 p.m. and roll was taken.

**Approval of Minutes**

The advisory body reviewed and approved the minutes of the May 18, 2015 Trial Court Budget Advisory Committee (TCBAC) meeting.

**Public Comment**

None.

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**DISCUSSION AND ACTION ITEMS (ITEMS 1-2)**

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**Item 2**

**Complex Civil Caseweight**

***Action: This was an information item with no action taken. Judge Alksne opened the discussion and then Deana Farole described the process used to develop the caseweight. They pulled together a group of court staff from the 10 courts with the highest volume of complex civil cases. The group talked about how the workload for complex civil differed from unlimited civil. Deana reviewed the assumptions and the adjustments that were made to the unlimited civil caseweight to reflect the workload required for a complex civil case. She stated that the interim complex civil caseweight is 2,271 minutes. This interim caseweight recommendation will be presented to the Judicial Council at its June 26, 2015 meeting. The Workload Assessment Advisory Committee will also recommend that the interim caseweight be reconsidered next year when they will have some preliminary data available from the next caseload study.***

**Item 1**

**Guidelines for the State Trial Court Improvement and Modernization Fund (IMF) and the Trial Court Trust Fund (TCTF)**

**There was a lengthy discussion on this item with multiple motions made and acted upon. They are indicated below with reference to the Guidelines which are attached to these minutes.**

***Action:***

- 1. A motion was made and passed unanimously to add the words “to Judicial Council staff” both at the end of the title of the document and in the first sentence of section 1.0.***
- 2. A motion was made and passed unanimously to add the phrase “and GF monies that support trial court projects and programs” in sections 2.0, 6.3, 7.1, and 7.2 of the guidelines.***
- 3. A motion was made and passed with three “no” votes, to delete the words “Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch” and substitute “TCBAC” in sections 2.0, 6.3, and 7.2. The motion also deleted the word “odd” in sections 2.0 and 7.2 and the word “two” in section 7.2. Finally, the motion deleted the words “and provided to the TCBAC for informational purposes” at the end of section 7.2.***
- 4. A motion was passed unanimously to make the following changes to section 4.0 of the guidelines: (a) change the title of the section to “Allocations and Expenditures”; (b) in the first sentence, add the words “to the Judicial Council”; (c) in the second sentence, add the words “and expenditures from the GF that support trial court projects or programs”, delete the words “to the Judicial Council”, and add the words “and expenditures”.***
- 5. A motion was passed with one “no” vote to present the guidelines as amended to the Judicial Council for their consideration at the June 26, 2015 council meeting.***

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**ADJOURNMENT**

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There being no further business, the meeting was adjourned at 5:00 p.m.

Approved by the advisory body on July 6, 2015.

