

**Trial Court Funding Workgroup
Minutes of the January 15, 2013 Meeting**

Mr. Phillip Isenberg., Co-chair, called the meeting to order at 10:30 a.m. on Tuesday, January 15, 2013, in the Veranda Conference Room of the Administrative Office of the Courts, Sacramento office.

Trial Court Funding Workgroup members present: Mr. Phillip Isenberg; Judges Emilie H. Elias (telephonically), Mary Ann O'Malley, and David Rosenberg; Ms. Diane Cummins, Ms. Angela Davis (telephonically), Mr. Martin Hoshino, Ms. Eraina L. Ortega, and Mr. David Yamasaki.

Lead staff members present: Ms. Jody Patel

Public Comment

Two letters were submitted to the Trial Court Funding Workgroup for consideration. There were no requests to speak to the workgroup.

Approval of December 11, 2012 minutes

No changes were requested to the December 11, 2012 meeting minutes that were distributed to the members in advance of the meeting. Judge Rosenberg moved to accept the minutes, seconded by Ms. Cummins. The motion passed unanimously.

Materials Requested from Staff at December 11, 2012 meeting

Mr. Isenberg indicated that staff provided the workgroup with five items that were requested during the December 11, 2012 meeting. Mr. Isenberg reminded the workgroup the report is to be finalized in March and staff needs authority on what to include in the report. The materials facilitated the workgroup's discussion and members see the materials as items that will be included in the final report.

Material provided to the workgroup:

1. Summary document identifying progress towards compliance with the provisions of the Act.
2. References to 'equal access', 'standards', and 'uniformity' in the Act.
3. Identification of judicial branch accomplishments in the areas of uniform standards and procedures, economies of scale, efficiencies, and structural improvements.
4. Journalistic retrospective on the judicial branch, pre and post Trial Court Funding Act.
5. National Center for State Courts report *Principles for Judicial Administration*.
6. History of trial court operations funding since fiscal year 1997-1998.

The workgroup members discussed the materials provided; some of the points raised included:

- Complete standardization within the judicial branch is not a requirement. Rather, the judicial branch should take a closer look at understanding the outliers with the goal of providing equal access to justice.
- Is it possible for the judicial branch to arrive at base budget allocation amounts and then account for the variations when determining overall funding?
- From a policy perspective, what items can assist the judicial branch evaluate a system of funding.
- Interested in determining if the current method of allocating funds is tied to or based on ensuring or enhancing equal access to justice. If not, what changes would assist the judicial branch in achieving the goal of equal access to justice. Also, would like to know if the current methodology is aligned with each court's workload.
- Would like to assess if equal access to the judicial system has been impacted by increased fees.
- Members indicated that with the current level of funding there are services that the courts are unable to provide; therefore, the workgroup needs to assess if there are ways to further the goals of the Trial Court Funding Act in ways that have not yet been implemented.
- The workgroup received funding history on an aggregate level; however, the members requested the information on a county-by-county basis to assist them in further discussions.
- Members discussed that there are dwindling resources at the state level and the need to determine the state's obligation to fund the trial courts. The members discussed how to determine whether overall statewide funding for the trial courts is "adequate." Some members indicated that the working group should be focused on whether the current allocation methodology is meeting the goals of the Act, not the adequacy of funding. The working group should evaluate potential administrative or statutory changes that can be recommended in the final report to assist the judicial branch with its expanding demand for services with dwindling resources.

Other judicial branch efforts concentrating on funding methodology

The working group heard about other judicial branch efforts currently underway to evaluate funding methodology.

- The SB56 working group is meeting on January 16 to discuss the process the judicial branch will utilize related to weighted caseloads.

- A subcommittee of the Trial Court Budget Working Group has been meeting since December with the goal of presenting the Trial Court Funding Workgroup with a funding allocation process the judicial branch can adopt. Factors they are considering will tie directly into equal access to justice and achieving funding equity between the courts.

As a result of the workgroup discussion, staff was directed to gather the following information:

1. Provide a summary (statistical where possible) of the Trial Court Funding Act side-by-side document indicating what is complete/incomplete/in progress. Organize the summary by category, e.g., trial court budgeting system, fee changes, etc. Provide this to the workgroup within two weeks.
2. Revise the judicial branch “accomplishments” document by changing the terminology from the statutory language of uniform practices and procedures, economies of scale, etc. to more substantive descriptions, e.g., financial reporting. Then tie accomplishments back to the goals of the Trial Court Funding Act.
3. Provide the workgroup with a summary of the factors that the Trial Court Budget Working Group subcommittee and SB 56 Working Group are considering.
4. Provide a comparison of statistical information from 1998-99 through today (e.g., number of cases by population, per capita funding, etc.).
5. Provide the following fiscal data:
 - a. AOC and DOF are to review what expenditure data is available for the period prior to trial court funding.
 - b. The number of judicial officers since trial court funding.
 - c. Revise the funding charts provided to the workgroup members to reflect total funds provided to the trial courts (e.g., local revenue, fees) and total trial court expenditures, regardless of fund source.
 - d. Listing of all capital expenditures over time indicating where the money comes from (e.g., county, TCTF, TCIF, ICNA, SCFCF, etc.)
 - e. Percent of total trial court expenditures that are from non-state funds.
 - f. Filings by court, by case type, over time and allocations by court (at least from 97-98).
6. Develop a draft outline of the final report for the workgroup to consider (in the form of a table of contents, if possible).

Next meeting of the workgroup is scheduled for February 19.

Meeting Adjourned at 2:10 p.m.