



**Judicial Council of California**  
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July 2, 2013

Hon. Kevin de León, Chair  
Senate Appropriations Committee  
State Capitol, Room 5108  
Sacramento, California 95814

Subject: AB 1127 (Chau), as amended May 24, 2013 – Fiscal Impact Statement

Dear Senator de León:

AB 1127 requires the Judicial Council to establish and operate the California Language Access Task Force which will be responsible for developing a “comprehensive statewide Language Access Plan” for use by all courts.” By the terms of AB 1127, the Task Force will operate for no more than one year.

*Fiscal Impact*

Should AB 1127 become law, Judicial Council will incur costs related to the establishment of a staffed process for the operation and continuity of the California Language Access Task Force. Taking into account the costs of judicial officers (including travel and per diem costs) at a minimum of 80 hours, senior and subordinate staff time calculated using current average wages and calculated at 152 hours, and materials, we estimate that the cost to the Judicial Council to establish the Task Force contemplated by AB 1127 to be \$172,490. Annual costs to maintain and update the Language Access Plan, calculated at 15 percent of the development costs, would be \$25,875 per year.

In addition, local trial courts will incur costs under the authority created by AB 1127. Trial courts would be required to provide comprehensive data on the language access needs of court users; provide the Task Force with their current court interpreter procedures, practices and strategies; implement the statewide Language Access Plan; and, provide education and training to judicial officers, court personnel, and court-appointed professionals on the legal requirements for language access, court policies and rules pertaining to language access, language service provider qualifications, ethics pertaining to interpreter services, the effective use of translated court documents, and effective techniques for working with language service providers. We have not undertaken a comprehensive survey of the courts to determine estimates for the time associated with the implementation of the Language Access Plan as defined here, but utilizing costs associated with the process currently in place for the review of another statewide effort (specifically, the annual review of statewide bail schedule), the burden on local courts could cost a court anywhere from \$3000 at a smaller court (one or two judicial officers and staff) to as much as \$10,000 (eight to ten judicial officers and staff) for a total of approximately \$377,000.

In addition to costs associated with the creation and maintenance of a Language Access Plan, AB 1127 would require the creation of several conforming Rules of Court. Taking into consideration the different kinds of staff who are engaged in the rule and form process, we estimate a total staff investment of 52.6 hours plus expenses, at an estimated total cost of \$4,134. Please note that this cost estimate does not include the time of committee members, commentators, court staff, or others who contribute to the development and review process, nor does it include time spent by the Judicial Council's Office of Governmental Affairs.

Each year, the Legislature passes bills that have impacts on the California court system. Many of these bills require the adoption of new rules and forms, or the amendment of current rules and revisions to existing forms, to be consistent with newly enacted laws. Most fiscal impacts of legislation on rules and forms are not minor or insubstantial. Based on a review of the bills that are enacted each year, it is determined that many bills require specific changes that need to be carefully prepared, considered by advisory bodies, circulated for public comment and presented to the Judicial Council for final approval and ratification.

The rule-making and forms-adoption process is a careful, deliberative, and public process. Although there are enormous benefits to using such open and effective process, it does require the expenditure of funds and incur costs.

The main stages in the process are as follows:

- Identification and analysis by staff of legislation that requires a rule or form change;

- Preparation of draft rules and form changes to implement the legislation; and preparation of supporting explanatory materials (memorandums, etc);
- Review by subcommittees and committees of the proposed rule or form changes and the making of recommendations;
- Preparation of Invitations to Comment for each rule and form proposal, including review and approval by the Judicial Council's Rules and Projects Committee (RUPRO);
- Circulation for public comment, including review by the public and the courts;
- Preparation of summary of comments for review by subcommittees and committees and the preparation of supporting memoranda including recommendations by committees; and,
- Preparation of Judicial Council reports, including review and approval by RUPRO and submission to the council for final approval.

The staff time is considerable, even for simple rule and form changes. For those that require multiple forms to be crafted or amended, and the appropriate rules to be drafted or amended, the costs can be significant.

Please contact me at 916-323-3121 or [andi.liebenbaum@jud.ca.gov](mailto:andi.liebenbaum@jud.ca.gov) if you would like further information or have any questions about the fiscal impact of this legislation on the judicial branch.

Sincerely,



Andi Liebenbaum

Senior Governmental Affairs Analyst

AL/yc-s

cc: Members, Senate Appropriations Committee

Hon. Ed Chau, Member of the Assembly

Ms. Jolie Onodera, Consultant, Senate Appropriations Committee

Mr. Matt Osterli, Fiscal Consultant, Senate Republican Fiscal Office

Ms. Ronak Daylami, Counsel, Senate Judiciary Committee

Mr. Mike Petersen, Consultant, Senate Republican Office of Policy

Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor

Ms. Madelynn McClain, Budget Analyst, Department of Finance