

BENCH-BAR COALITION (BBC)
Quarterly Membership Meeting: Monday, July 26, 2021; 4:00 p.m. – 5:00 p.m.
Virtual Meeting Room Opens at 3:55 p.m.

AGENDA

- I. **Welcome/Introductions** (5 minutes)
Hon. Dennis Hayashi & Hon. Paul Bacigalupo, BBC Cochairs
- II. **Update from the Judicial Council** (20 minutes)
Mr. John Wordlaw, Chief Administrative Officer, Judicial Council of California;
Mr. Cory Jasperson, Director, Judicial Council Governmental Affairs
- [Judicial Branch Budget Memo](#)
- III. **Bench-Bar Coalition Activities** (10 minutes)
BBC Leadership and Members
- 2021 Nominations for open positions:
 - Cochair, Northern/Central Region
 - 2 Member(s) at Large, Northern/Central Region
- IV. **Legal Community Updates:** (15 minutes)
*(Individuals appearing in **bold** have confirmed their availability to participate in today's call.)*

State Bar of California,

Mr. Dag MacLeod, Chief of Mission Advancement and Accountability
Ms. Elizabeth Hom, *Office of Access & Inclusion, State Bar of California*
M. Doan Nguyen, *Office of Access & Inclusion, State Bar of California*

California Lawyers Association

Mr. Emilio Varanini, President
Mr. Jeremy Evans, President-Elect
Mr. Saul Bercovitch, Director of Governmental Affairs

Legal Services and the California Commission on Access to Justice

Hon. Mark A. Juhas, *Chair, California Commission on Access to Justice*

California Judges Association

Hon. Rupert Byrdsong, *President-Elect*
Ms. Nicole Virga Bautista, *Executive Director*
Mr. Mike Belote, Legislative Advocate
Mr. Cliff Costa, Legislative Advocate

American Bar Association

Ms. Ruthe Ashley, *California Bench-Bar Coalition Liaison to the ABA*
Mr. Andrew Demetriou, *California representative, ABA Board of Governors*
Ms. Elizabeth Meyers, *California representative-elect, ABA Board of Governors*

Conference of California Bar Associations

Mr. Oliver Dunlap, Chair

Calendar Review and Adjournment (5 minutes) *(attachment)*

- **Monday, August 9, 2021:** 4:00-5:00 p.m., Ratification of Executive Committee, Virtual Meeting
- **Monday, August 16, 2021:** Legislature reconvenes from summer recess.
- **Friday, September 10, 2021:** Legislature Adjourns; reconvenes in January 3, 2022
- **Monday, October 25, 2021:** 4:00–5:00 p.m., BBC Quarterly Membership Virtual Meeting



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date

July 13, 2021

Action Requested

For Your Information

To

Judicial Officers and Court Administrators of
the California Judicial Branch

Deadline

N/A

From

Martin Hoshino, Administrative Director
Judicial Council

Contact

Zlatko Theodorovic
Deputy Director, Budget Services
916-263-1397 phone
zlatko.theodorovic@jud.ca.gov

Subject

Fiscal Year 2021–22 Judicial Branch Budget

The Budget Act of 2021, signed into law by Governor Newsom on June 28, includes significant growth in governmental programs and services for the people of California. The Governor signed a companion budget bill (SB 129) on July 12 that further aligned his fiscal priorities for state spending. This memo addresses the provisions of both budget bills.

The budget growth is the result of unprecedented increases in General Fund availability and a share of one-time federal stimulus funds. For the judicial branch, the budget provides a total of \$1.2 billion in new funding. These funds are vitally important as the judicial system continues to address the challenges presented by the COVID-19 pandemic.

Key proposals include restoration of prior year budget reductions, additional funding for trial court operational costs and COVID-19 related backlogs, funding for pretrial services, expansion of the Ability to Pay pilot, funding for the Early Disposition Readiness Conference Program, and significant investments in facilities maintenance, deferred maintenance, and new courthouse construction.

Judicial Branch Funding for FY 2021–22

Judicial Branch Entity	Total Funding (\$ in millions)
Supreme Court	\$52.7 m
Courts of Appeal	\$264.3 m
Trial Courts	\$3,616.8 m
Judicial Council	\$234.2 m
Judicial Branch Facility Program	\$746.1 m
Habeas Corpus Resource Center	\$18.0 m
Subtotal, Operational Budget	\$4,932.1 m
Offset from Local Property Tax Revenue	-\$121.1 m
Adjusted Operational Budget	\$4,811.0 m
Less Nonstate Funds ¹	-\$158.0 m
Adjusted Operational Budget, State Funds	\$4,653.0 m
Court Construction Projects ²	\$115.0 m
Total Funding³	\$4,926.0 m

¹ Nonstate funds include federal funds and reimbursements.

