Lockyer-Isenberg Trial Court Funding Act of 1997 (as Amended)
Notations of 'equal access', 'access', 'standard(s)', and 'uniform'

To assist the Trial Court Funding Workgroup in its review of the progress towards achieving the goals of the Lockyer-Isenberg Trial Court Funding Act of 1997, listed below are areas where the words 'equal access', 'access', 'standard(s)', or 'uniform' are mentioned in the Act. The Workgroup also requested a summarization of the concepts to allow the workgroup to measure progress towards achieving these provisions of the Act.

Section 2 ***[Findings and Declarations]***

The Legislature finds and declares as follows:

(a) The judiciary of California is a separate and independent branch of government, recognized by the Constitution and the statutes of this state as such.

(b) The Legislature has previously established the principle that the funding of trial court operations is most logically a function of the state. Such funding is necessary to provide **uniform standards** and procedures, economies of scale, and structural efficiency and simplification. This decision also reflects the fact that the overwhelming business of the trial courts is to interpret and enforce provisions of state law and to resolve disputes among the people of the State of California.

(c) Structural improvement will provide for an improved court system, a **uniform** and equitable court system and will, therefore, increase **access** to justice for the citizens of the State of California. The structural improvements outlined in the Trial Court Realignment and Efficiency Act of 1991, and subsequent measures, have outlined some of the improvements required.

(d) Many trial courts have made significant progress in efficiency through court coordination and in developing cost management and control systems through budget procedures and performance **standards**. However, this progress is not **uniform** throughout the court system. The Legislature recognizes that the Judicial Council has adopted mandatory rules on court coordination and on the development of budget procedures and performance **standards** requiring more rapid progress in this area. The current bifurcated funding structure does not allow adequate financial planning for the courts, thereby instilling doubt as to the efficacy of new budget procedures or performance **standards**.

. . .

Summary: State funding of the trial courts is necessary to provide uniform standards and procedures, economies of scale, and structural efficiency and simplification. An improved, uniform, and equitable court system will increase access to justice.

Section 3 ***[Legislative Intent]***

The Legislature declares its intent to do each of the following:

. . .

(h) Accelerate the pace of court coordination and efficiencies adopted by the Judicial Council and continue the development and implementation of comprehensive budget procedures and performance **standards**.

Section 6 ***[Fees]***

70611. The **uniform** fee for filing the first paper in a civil action or proceeding in the superior court, other than in a limited civil case, an adoption proceeding, a proceeding under the Probate Code, or a proceeding under the Family Code, is three hundred fifty-five dollars ($355). The fee shall be distributed as provided in Section 68085.3.

Section 7 ***[Fees]***

70618. When the venue in a case is changed, the fee for making up and transmitting the transcript and papers is fifty dollars ($ 50) and a further sum equal to the **uniform** fee for filing in the court to which the case is transferred. The clerk shall transmit the **uniform** filing fee with the papers in the case to the clerk or judge of the court to which the case is transferred.

Section 9 ***[Fees]***

70650. (a) The **uniform** filing fee for the first petition for letters of administration or letters testamentary, or the first petition for special letters of administration with the powers of a general personal representative pursuant to Section 8545 of the Probate Code, is three hundred fifty-five dollars ($355).

(b) The **uniform** filing fee for the first objections to the probate of any will or codicil under Section 8250 of the Probate Code, or the first petition for revocation of probate of any will or codicil under Section 8270 of the Probate Code, is three hundred fifty-five dollars ($355). The **uniform** filing fee for the first petition for special letters of administration without the powers of a general personal representative is the fee provided in Section 70657.5. Where objections to the probate of a will or codicil or a petition for revocation of probate of a will or codicil are filed together with a petition for appointment of a personal representative described in subdivision (c) filed by the same person, only the fee provided in subdivision (c) shall be charged to that person.

. . .

(e) The **uniform** filing fee charged under this section shall be distributed as provided in Section 68085.3.

Section 10 *[Fees]*

70657. **(**a) Except as provided in subdivision (c), the **uniform** fee for filing a motion or other paper requiring a hearing subsequent to the first paper in a proceeding under the Probate Code, other than a petition or application or opposition described in Sections 70657.5 and 70658, is sixty dollars ($60). This fee shall be charged for the following papers:

(1) Papers listed in subdivision (a) of Section 70617.

(2) Applications for ex parte relief, whether or not notice of the application to any person is required, except an ex parte petition for discharge of a personal representative, conservator, or guardian upon completion of a court-ordered distribution or transfer, for which no fee shall be charged.