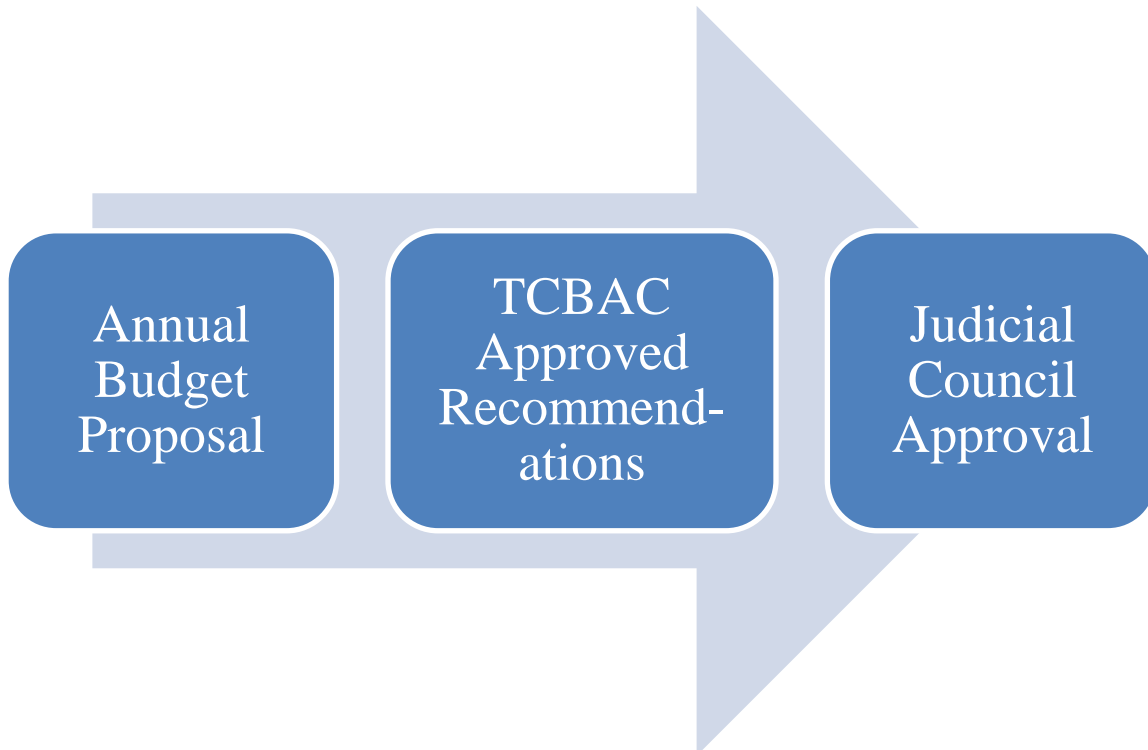
1                   **FY 2015–2016 State Trial Court Improvement and Modernization**  
2                   **Fund and Trial Court Trust Fund Expenditure Guidelines to Judicial Council**  
3                   **Staff**  
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5                   **1.0 Purpose**

6                   This document provides guidelines to Judicial Council staff for appropriate expenditure of the  
7                   allocations approved by the Judicial Council from the State Trial Court Improvement and  
8                   Modernization Fund (IMF) and the Trial Court Trust Fund (TCTF) as well as General Fund (GF)  
9                   monies that support trial court projects and programs. These guidelines will be effective from July  
10                  1, 2015 through June 30, 2016. Revised guidelines that will become effective in fiscal year 2016–  
11                  2017 will be developed by the Trial Court Budget Advisory Committee (TCBAC) for approval by  
12                  the Judicial Council. The guidelines shall be subject to ongoing review by the TCBAC.  
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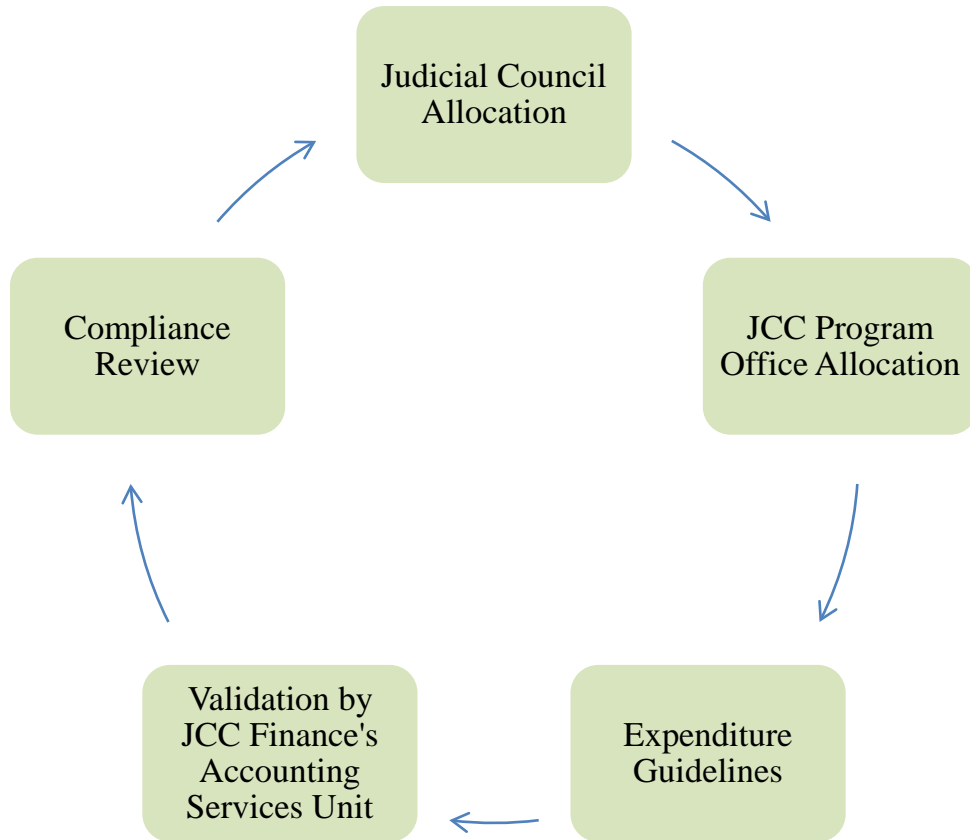
14                  **2.0 Summary**

