

The following guidelines and directives were initially approved by the Judicial Council in 2003, later revised in 2004. The Executive and Planning Committee, on behalf of the council, on January 20, 2009, reaffirmed these guidelines and directives and approved this revised version.

Operating Guidelines and Directives for Budget Management in the Judicial Branch

In recognition of the Judicial Council's continued commitment to ensuring open access to a system of uniform and equal justice for all, the council sets forth the following guidelines and directives on how courts manage their budgets in response to funding conditions. All courts must manage their budgets in compliance with the policies set forth in these operating guidelines and directives.

I. Guiding Principles

Maintain Open Access to Courts

- Protect the federal and state constitutional values of the justice system;
- Provide equal access to a system of fair and uniform justice;
- Provide a safe, secure environment for the administration of justice;
- Provide justice in a timely manner;
- Protect resources dedicated to eliminating barriers to access for the most vulnerable (e.g., those unable to pay, persons with disabilities, children,); and
- Maintain resources necessary for public safety.

II. Guidelines and Directives

Access to Court Services – to provide and maintain access for the public to court services

- Courts must remain open to the public each business day.
 - Hours for Trial Court Clerk's Offices
 - The recommended operating hours for the trial court clerk's office are 8:30 a.m. to 4:00 p.m. (including the lunch hour) and courts are encouraged to remain open between 8:00 a.m. and 5:00 p.m., if circumstances allow;
 - Each superior court must keep at least one trial court clerk's office open a minimum of 6 ½ hours per day including the core hours of 10:00 a.m. to 2:00 p.m. (including the lunch hour). All exceptions require consultation with, and review and approval of, the Judicial Council.
 - All trial courts must provide drop boxes during periods of shortened hours. Use of a drop box is governed by rule 2.210, which requires a drop box whenever a clerk's office filing counter is closed between 8:30 a.m. and 4:00 p.m.

- Court departments must remain open consistent with operating requirements, except for normal absences (business meetings, vacation, sick leave, educational training, etc.) or emergencies such as natural disasters, bomb threats, and power outages.

Facilities Utilization and Closures – to ensure public access within available judicial branch resources

- Courts should continue to evaluate court space to ensure that facilities are utilized most efficiently and for the most appropriate purpose; and
- Courts must notify and consult with the Administrative Office of the Court's Office of Court Construction and Management prior to any potential closure or surrender of facilities.

MOUs for County Services and Revenue Sharing – to ensure that county services are formally negotiated and negotiated within court's current resources. (This section does not apply to labor contracts, please reference the section on Fair Employment and Labor Relations Provisions.)

- Trial courts must have MOUs in place for all county services, including security services, consistent with Government Code 77212, and for revenue sharing agreements with the county;
- All contracts for services must be negotiated within the trial court's available resources; and
- If a court reaches an impasse in negotiating any contract, they must consult with the Judicial Council.

General Court Contracts

- Each court must ensure that any contract entered into by the court contains provisions that will permit the contract to be modified if resources become unavailable during the course of the contract year due to reductions in the budget that are beyond the control of the individual court. The appropriate language setting forth this principle is referenced in the Trial Court Financial Policies and Procedures Manual, section FIN 7.01, Contracts.

Cash Management/Accountability Measures – to ensure fiscal accountability and adequate resources to meet minimum financial obligations during periods of financial uncertainty and periods without a budget

- Courts must properly account for all fees and fully remit fees with the appropriate accounting to the treasury as soon as practical; and

- Trial courts should implement procedures to ensure that all direct and indirect charges are in accordance with MOUs and Rule 10.810 allowable prior to authorizing payment.
- Trial Court Fund Balance Policy
 - Refer to the fund balance policy approved by the Judicial Council in October 2006:
http://serranus.courtinfo.ca.gov/programs/finance/documents/103006_3.doc

Fair Employment and Labor Relations Provisions – to facilitate the collective bargaining process

- Relationships with Local Bargaining Units & Structure of Labor Agreements

Each trial court should:

 - Inform employees and their recognized employee organizations of circumstances that affect employee working conditions and promptly respond to the concerns of employees and their recognized employee organizations.
 - Negotiate all employee collective bargaining agreements within the trial court’s available resources.
 - These guidelines and directives must be applied consistent with a court’s obligation to meet and confer with recognized employee organizations.
- Policy on Layoffs of Regular Employees
 - Courts must notify and consult with the Judicial Council prior to implementing any regular employee layoff plans that are required as a result of budget reductions.

Promote the collection of fines, fees, forfeitures and assessments - to ensure the enforcement of court orders

- Establish policies and procedures for the collection of fines, fees, forfeitures, and assessments that are consistent with the standards and guidelines approved by the Judicial Council.
- Promote the enforcement of all court orders relating to fines, fees, forfeitures and assessments; and uniform collection and remittance of required reports.
- Establish and/or enhance comprehensive collections programs.

Expense Restrictions

- Appellate courts, trial courts, and the AOC must continue implementing cost reduction measures to manage unallocated reductions and unfunded costs in a manner that ensures continued access to a system of uniform and equal justice within available financial resources.
- All judges, subordinate judicial officers, and those judicial branch employees not represented by recognized employee organizations and who earn more than \$100,000 per year, must not be reimbursed for professional association dues that are due or owing on or after the effective date of these guidelines. This does not include those license fees, including State Bar dues, where the license is a requirement of the position.

AOC Assistance to the Courts

- The AOC is directed to be available and work with the courts to assist in negotiations of any kind that may affect the budget in the course of the year.