(3) Petitions or applications, or objections, filed subsequent to issuance of temporary letters of conservatorship or guardianship or letters of conservatorship or guardianship that are not subject to the filing fee provided in subdivision (a) of Section 70658.

(4) The first or subsequent petition for temporary letters of conservatorship or guardianship.

. . .

(d) Regardless of whether each motion or matter is heard at a single hearing or at separate hearings, the filing fees required by subdivisions (a) and (c) apply separately to each motion or other paper filed. The Judicial Council may publish rules to give **uniform** guidance to courts in applying fees under this section.

Section 11 *[Fees]*

70617. (a) Except as provided in subdivisions (d) and (e), the **uniform** fee for filing a motion, application, or any other paper requiring a hearing subsequent to the first paper, is sixty dollars ($60). Papers for which this fee shall be charged include the following:

(1) A motion listed in paragraphs (1) to (12), inclusive, of subdivision (a) of Section 1005 of the Code of Civil Procedure.

(2) A motion or application to continue a trial date.

(3) An application for examination of a third person controlling defendant's property under Section 491.110 or 491.150 of the Code of Civil Procedure.

(4) Discovery motions under Title 4 (commencing with Section 2016.010) of Part 4 of the Code of Civil Procedure.

(5) A motion for a new trial of any civil action or special proceeding.

(6) An application for an order for a judgment debtor examination under Section 708.110 or 708.160 of the Code of Civil Procedure.

(7) An application for an order of sale of a dwelling under Section 704.750 of the Code of Civil Procedure.

(8) An ex parte application that requires a party to give notice of the ex parte appearance to other parties.

Section 32 ***[Automation Fund]***

68090.8 (b) Prior to making any other required distribution, the county treasurer shall transmit 2 percent of all fines, penalties, and forfeitures collected in criminal cases, including, but not limited to, moneys collected pursuant to Chapter 12 (commencing with Section 76000) of Title 8 of this code, Section 13003 of the Fish and Game Code, Section 11502 of the Health and Safety Code, and Chapter 1 (commencing with Section 1427) of Title 11 of Part 2 of the Penal Code, into the State Trial Court Improvement and Modernization Fund established pursuant to Section 77209, to be used exclusively to pay the costs of automated systems for the trial courts, as described in paragraph (2) of subdivision (a). These systems shall meet Judicial Council performance **standards,** including production of reports as needed by the state, the counties, and local governmental entities.

Section 33 ***[Court Report on Coordination Plans]***

68113 (a) The superior and municipal courts in each county shall submit a report to the Judicial Council on progress towards achieving the cost reduction goals associated with the coordination plans and factors impacting the cost of court operations and the collection of revenues. The report shall also include financial information on expenditures for court operations and revenues according to a **uniform** chart of accounts adopted by the Judicial Council. The reports shall be submitted quarterly on or before the first day of the third month following the end of the quarter, except the fourth-quarter report shall be submitted on the first day of the fourth month following the end of the fourth quarter.

Section 33.2 ***[Trial Court Budget Process]***

68502.5 (a) The Judicial Council may, as part of its trial court budget process, seek input from groups and individuals as it deems appropriate including, but not limited to, advisory committees and the Administrative Director of the Courts. The trial court budget process may include, but is not limited to, the following:

(1) The receipt of budget requests from the trial courts.

(2) The review of the trial courts' budget requests and evaluate them against performance criteria established by the Judicial Council by which a court's performance, level of coordination, and efficiency can be measured.

(3) The annual adoption of the projected cost in the subsequent fiscal year of court operations as defined in Section 77003 for each trial court. This estimation shall serve as a basis for recommended court budgets, which shall be developed for comparison purposes and to delineate funding responsibilities.

(4) The annual approval of a schedule for the allocation of moneys to individual courts and an overall trial court budget for forwarding to the Governor for inclusion in the Governor's proposed State Budget. The schedule shall be based on the performance criteria established pursuant to paragraph (2), on a minimum **standard** established by the Judicial Council for the operation and staffing of all trial court operations, and on any other factors as determined by the Judicial Council. This minimum **standard** shall be modeled on court operations using all reasonable and available measures to increase court efficiency. The schedule of allocations shall assure that all trial courts receive funding for the minimum operating and staffing **standards** before funding operating and staffing requests above the minimum **standards**, and shall include incentives and rewards for any trial court's implementation of efficiencies and cost saving measures.