15                  On an annual and as needed basis, the TCBAC shall recommend to the Judicial Council how  
16                  spending to support the trial courts will be allocated from the IMF and TCTF as well as how GF  
17                  monies that support trial court projects and programs will be expended. In developing annual  
18                  allocation proposals to be considered by the TCBAC, Judicial Council offices managing a project  
19                  or program shall identify the General Fund (GF), IMF, and/or TCTF monies that will be used for  
20                  each project or program. The Judicial Council will approve how the monies in these state funds are  
21                  allocated.  
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Each JCC office managing a project or program will ensure that all expenditures are consistent with the guidelines herein provided. The JCC Finance's Accounting Services Unit will validate all expenditure requests before approving for payment. JCC Finance budget staff will prepare and submit to the TCBAC's Revenue and Expenditure Subcommittee an annual report regarding prior year expenditure and encumbrance of IMF and TCTF monies and GF monies that support trial court projects and programs that includes by project or program: a) the allocation amount recommended by the TCBAC; b) the Judicial Council approved allocation amount; c) expenditures; and d) encumbrances. The TCBAC will perform compliance reviews every year to ensure all expenditures made by JC staff were consistent with the Judicial Council's guidelines.



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43 **3.0 Fund Descriptions**

44 **3.1 State Trial Court Improvement and Modernization Fund**

45 Government Code section (GC) 77209 was amended by Senate Bill 1021 (Stats. 2012, ch. 41)  
46 reflecting the creation of a successor fund – the State Trial Court Improvement and Modernization  
47 Fund – to the Trial Court Improvement Fund and the Judicial Administration Efficiency and  
48 Modernization Fund. GC 68502.5 provides for the allocation of funds in the IMF to ensure open  
49 and equal public access to the trial courts, to improve trial court operations, and to address trial  
50 court emergencies. In addition, GC 77209 states moneys in the fund may be expended to  
51 implement trial court projects approved by the Judicial Council and expenditures may be made to  
52 vendors or individual trial courts that have the responsibility to implement approved projects. Per  
53 GC 68085, the Judicial Council may authorize the direct payment or reimbursement or both of  
54 actual costs from the IMF to fund the costs of operating one or more trial courts upon the  
55 authorization of the participating courts. These paid or reimbursed costs may be for services  
56 provided to the court or courts by the Judicial Council staff or payment for services or property of  
57 any kind contracted for by the court or courts or on behalf of the courts by the Judicial Council  
58 staff. GC 77209(f) allows the Judicial Council, with appropriate guidelines, to delegate the  
59 administration of the IMF to the Administrative Director. Any funds unencumbered at the end of  
60 that fiscal year are reappropriated to the IMF for the following fiscal year.

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62 **3.2 Trial Court Trust Fund**

63 Assembly Bill 1344 (Stats. 1992, ch. 696) created GC 68085, which established the Trial Court  
64 Trust Fund. The Trial Court Funding Act of 1997 (Stats. 1997, ch. 850) provided for the state  
65 responsibility for funding trial court operations from the TCTF beginning in fiscal year (FY)  
66 1997–1998. Per GC 68085, the Judicial Council may authorize the direct payment or  
67 reimbursement or both of actual costs from the TCTF to fund the costs of operating one or more  
68 trial courts upon the authorization of the participating courts. These paid or reimbursed costs may  
69 be for services provided to the court or courts by the Judicial Council staff or payment for services  
70 or property of any kind contracted for by the court or courts or on behalf of the courts by the  
71 Judicial Council staff. The direct payment or reimbursement of costs from the TCTF may be  
72 supported by the reduction of a participating court’s allocation from the TCTF to the extent that  
73 the court’s expenditures for the program are reduced and the court is supported by the expenditure.  
74 Any funds unencumbered at the end of that fiscal year are reappropriated to the Trial Court Trust  
75 Fund for the following fiscal year.