² Includes additional funding for current projects.

³ Includes General Fund; special, bond, federal, and non-governmental cost funds; and reimbursements, and is the total of Adjusted Operational Budget and Court Construction Projects funding.

Note: Some totals will not be exact due to rounding.

New Funding: The Budget Act provides new operational funding of \$1.1 billion from the General Fund and \$111 million from other funds to support trial court programs, county law libraries, and branch operations.

Restoration of Prior Year Budget Reductions: \$200 million ongoing General Fund monies to restore funding to the Supreme Court (\$2.7 million), Courts of Appeal (\$11.6 million), Superior Courts (\$176.9 million), Judicial Council (\$7.8 million), and Habeas Corpus Resource Center (\$1 million) for budget reductions implemented in 2020–21 due to the COVID-19 pandemic.

Trial Courts

Support for Trial Court Operations: \$72.2 million ongoing General Fund to provide the trial courts a 3.7 percent increase in funding to address inflationary costs.

Trial Court Trust Fund Revenue Backfill: \$118.3 million General Fund to backfill the decline of fines and penalty revenues expected in 2021–22.

Trial Court Employee Costs: \$31.2 million General Fund for trial court employee health benefits and retirement costs.

Continuation of Self-Help Centers in Trial Courts: \$19.1 million General Fund each year for three years for trial courts to provide self-help services to unrepresented litigants and to achieve court efficiencies. Additionally, budget bill language requires completion of a cost-benefit analysis.

COVID-Driven Caseload Backlog Funding: \$60 million in one-time General Fund to address backlogs and workload delays resulting from the COVID-19 pandemic. This funding will be available for expenditure through the 2022–23 fiscal year.

Early Disposition Readiness Conference Program: \$30 million one-time General Fund is available for allocation by the Chief Justice’s Temporary Assigned Judges Program to support early disposition readiness conference programs in trial courts. This builds on the Chief Justice’s program announced in December 2020 to support the timely adjudication of criminal cases that were delayed during the COVID-19 pandemic.

Pretrial Funding: \$140 million General Fund in 2021–22, and \$70 million annually thereafter to courts to enter into contracts with probation departments or other county departments for the provision of pretrial monitoring and services. The amount of \$70 million will be available for the 41 trial courts that did not receive Pretrial Pilot Program funding. The remaining \$70 million will be distributed by the Judicial Council to all 58 trial courts in 2021–22, and annually thereafter. Courts may retain up to 30 percent of the funds, with the remaining funding designated for local supervising agencies to provide monitoring, services, and ability-to-pay determinations. The Judicial Council will receive 5 percent for administration of the funding and reporting to the Legislature.

Ability to Pay Expansion: \$12.3 million General Fund in 2021–22, increasing to \$58.4 million by 2024–25, to expand the use of an online ability-to-pay tool statewide for both traffic and non-traffic infractions. The ongoing amount includes \$2.7 million to implement the online application system and \$55.7 million to backfill the estimated loss in revenue to support trial court operations as a result of the penalty reductions. Of the 2021–22 funding, \$7.9 million is for revenue backfill and \$4.4 million is for Judicial Council support costs.

Remote Proceedings in Infractions: With the consent of the defendant, courts may conduct proceedings, including arraignments and trials, remotely for all infractions.

Dependency Counsel: \$40 million General Fund in 2021–22. Of this amount, \$10 million General Fund in 2021–22 is to address dependency counsel pandemic-related operational costs and caseload increases, and up to \$30 million in 2021–22 and ongoing, upon the order of the Department of Finance, to correct for any shortfall in Title IV-E federal funding.

Legal Aid through the Equal Access Fund: \$50 million General Fund in 2021–22, and \$20 million annually thereafter, for legal aid services through the Equal Access Fund.

Legal Aid for Renters and Homeowners: \$40 million federal American Rescue Plan Act funds in 2021–22 and \$20 million in two subsequent years for a total of \$80 million to provide legal aid services for renters and homeowners to avoid eviction and foreclosure.

County Law Libraries: \$16.5 million General Fund each year for two years to County Law Libraries to backfill lost revenue.