(5) The reallocation of funds during the course of the fiscal year to ensure **equal access** to the trial courts by the public, to improve trial court operations, and to meet trial court emergencies. Neither the state nor the counties shall have any obligation to replace moneys appropriated for trial courts and reallocated pursuant to this paragraph.

(6) The allocation of funds in the State Trial Court Improvement and Modernization Fund to ensure **equal access** to trial courts by the public, to improve trial court operations, and to meet trial court emergencies, as expressly authorized by statute.

. . .

(c)(1) The Judicial Council shall retain the ultimate responsibility to adopt a budget and allocate funding for the trial courts and perform the other activities listed in subdivision (a) that best assure their ability to carry out their functions, promote implementation of statewide policies, and promote the immediate implementation of efficiencies and cost saving measures in court operations, in order to guarantee **equal access** to the courts.

. . .

Summary: Allocation of moneys to the trial courts shall be based on established performance criteria, minimum standards for operation and staffing of trial court operations, and any other factors as determined by the Judicial Council. The minimum standards shall be modeled on court operations using all reasonable and available measures to increase court efficiency. Allocation schedules shall assure that the funding for minimum operating and staffing standards is provided prior to funding operating and staffing requests above the minimum standards and shall include incentives and rewards for any trial court's implementation of efficiencies and cost savings measures.

To ensure access equal access to trial courts, the Judicial Council may reallocate funds during the fiscal year or allocate funds from the State Trial Court Improvement and Modernization

Fund. To guarantee equal access to the courts, the Judicial Council must adopt a budget request and allocation of funding for the trial courts that best assures the courts' ability to carry out their functions, promotes implementation of statewide policies, and implementation of efficiencies and cost savings measures in court operations.

Section 33.4 ***[Uniform Entry, Storage and Retrieval of Court Data Relating to Certain Civil Cases]***

68513. The Judicial Council shall provide for the **uniform** entry, storage, and retrieval of court data relating to civil cases in superior court by means provided for in this section, in addition to any other data relating to court administration, including all of the following:

(a) The category type of civil case, such as contract or personal injury-death-property damage by motor vehicle.

(b) The time from filing of the action to settlement.

(c) The type of settlement procedure, if any, which contributed to the settlement disposition.

(d) The character and amount of any settlement made as to each party litigant, but preserving the confidentiality of such information if the settlement is not otherwise public.

(e) The character and amount of any judgments rendered by court and jury trials for comparison with settled cases.

(f) The extent to which damages prayed for compare to settlement or judgment in character and amount.

(g) The extent to which collateral sources have contributed, or will contribute, financially to satisfaction of the judgment or settlement.

Provision for the **uniform** entry, storage, and retrieval of court data may be by use of litigant statements or forms, if available, or by collection and analysis of statistically reliable samples.

The Judicial Council shall report to the Legislature on or before January 1, 1998, and annually thereafter on the **uniform** entry, storage, and retrieval of court data as provided for in this section. The Legislature shall evaluate and adjust the level of funds available to pay the costs of automating trial court recordkeeping systems, pursuant to Section 68090.8, for noncompliance with the requirements of this section.

Summary: The Judicial Council shall provide for uniform entry, storage, and retrieval of court data relating to civil cases and report annually to the Legislature on such. The Legislature shall evaluate and adjust the level of funds available to pay the costs of automating trial court recordkeeping systems.

Section 33.6 ***[Definition of Judicial Assignment]***

68547. (b) A judge of a municipal court is deemed to have served under assignment in the superior court on any day when both of the following applies:

. . .

(2) The Judicial Council has certified that cases in the court's jurisdiction are assigned pursuant to a **uniform** countywide or regional system for assignment of cases among superior and municipal courts which maximizes the utilization of all judicial officers in that county or region.

Section 42 ***[Decentralized System of Trial Court Management]***

77001. The Judicial Council shall adopt rules which establish a decentralized system of trial court management. These rules shall ensure:

. . .

(c) The authority and responsibility of trial courts to manage all of the following, consistent with statute, rules of court, and **standards** of judicial administration:

(1) Annual allocation of funding, including policies and procedures about moving funding between functions or line items or programs.

(2) Local personnel plans, including the promulgation of personnel policies.

(3) Processes and procedures to improve court operations and responsiveness to the public.

(4) The trial courts of each county shall establish the means of selecting presiding judges, assistant presiding judges, executive officers or court administrators, clerks of court, and jury commissioners.

. . .

(e) **Equal access** to justice throughout California utilizing **standard** practices and procedures whenever feasible.