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77 **4.0 Allocations and Expenditures**

78 On an annual and as needed basis, the TCBAC shall recommend to the Judicial Council allocations  
79 from the IMF and TCTF and expenditures from the GF that support trial court projects or  
80 programs. Once the allocations and expenditures have been approved by the Judicial Council, each

81 JCC office managing a program or project will be notified of their allocation by the JCC Finance  
82 budget staff.

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#### 84 **4.1 General Allocation of the State Trial Court Improvement and Modernization Fund**

85 The primary revenue sources of the IMF are the following: a transfer from the General Fund; fifty  
86 percent of the increase in fee, fine, and forfeiture revenue pursuant to GC 77205; 2% of all fines,  
87 penalties, and forfeitures collected in criminal cases pursuant to GC 68090.8(b) (Two-Percent  
88 Automation Fund); and royalties received from the publication of uniform jury instructions  
89 pursuant to GC 77209(h).

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91 Except as noted below, moneys in the fund may be expended to implement trial court projects  
92 approved by the Judicial Council pursuant to GC 77209(f) and as provided in these guidelines.

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94 A. The Two-Percent Automation Fund will be used for the development, maintenance, and  
95 enhancement of automated administrative systems for the trial courts, pursuant to GC  
96 68090.8(a)(2) and GC 77209(g).

97 B. Royalties received will be used for the improvement of the jury system in accordance with  
98 GC 77209(h).

99 C. Pursuant to GC 77209(j), a required amount of \$13,397,000 shall be transferred from the  
100 IMF to the TCTF for allocation to trial courts for court operations.

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#### 102 **4.2 IMF Allocation Adjustments by the Administrative Director**

103 Pursuant to GC section 77209(f), at its August 23, 2013, business meeting, the council delegated to  
104 the Administrative Director the limited authority to transfer allocations between projects and  
105 programs that are funded from the IMF, subject to the following criteria:

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107 A. The sum of allocation transfers cannot exceed 20 percent of the allocation to be reduced or  
108 20 percent of the allocation to be augmented.

109 B. The Administrative Director must notify the chair of the council's Executive and Planning  
110 Committee and the co-chairs of the TCBAC in advance of any transfer.

111 C. The Administrative Director must report back to the council on the rationale for and  
112 amounts of any approved adjustments after the end of the fiscal year.

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114 The delegation of authority will remain in effect unless revoked, or otherwise specified.

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#### 116 **4.3 General Allocation of the Trial Court Trust Fund**

117 The primary revenue sources of the TCTF are the following: a transfer from the General Fund; all  
118 county funds remitted to the state pursuant to GC 77201.3; fees collected for first paper filing and  
119 other costs related to a civil action or proceeding in the superior court; assessments collected  
120 related to criminal convictions; and penalty assessments collected related to parking citations.

121

122 This fund has separate appropriations to fund trial court operations, salaries and benefits of  
123 superior court judges, court interpreter services, assigned judge services, grants, and Judicial  
124 Council staff in support of the trial courts. Except as noted below, the funds in the TCTF may be  
125 used as provided in these guidelines.

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- 127 A. Pursuant to GC 77200(c), the amount allocated to a trial court cannot be less than the  
128 amount remitted to the TCTF by the county in which that court is located pursuant to GC  
129 77201.3(a)(1) and (2).
  - 130 B. Pursuant to GC 68502.5, two percent of the total funds appropriated in Program 45.10 of  
131 Item 0250-101-0932 of the annual Budget Act are to be set aside by the Judicial Council to  
132 be allocated to trial courts for unforeseen emergencies, unanticipated expenses for existing  
133 programs, or unavoidable funding shortfalls. By March 15, the Judicial Council must  
134 distribute any remainder of the set-aside amount to the trial courts on a pro rata basis.
  - 135 C. A portion, \$4.80, of each first paper filing fee collected will be used to administer the Equal  
136 Access Fund program pursuant to GC 68085.3 and GC 68085.4.
  - 137 D. Until June 30, 2017, a portion, \$10.00, of each fee collected pursuant to GC 70626 will be  
138 used for the civil representation pilot program authorized under GC 68651.
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## 140 **5.0 Expenditures**

