

The following meeting perspective was prepared by Workgroup member Judge David Rosenberg, Superior Court of Yolo County. Official minutes from the meeting will soon be posted to the [Workgroup's web site](#) when they are available.

Dec 12, 2012

The Trial Court Funding Workgroup (hereafter “the Workgroup”), established by Governor Jerry Brown and Chief Justice Tani Cantil-Sakauye, held its second meeting yesterday (December 11) afternoon in Sacramento. The focus of this second meeting of the workgroup was a thorough review of the Lockyer-Isenberg Trial Court Funding Act of 1997 (hereafter “the Act”) which established state funding (rather than county funding) for the Judicial Branch. Members of the Workgroup reviewed what has been accomplished in the 15 years since the Act was launched.

The Act declares that “[state] funding is necessary to provide uniform standards and procedures, economies of scale, and structural efficiency and simplification.” Judicial Council members of the Workgroup identified a wide range of achievements over the past 15 years which have met these goals (while recognizing that constant improvement is a work in progress). A useful discussion took place regarding these achievements and how they further the goal of “equal access to justice”. Among the numerous achievements identified during the discussion were the following:

- Adoption of uniform Rules of Court and mandatory Judicial Council forms used throughout the state.
- CJER training for judicial officers and court staff.
- Improved juror utilization by adopting one-day, one-trial jury management practices.
- JBSIS data standards for uniform reporting of court data and uniform measurement of some performance indicators.
- Statewide procurement guidelines to leverage economies of scale.
- The pooled bank account which saves the branch costs in banking service fees.
- Statewide litigation management handling about 500 claims and lawsuits each year.
- Workers’ compensation program.
- Complex civil litigation program, giving judges training and resources.
- Adoption of a comprehensive collections policy.
- The Phoenix Financial System which standardized all accounting functions.
- Established principles for collaborative courts.
- Self-help centers and family law facilitators.
- Children’s waiting rooms.
- Language access to interpreters in over 100 languages.

The list of progress and achievements is lengthy. Co-chair of the Workgroup Phil Isenberg asked for a comprehensive list of accomplishments, and this will be provided. The listing of these accomplishments was very useful and instructive for the Administration members of the Workgroup. As Mr. Isenberg said, “Every time you resolve an issue, everyone forgets there was an issue.” He commented that the Courts have made great progress since the Act was passed.

Diane Cummins, an Administration member of the Workgroup highlighted the following section of the Act: “Review the trial courts’ budget requests and evaluate them against performance criteria established by the Judicial Council by which a court’s performance, level of coordination, and efficiency can be measured.” Ms. Cummins wanted to know the criteria by which trial court’s “performance” can

and should be measured. In my comments I made reference to the fact that one cannot approach trial court funding with a “cookie-cutter” approach – the 58 trial courts are truly different based upon the unique characteristics of their respective county populations, the legal culture in the county, the charging decisions of local district attorneys, the case types in the county, and numerous other factors. I also recognized that trial court funding is a work in progress and that there are “underfunded” courts. “It’s something we have to fix – it’s the elephant in the room.”

Judge Mary Ann O’Malley noted that for many years, a committee has been studying new formulas for allocating trial court funding. “It’s probably the most complicated aspect and task that the trial courts have taken on since consolidation,” stated Judge O’Malley.

At the conclusion of the Workgroup meeting, Co-Chair Justice Harry Hull asked Jody Patel and AOC staff to report on the following six items:

- A summary of where the trial courts have achieved uniformity and best practices, and also a delineation of whether these achievements are mandatory or permissive.
- Identification of where the Act talks about “equal access to justice”, and summarize the surrounding concepts to help measure progress.
- A journalistic retrospective of the trial courts 50 years ago compared to the trial courts today.
- A review of the NCSC report’s 25 principles for judicial administration.
- A synopsis of accomplishments relating to fines, fees and collections.
- An identification by AOC and DOF of problem areas and where trial courts may be deficient.

The Workgroup is targeting the completion of a report by April of 2013, an ambitious schedule. The next meeting of the Workgroup will be January 15, 2013, again in Sacramento. The start time of the meeting has not yet been set.

— Judge David Rosenberg
Superior Court of California, County of Yolo
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