Assembly Bill 1058 Reimbursement Increase: \$5 million reimbursement authority to cover the increased contract amount with the Department of Child Support Services to support the AB 1058 Child Support Commissioner and Family Law Facilitator Program.

Cannabis Convictions—Resentencing (Assembly Bill 1793 (Bonta; Stats. 2018, ch. 993)): Budget bill language to allow unspent funds (\$16.8 million) included in the 2019–20 and 2020–21 Budgets to fund workload resulting from the requirements of AB 1793 to be carried over into the 2021–22 fiscal year rather than revert to the General Fund.

Case Management System: \$331,000 one-time General Fund for a technical adjustment to the Case Management System funding that was provided in 2019–20 Budget.

Shasta Court Security Funding: \$330,000 General Fund in 2021–22 and \$660,000 ongoing for increased costs for marshal’s security services related to the opening of the new Redding Courthouse in Shasta County.

Los Angeles Court Appointed Special Advocacy Program: \$200,000 one-time General Fund for Court Appointed Special Advocates of Los Angeles to provide advocacy for youth in foster care in Los Angeles County’s child welfare system and address caseload waitlists due to the COVID-19 pandemic.

Judicial Entities at the State Level

State Level Judiciary Employee Costs: \$3.099 million General Fund reduction and \$456,000 reduction in other funds to adjust retirement costs, and salary and benefit costs that were previously approved in the Budget Act of 2020, for employees of the Supreme Court (\$337,000), Courts of Appeal (\$1.534 million), Judicial Council (\$1.535 million), and the Habeas Corpus Resource Center (\$149,000).

Rent Costs: \$520,000 for rent increases in buildings occupied by the Supreme Court, Courts of Appeal, Judicial Council, and Habeas Corpus Resource Center.

Judicial Branch Facilities

Deferred Maintenance: \$188 million one-time General Fund to support trial and appellate court costs for deferred maintenance and special repairs. Of this amount, \$180 million will be allocated for the most urgent deferred maintenance needs for the trial courts. The remaining \$8 million will be utilized by the Courts of Appeal.

Facilities Maintenance and Leases: \$53.5 million General Fund to support facilities maintenance, utility, and lease costs. \$50.7 million is for the trial courts, \$1.1 million for the Courts of Appeal, and \$1.7 million for the Judicial Council to establish five positions needed to support the program.

Orange Court and San Diego Court Facility Modifications: \$18.9 million General Fund in 2021–22 and \$48.8 million in 2022–23 to make facility modifications in two trial courts in Orange and San Diego Counties to comply with deficiencies identified by the State Fire Marshal.

Court Construction Fund Consolidation: Consolidation of the Immediate and Critical Needs Account and the State Court Facilities Construction Fund, which are the primary fund sources for the Judicial Branch Facilities Program, will allow the Fund to remain solvent in 2021–22 and ongoing.

Capital Outlay

The Judicial Branch Capital Outlay budget appears as a separate line item in the Budget Act. The budget includes \$2.1 billion over the next five years to fund construction of additional courthouses. This reflects funding for 14 replacement and renovation projects as well as two studies, consistent with the Judicial Council approved Reassessment of Trial Court Capital-Outlay Projects. Additionally, trailer bill language will allow the Judicial Council to use the design-build delivery method for its capital outlay program.

Court Construction: \$115 million in new funding for the following courthouse projects:

	Project	Amount	Phase
1	Butte County: New Butte County Juvenile Hall Addition and Renovation	\$604,000	Preliminary Plans/ Working Drawings
2	Lake County: New Lakeport Courthouse	\$68,123,000	Performance Criteria/ Design Build
3	Los Angeles: Los Angeles Master Plan	\$2,347,000	Study
4	Mendocino County: New Ukiah Courthouse	\$3,334,000	Performance Criteria

5	Monterey County: New Fort Ord Courthouse	\$38,720,000	Acquisition/ Performance Criteria
6	Nevada County: New Nevada City Courthouse	\$972,000	Study
7	San Bernardino County: San Bernardino Juvenile Dependency Courthouse Addition and Renovation	\$901,000	Acquisition/ Preliminary Plan
Total:		\$115,001,000	

For Reference

Below are links to budget and trailer bill language and the Department of Finance's budget website:

- [Budget Act of 2021](#) (AB 128)
- [Budget Act of 2021](#) (SB 129)
- [Judicial Branch Trailer Bill](#) (AB 143)
- <http://www.ebudget.ca.gov> (final budget post pending)

MH/zt