### 141 **5.1 Allowable Expenditures**

142 Funds must be used for the intended purpose, as approved by the Judicial Council, and comply  
143 with statutory authority. All contracts, intra-branch agreements, interagency agreements,  
144 memorandums of understanding, purchase orders, and direct purchases must comply with the  
145 Judicial Branch Contract Law. When Judicial Council staff-related expenditures are applied to a  
146 fund, they should be applied pro rata amongst all funds that support the positions.

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148 Direct operating expenditures and equipment include expenditures such as rent, postage, copier  
149 costs, and consultants. Travel-related costs can include mileage, tolls, meals, lodging, group meals,  
150 group lodging, parking, and airfare and should be paid or reimbursed consistent with Judicial  
151 Council travel policy. Airfare is allowed for mandated education programs, advisory committees,  
152 and pro bono faculty and speakers only.

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154 **5.2 State Trial Court Improvement and Modernization Fund Allowable Expenditures**

<b>IMF ALLOWABLE EXPENDITURES</b>			
<b>#</b>	<b>Program.Element<sup>1</sup></b>	<b>Type<sup>2</sup></b>	<b>Description</b>
1	Judicial Council Support (0140 or 30)	State Operations	Compensation and direct operating expenses and equipment for Judicial Council staff that provide services to the trial courts.
2	Support for Operation of the Trial Courts (0150010 or 45.10)	Local Assistance	Payment to vendors (and Judicial Council Mail Archive & Print Services Unit) for services and/or goods provided to trial courts and judicial officers.
3			Direct operating expenses and equipment related to special projects approved by the Judicial Council.
4			Payments to counties for workers' compensation tail claims associated with current or retired court employees.
5			Travel-related costs for trial court judicial officers and employees, pro bono faculty, and speakers for education programs, conferences, the Trial Court Budget Advisory Committee, and the Workload Assessment Advisory Committee.
6			Copying, binders, nametags, and all other meeting materials directly related to or associated with the activities identified in line 5.
7			Room rental and audio-visual costs directly related to or associated with the activities identified in line 5.
8			Outside attorney fees and costs, and settlement costs for litigation management cases and legal services to the trial courts.
9			Commission on Judicial Performance insurance coverage for trial court judges.
10			Other costs approved by the council.
11			Distributions to trial courts.

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157 **5.3 Trial Court Trust Fund Allowable Expenditures**

<b>TCTF ALLOWABLE EXPENDITURES</b>			
#	Program.Element <sup>1</sup>	Type <sup>2</sup>	Description
1	Judicial Council Support (0140010 or 30.05)	State Operations	Compensation and direct operating expenses and equipment for Judicial Council staff that provide services to the trial courts.
2	Trial Court Operations (0140019 or 30.15)	State Operations	Reimbursed (Schedule C) and non-reimbursed payments to vendors for services provided to the trial courts.
3			Grants to court/non-governmental organization partnerships for the Shriver Civil Representation Pilot Program.
4	Support for Operation of the Trial Courts (0150010 or 45.10)	Local Assistance	Distributions to trial courts.
5			Payments to dependency counsel DRAFT vendors.
6			Payments to facility vendors under the court-funded facility request process.
7			Payments to the Judicial Branch Workers' Compensation Fund (JBWCF).
8	Compensation of Superior Court Judges (0150019 or 45.25)	Local Assistance	Compensation for trial court judges.
9			Payments to the JBWCF.
10	Assigned Judges (0150028 or 45.35)	Local Assistance	Expenditures related to judges sitting on assignment in trial courts and the Courts of Appeal as authorized by the Budget Act.
11	Court Interpreters (0150037 or 45.45)	Local Assistance	Trial court interpreter-related expenditures as authorized by the Budget Act.
12	Grants (0150046 or 45.55)	Local Assistance	Grant-related expenditures where funds are distributed to the trial courts or justice partners.

