

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 website](#) when they are available.

Jan 16, 2013

The Trial Court Funding Workgroup, created and appointed by Chief Justice Tani Cantil-Sakauye and Governor Jerry Brown, met in Sacramento on Tuesday, January 15. The Workgroup is on a very tight timeline, targeting this April for a report. The focus of the Workgroup is an examination of the Trial Court Funding Act of 1997's promise to provide "equal access to justice" for all Californians. More specifically, the Workgroup will directly tackle what has been called "the elephant in the room" – that is, a fairer and more equitable formula to allocate funding to the 58 individual trial courts of California.

The meeting on January 15 was dedicated to a review of a number of documents and charts relating to the history of trial court funding, leading to the present and with a view to the future. A considerable amount of time was dedicated to reviewing [the six charts](#), developed by the AOC with input from trial court PJs and CEOs, which show trial court funding allocations, trial court filled positions, trial court case filings, state population and trial court case filings, trial court operations allocations, and trial court revenue and operating expenditures. These six charts are attached. The historical development of trial court funding in California was also a subject of discussion, and a [journalistic retrospective](#) of this interesting history which is also attached. A lengthy list of "[major accomplishments](#)" of the Judicial Branch to achieve uniformity and equal access to justice was developed by AOC staff, with input from PJs and CEOs, and is also attached.

A number of members of the Workgroup expressed concern that the trial courts in California were receiving a diminishing percentage of revenue from the state's General Fund, and an increasing portion of revenue from court fees, leading some to suggest that the court system was slowly becoming a "pay to play" system. Some suggested that would not be a fair system, directly and negatively impacting the concept of equal access to justice.

The Workgroup also engaged in a vigorous discussion about the dichotomy and tension between statewide uniformity and local independence of trial courts. Judicial Branch members of the Workgroup expressed the importance of uniform standards but the concern that local trial courts retain independence and freedom to develop new and better ways to administer justice. Administration members of the Workgroup said that they understood the effort to achieve "the Holy Grail of balance."

Reference was made by Administration members of the Workgroup to the need for "measures of performance", such as statistics of filings and dispositions. Judicial Branch members of the Workgroup emphasized that quantitative measures will not account for qualitative variations in cases nor will it account for unique local issues and customs. Judicial Branch members of the Workgroup further countered that Judges are constitutional officers, elected by the people in their jurisdiction, just like Members of the Assembly and Senators, and that is the ultimate measure of a Judge's performance.

All members of the Workgroup recognize the need to develop a more equitable method of allocating funds to individual trial courts. That goal is understood and shared. The devil, of course, is in the detail. Two different groups are looking at analyzing, and ultimately, are going to make recommendations on "the elephant in the room". The SB 56 Group and a committee of the Trial Court

Budget Working Group (led by Presiding Judge Laurie Earl and CEO David Yamasaki) are independently going to make recommendations on a new formula to allocate funding to the 58 trial courts. These recommendations should be forthcoming by March, and the Trial Court Funding Workgroup hopes to analyze this input in framing its own recommendation.

The next meeting of the Trial Court Funding Workgroup is scheduled for Sacramento on February 19, 2013.

Judge Dave Rosenberg
Member of the California Judicial Council
Member of the Trial Court Funding Workgroup