



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on:

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**Title**

Judicial Branch Planning: Proposal to Re-Adopt the Strategic Plan for California's Judicial Branch for Fiscal Years 2006–2012

**Agenda Item Type**

Action Required

**Effective Date**

December 12, 2104

**Rules, Forms, Standards, or Statutes Affected**

None

**Date of Report**

December 4, 2014

**Recommended by**

Hon. Douglas P. Miller, Chair, Executive and Planning Committee

Hon. Harry E. Hull, Jr., Chair, Rules and Projects Committee

Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee

Hon. James E. Herman, Chair, Judicial Council Technology Committee

Hon. David M. Rubin, Chair, Litigation Management Committee

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### Executive Summary

The chairs of the Judicial Council's five internal committees propose that the Judicial Council re-adopt [\*Justice in Focus: The Strategic Plan for California's Judicial Branch, 2006–2012\*](#) with an amendment to add a seventh goal on securing the funding necessary to meet the operational needs of the judicial branch and fulfill the branch's constitutional duties to the public. An extension of the goals and policies of the expired plan is necessary to maintain a guiding vision and direction for the judicial branch in the interim until the council adopts another successive plan. This extension is advised for the two-year period in which the Chief Justice's Commission on the Future of California's Court System will be conducting a comprehensive examination of the priorities of the branch for the next decade and beyond. The addition of a new strategic goal,

to secure and maintain adequate and predictable branch funding, is critical to the overall stability of the court system and the branch's capacity to fulfill its purpose. Together, the commission's final recommendations and a concerted effort to stabilize funding will provide a sound basis for the council's next strategic planning cycle and a durable foundation for a fully functioning judicial branch.

## **Recommendation**

Effective immediately, re-adopt the strategic plan, *Justice in Focus: The Strategic Plan for California's Judicial Branch, 2006–2012*, and extend it to 2016, until another successive plan is developed following the work of the Chief Justice's Commission on the Future of California's Court System.

- A. Continue to promote and implement the six strategic goals:

**Goal I: Access, Fairness, and Diversity**

**Goal II: Independence and Accountability**

**Goal III: Modernization of Management and Administration**

**Goal IV: Quality of Justice and Service to the Public**

**Goal V: Education for Branchwide Professional Excellence**

**Goal VI: Branchwide Infrastructure for Service Excellence**

- B. Amend the 2006–2012 plan to include a seventh goal:

### **Goal VII: Adequate, Stable, and Predictable Funding for a Fully Functioning Branch**

Consistent with the Judicial Council's legislative priority to advocate for investment in our justice system to preserve access to justice for all Californians, the branch must make every effort to achieve greater financial independence and flexibility for funding the court system at a level of sufficiency.

California's state court system, the largest in the nation, serves an increasingly diverse population of 38 million people. The judicial branch is accountable for ensuring that the courts remain accessible to all Californians, court procedures are fair and understandable to court users and the public, and court services are provided to earn the public's trust and confidence in the statewide administration of justice. Accomplishing these fundamental responsibilities of government requires a reliable funding base that will sustain branch operations on a continual, uninterrupted basis.

The branch must pursue a comprehensive approach to financially adapt to a shifting state budget outlook. This strategic goal represents a call for continued advocacy and a resolve to define new financial strategies.

- The branch must continue advocacy for sufficient fund balances allowing courts to manage cash flow challenges, a method for stable and reliable growth funding for courts to address annual cost increases in baseline operations, and sufficient additional resources to allow courts to (1) improve physical access to the courts by keeping courts open, (2) expand access by increasing the ability of court users to conduct branch business online, and (3) restore programs and services that were reduced or eliminated in recent years.
- Beyond a legislative program, the branch must also focus on comprehensive solutions for managing scarce resources to achieve a position of relative strength in uncertain economic times. This includes, but is not limited to: revenue-generation strategies, alternative funding mechanisms, business process reengineering to achieve further efficiencies, and program evaluation to support financial planning.

### **Previous Council Action**

The Judicial Council's strategic planning process sets the direction and provides the leadership for improving the quality and advancing the consistent, independent, impartial, and accessible administration of justice. The council first defined a planning cycle in the California Rules of Court, rule 10.1(c). At six-year intervals, the council develops and approves a long-range strategic plan. At three-year intervals, the council develops and approves an operational plan — a shorter term agenda to implement the council's long-range strategic goals. The rule specifies that each plan is developed in consultation with branch stakeholders and justice system partners.

The first branch Strategic Plan dates back to 1992, in response to the analysis of the 2020 Commission. Trial Court Community-Focused Planning ensued in 1998 and the trial courts submitted their first plans as a basis for branchwide planning in 1999. In August 2000, the Judicial Council adopted an inaugural three-year operational plan. In December 2003, the council established a set of statewide long-term goals in a plan that spanned from 2003 through 2006. In December 2006, the council adopted *Justice in Focus: The Strategic Plan for California's Judicial Branch, 2006–2012*, the most recent plan which has expired.

The plan for 2006–2012 evolved from an extensive statewide survey of the public in 2005, *Trust and Confidence in the California Courts, Phase II: Public Court Users and Judicial Branch Members Talk About the California Courts*. The purpose was to assess the performance of the state court system at the time and corresponding public expectations. Nearly 3,200 individuals participated — including judges, practicing attorneys, community leaders, trial court staff, members of the State Bar, and other justice system partners.

From that outreach process emerged several challenges for the branch that served as a focal point for developing the next set of strategic goals to lead the branch through 2012.