Summary: The Judicial Council must adopt rules that establish a decentralized system of trial court management and that ensure equal access to justice by utilizing standard practices and procedures whenever feasible.

Section 46 ***[State Finance Provisions]***

77202 (a) The Legislature shall make an annual appropriation to the Judicial Council for the general operations of the trial courts based on the request of the Judicial Council. The Judicial Council's trial court budget request, which shall be submitted to the Governor and the Legislature, shall meet the needs of all trial courts in a manner that ensures a predictable fiscal environment for labor negotiations in accordance with the Trial Court Employment Protection and Governance Act (Chapter 7 (commencing with Section 71600) of Title 8), that promotes **equal access** to the courts statewide, and that promotes court financial accountability. The annual budget request shall include the following components:

. . .

(b) The Judicial Council shall allocate the funding from the Trial Court Trust Fund to the trial courts in a manner that best ensures the ability of the courts to carry out their functions, promotes implementation of statewide policies, and promotes the immediate implementation of efficiencies and cost-saving measures in court operations, in order to guarantee **access** to justice to citizens of the state.

The Judicial Council shall ensure that allocations to the trial courts recognize each trial court's implementation of efficiencies and cost-saving measures.

These efficiencies and cost-saving measures shall include, but not be limited to, the following:

(1) The sharing or merger of court support staff among trial courts across counties.

(2) The assignment of any type of case to a judge for all purposes commencing with the filing of the case and regardless of jurisdictional boundaries.

(3) The establishment of a separate calendar or division to hear a particular type of case.

(4) In rural counties, the use of all court facilities for hearings and trials of all types of cases and the acceptance of filing documents in any case.

(5) The use of alternative dispute resolution programs, such as arbitration.

(6) The development and use of automated accounting and case-processing systems.

. . .

Summary: The Judicial Council's trial court budget requests to the Legislature shall meet the needs of all trial courts in a manner that, among other things, promotes equal access to the courts statewide. To guarantee access to justice to the citizens of the state, the Judicial Council shall allocate the funding from the Trial Court Trust Fund to the trial courts in a manner that best ensures the ability of the courts to carry out their functions, promotes implementation of statewide policies, and promotes the immediate implementation of efficiencies and cost-saving measures in court operations. Additionally, the Judicial Council shall ensure that allocations recognize each trial court's implementation of efficiencies and cost-savings measures because these measures guarantee access to justice.

Section 48 ***[Task Forces on Trial Court Employees and Court Facilities]***

77653. The duties of the task force shall include all of the following:

(a) Document the state of existing court facilities.

(b) Document the need for new or modified court facilities and the extent to which current court facilities are fully utilized.

(c) Document the funding mechanisms currently available for maintenance, operation, construction, and renovation of court facilities.

(d) Examine existing **standards** for court facility construction.

77654. (a) The task force shall be appointed on or before October 1, 1997.

(b) The task force shall meet and establish its operating procedures on or before September 1, 1998, and submit its plan for the entire review of court facilities by October 1, 1998, to the Judicial Council, Legislature, and Governor.

(c) The task force shall review all available court facility **standards** and make preliminary determinations of acceptable **standards** for construction, renovation, and remodeling of court facilities, and shall report those preliminary determinations to the Judicial Council, the Legislature, and the Governor in an interim report on or before July 1, 1999.

Summary: The Task Force on Court Facilities shall examine existing standards for court facility construction, make preliminary determinations of acceptable standards and report on those to Judicial Council, Legislature and Governor on or before July 1, 1999.

Section 54 ***[Imposition and Collection of Criminal Fines]***

1463.010 (Penal Code). The **uniform** imposition and enforcement of court-ordered debts are recognized as an important element of California's judicial system. Prompt, efficient, and effective imposition and collection of court-ordered fees, fines, forfeitures, penalties, restitution, and assessments ensure the appropriate respect for court orders. The California State Association of Counties and the Administrative Office of the Courts are jointly committed to identifying, improving, and seeking to expand access to mechanisms and tools that will enhance efforts to collect court-ordered debt. To provide for this prompt, efficient, and effective collection:

(a) The Judicial Council shall adopt guidelines for a comprehensive program concerning the collection of moneys owed for fees, fines, forfeitures, penalties, and assessments imposed by court order. As part of its guidelines, the Judicial Council may establish **standard** agreements for entities to provide collection services. As part of its guidelines, the Judicial Council shall include provisions that promote competition by and between entities in providing collection services to courts and counties. The Judicial Council may delegate to the Administrative Director of the Courts the implementation of the aspects of this program to be carried out at the state level.