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1. The categories under "Program.Element" are those used in the Budget Act and are not necessarily those the TCBCAC recommends. The TCBCAC intends to deliberate over whether any of these categories should be changed to something more accurate.
2. For the revised guidelines that will be effective starting 2016–2017, the TCBCAC will develop recommendations on which expenditures should be charged to local assistance vs. state operation appropriations.

**5.4 Unallowable Expenditures**

165 Expenditures must remain within the approved fund and program or project. Any expenditure that  
166 is not consistent with the program or project objective, as approved by the Judicial Council, is  
167 unallowable. In addition, the following expenditures are considered unallowable from any fund or  
168 program covered by these guidelines:

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- A. Compensation and direct operating expenses and equipment for Judicial Council staff that do not provide services to the trial courts.

- 172 B. Compensation and direct operating expenses and equipment for the Supreme Court, Courts of  
173 Appeal, and Habeas Corpus Resource Center staff, excluding expenditures for judges sitting on  
174 assignment in a Court of Appeal.
- 175 C. Travel-related costs for Judicial Council staff to attend meetings, conferences, etc.
- 176 D. Tokens, favors, or giveaways (e.g., cups, tote bags, pens, pins, etc.).

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## 178 **6.0 Responsibilities of JCC Staff**

### 179 **6.1 Responsibility of Program or Project Offices**

180 Before approving any expenditure from the IMF or TCTF, the JCC office managing the program  
181 or project shall ensure that the proposed expenditure is consistent with the allowable costs  
182 identified in these guidelines. Upon allocation of funding for a program or project by the Judicial  
183 Council, JCC Finance budget staff will assign a Project Cost Center that must be used by the office  
184 for coding expenditures related to the program or project. Any expenditure that exceeds the  
185 amount of the approved allocation will be charged to the JCC office that incurred the cost.

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### 187 **6.2 Responsibility of Finance’s Accounting Services Unit**

188 Before approving payment of any expenditure from the IMF or TCTF, the JCC Finance’s  
189 Accounting Services Unit shall ensure that the requested expenditure is consistent with the  
190 allowable costs identified in these guidelines.

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### 192 **6.3 Responsibility of Finance Budget Staff**

193 JCC Finance budget staff will provide training annually to offices regarding compliance with these  
194 guidelines. In addition, budget staff will prepare and submit to the TCBAC’s Revenue and  
195 Expenditure Subcommittee an annual report regarding prior year expenditure and encumbrance of  
196 IMF and TCTF monies and GF monies that support trial court projects and programs that includes  
197 by project or program: a) the allocation amount recommended by the TCBAC; b) the Judicial  
198 Council approved allocation amount; c) expenditures; and d) encumbrances. Budget staff will  
199 make this report available to the TCBAC for use in the advisory committee’s compliance review.  
200 Because expenditures from the following TCTF appropriations are not discretionary, the report  
201 will exclude expenditures related to Compensation of Superior Court Judges, Assigned Judges,  
202 Court Interpreters, and Grants.

## 203 **7.0 Review**

### 204 **7.1 TCBAC Review**

205 The TCBAC’s Revenue and Expenditure Subcommittee shall review the annual report regarding  
206 prior year IMF, TCTF, and GF that supports trial court projects and programs activity.

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### 208 **7.2 Compliance Review**

209 A comprehensive compliance review shall be performed every year by the TCBAC. This review  
210 shall validate whether expenditures made by JC staff from the IMF, TCTF, and GF that supports  
211 trial court projects and programs for the prior fiscal year were consistent with these guidelines.  
212 Because expenditures from the following TCTF appropriations are not discretionary, these  
213 appropriations shall be excluded from the review:  
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- 215 A. Compensation of Superior Court Judges (0150019 or 45.25)
- 216 B. Assigned Judges (0150028 or 45.35)
- 217 C. Court Interpreters (0150037 or 45.45)
- 218 D. Court Appointed Special Advocate Program (0150067 or 45.55.060)
- 219 E. Model Self-Help Program (0150071 or 45.55.065)
- 220 F. Equal Access Fund Program (0150083 or 45.55.090)
- 221 G. Family Law Information Centers (0150087 or 45.55.095)
- 222 H. Civil Case Coordination (0150091 or 45.55.100)

223 The findings of this review shall be reported to the Judicial Council.