- Preserving the Independence of the Judicial Branch and Judicial Decisionmaking — to resist pressures on judicial officers when controversial legal issues come before the courts and to strengthen public trust and confidence in the role of the courts to administer justice with fairness, impartiality, and accessibility;
- Measuring Performance and Demonstrating Accountability — to ensure that public funds are used responsibly and effectively, and that the courts and entities of the branch maximize efficiency and effectiveness;
- Responding to the Changing Demographics and Needs of Court Users — to respond effectively to the differing needs of a diverse clientele, including those who are older; more racially, ethnically, and culturally diverse; and more frequently self-represented;
- Developing the Capacity and Expertise to Handle the Changing Composition of Cases — to address the complex, evolving legal issues of the present and the future;
- Enhancing and Maintaining a Branchwide Infrastructure — to provide an infrastructure that supports and meets public needs and that guarantees business continuity, now and in the future;
- Recruiting and Retaining a Highly Qualified, Talented Workforce — to become more competitive in the workforce marketplace on the basis of salaries, opportunities for advancement and professional development, desirable working conditions, recognition of advanced education, and satisfying work.

These challenges and the related strategic goals that the council adopted in 2006 to address them are of an enduring quality. They continue to have relevance for the judicial branch, especially at a time of unprecedented operational uncertainties for courts and the branch due to a protracted statewide economic crisis and ongoing restrictions on state funding for the courts.

### **Rationale for Recommendation**

Activities surrounding the creation of a new judicial branch strategic plan have been held in abeyance for the last two years, as the branch has struggled with the significant decrease in funding due to the state's fiscal and economic crisis. Nevertheless, constitutional responsibilities, service to the public and the business of the court system must continue. A plan to provide the branch with a guiding direction through ongoing budget adjustments and operational transition is necessary.

Although the goals and policies in the 2006–2012 strategic plan have expired, their core relevance continues to apply to present conditions and circumstances, especially as the branch

attempts to work within the current budget constraints. It is important to note that the \$1.2 billion reduction in the judicial branch budget and the 151 recommendations of the Strategic Evaluation Committee (SEC) report became the defacto strategic plan of the judicial branch as it labored to operationalize the cuts statewide and take corrective actions throughout the Judicial Council's staff organization in accordance with the SEC report.

With respect to amending the plan to add a seventh goal on securing adequate, stable, and predictable funding, this goal is predicated on the budget experience of the past five fiscal years. Prior to fiscal year (FY) 2008–2009, judicial branch funding, based on the Budget Act and supplemental State Appropriations Limit (SAL) allocations, generally satisfied the financial needs of the branch and the increasing costs of doing business. Since 2009, the statewide fiscal crisis has severely reduced state General Fund support for the judicial branch, from 56% of the total branch budget in FY 2008–2009, to just 25% in FY 2013–2014.

Although courts have made substantial efforts to make up for lost revenue, by economizing, downsizing, and improving efficiency, the growing consequence of reduced funding for the branch has been scaled-back services and justice delayed with untold economic and noneconomic costs to litigants and society. Moreover, with diminished reserves and the challenges of managing cash flow, the courts have little capacity to plan and fund long-term initiatives that will improve efficiency and the quality of justice in years to come. Concerted action is necessary to provide for the long-term stability of the branch, keep courts open and accessible to the public, and maintain the necessary public services expected of courts in a climate of ongoing financial instability.

The Chief Justice's recent appointment of the Commission on the Future of California's Court System, charged with developing a roadmap for the branch for the next decade and beyond, presents an exceptional opportunity for the council to leverage the commission's work to inform the council's own strategic planning process. The outcome of that far-reaching appraisal deserves to be an integral part of the next branch strategic plan. The commission's effort is anticipated to be an in-depth survey that will require approximately two years. Unless there is disagreement about the applicability of the goals and policies of the 2006–2012 plan, it is recommended that this plan, with the addition of a new strategic goal to address branch funding, remain in effect until the work of the commission is completed.

### **Comments, Alternatives Considered, and Policy Implications**

This proposal to re-adopt and extend the 2006–2012 strategic plan to 2016, as well as amend the plan with a new goal on branch funding, has not circulated for comment.

In developing *Justice in Focus: The Strategic Plan for California's Judicial Branch, 2006–2012*, the Judicial Council invited and considered comments from:

- Judicial Council members
- Advisory committee and task force chairs, co-chairs, and vice-chairs
- All presiding justices and judges

- All trial court executive officers
- Leadership of the State Bar

Two alternatives to this proposal, while possible, are not recommended due to the impracticalities of each. One choice would be to allow the existing strategic plan to lapse without replacement. This would only prevent the branch from moving beyond the immediate emergencies of budget reductions and restructuring that has ensued over the past several years to refocus on a long-term agenda to strengthen the branch, at a time when the branch and the court system are facing significant operational and financial challenges. Alternatively, in the absence of a current strategic plan, the council’s Executive and Planning Committee might initiate a new strategic planning cycle to develop a successive plan for the branch. However, any effort to develop a strategic plan at this time would not include the findings and recommendations of the Commission on the Future of California’s Court System and would be of limited value without the benefit of the commission’s work.

### **Implementation Requirements, Costs, and Operational Impacts**

The current version of the Strategic Plan will be modified to include the addition of Goal VII—this revision will be reflected on the California Courts Website and, when distributing a hard copy of the plan, a sheet will be added reflecting Goal VII. Other than the costs to produce the supplementary pages on Goal VII and continued distribution of the strategic plan document, there are no other significant costs to branch or court operations anticipated.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

This proposal would reinstate each of the six goals in the 2006–2012 strategic plan for California’s Judicial Branch.

### **Attachments and Links**

1. [\*Justice in Focus: The Strategic Plan for California’s Judicial Branch, 2006–2012\*](#)